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PLANNING COMMITTEE

Thursday 7 November 2013

4 pm

Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair.

Councillor Tuohy, Vice-Chair.

Councillors Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Nicholson, John Smith, Stark, Jon Taylor and Wheeler.

Members are invited to attend the above meeting to consider the items of business overleaf.

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Tracey Lee

Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. MINUTES

(Pages 1 - 12)

The Committee will be asked to confirm the minutes of the meetings held on 10 and 24 October 2013.

4. CHAIR'S URGENT BUSINESS

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

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Chair will receive and respond to questions from members of the public submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for public questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

6. PLANNING APPLICATIONS FOR CONSIDERATION

The Assistant Director for Planning will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

6.1. 7 LOOSELEIGH PARK, PLYMOUTH 13/01819/FUL

(Pages 13 - 18)

Applicant:	Mr Graham Clark
Ward:	Budshead
Recommendation:	Grant Conditionally

- 6.2. KING GEORGE V MEMORIAL PLAYING FIELDS, HAYE ROAD, PLYMOUTH 13/01545/FUL **(Pages 19 - 24)**
- Applicant: Old Plymothians and Mannameadians (OPMS)
Rugby Football Club
Ward: Plymstock Dunstone
Recommendation: Grant Conditionally
- 6.3. 91 LANGLEY CRESCENT, PLYMOUTH 13/01796/FUL **(Pages 25 - 32)**
- Applicant: Mr & Mrs John Mellor
Ward: Southway
Recommendation: Grant Conditionally
- 6.4. 5 COLLEGE PARK PLACE, PLYMOUTH 13/01755/FUL **(Pages 33 - 38)**
- Applicant: Miss Liza Barry
Ward: Peverell
Recommendation: Refuse
- 6.5. LAND AT SEATON NEIGHBOURHOOD, PLYMOUTH 12/02027/OUT **(Pages 39 - 116)**
- Applicant: KDR (Forder Valley) Ltd
Ward: Budshead
Recommendation: Grant Conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 January 2014
- 6.6. LONGFIELD HOUSE, GREENBANK ROAD, PLYMOUTH 13/01103/FUL **(Pages 117 - 142)**
- Applicant: ALDI Stores Limited
Ward: Efford & Lipson
Recommendation: Grant Conditionally
- 6.7. LONGFIELD HOUSE, GREENBANK ROAD, PLYMOUTH 13/01104/LBC **(Pages 143 - 158)**
- Applicant: ALDI Stores Limited
Ward: Efford & Lipson
Recommendation: Grant Conditionally
- 6.8. 5 HILL LANE, PLYMOUTH 13/01363/FUL **(Pages 159 - 178)**
- Applicant: Leander Developments Ltd.
Ward: Compton
Recommendation: Grant Conditionally

7. PLANNING APPLICATION DECISIONS ISSUED

(Pages 179 - 216)

The Assistant Director for Planning acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 1 to 28 October, 2013, including –

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available for inspection at First Stop Reception, Civic Centre.

8. APPEAL DECISIONS

(Pages 217 - 220)

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that this schedule is available for inspection at First Stop Reception, Civic Centre.

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(s) 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.

PART II - PRIVATE MEETING

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

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

NIL.

Planning Committee

Thursday 10 October 2013

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Mrs Aspinall (substituting for Councillor John Smith), Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Nicholson, Mrs Nicholson (substituting for Councillor Stark), Jon Taylor and Wheeler.

Apologies for absence: Councillors John Smith and Stark.

Also in attendance: Peter Ford – Lead Planning Officer, Mark Lawrence – Lawyer and Ross Johnston – Democratic Support Officer.

The meeting started at 4 pm and finished at 7.30 pm.

Note: At a future meeting, the committee 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.

43. DECLARATIONS OF INTEREST

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

Name	Minute No. and Subject	Reason	Interest
Councillor Nicholson	47.1 - 317 Hemerdon Heights, Plymouth 13/01177/FUL	Ward member who has expressed views on the application	Private

44. MINUTES

Agreed the minutes of the meeting on 12 September 2013.

45. CHAIR'S URGENT BUSINESS

The Chair thanked Ray Williams, Major Developments Team Leader, who was retiring from the Local Authority after 41 years of service.

46. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following question was received from a member of the public, in accordance with paragraph 10 of the Constitution.

Question No	Question By	Cabinet Member or Committee Chair	Subject
Q3 -13/14	Mr Kilvington	Chair of Planning Committee	Tree Preservation Orders at the Higher Home Park Development.
<p>Question:</p> <p>Regarding the expected loss due to the Higher Home Park Development of 18 mature hornbeam trees along Outland Road, near its junction with Segrave Road, please state whether any or all of the subject trees are covered by a preservation order (TPO).</p>			
<p>Response:</p> <p>None of the trees referred to are covered by a Tree Preservation Order.</p>			

47. PLANNING APPLICATIONS FOR CONSIDERATION

The Committee considered the following applications, development proposals by local authorities, and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation Areas) Act, 1990. Addendum reports were submitted in respect of minute numbers 47.2 and 47.5.

47.1 317 HEMERDON HEIGHTS, PLYMOUTH 13/01177/FUL

(Mr Andy Tibbs)

Decision:

Application **REFUSED** as the application was deemed contrary to the Core Strategy Policy CS34 in respect of the development not being compatible with its surroundings in terms of its visual impact and local context.

(The Committee heard representations from Councillor Nicholson, ward member).

(Councillor Darcy's proposal to refuse the application, having been seconded by Councillor K Foster, was put to the vote and declared carried).

(Councillor Nicholson declared a private interest in respect of this item).

47.2 LEGACY PLYMOUTH INTERNATIONAL HOTEL, 270 PLYMOUTH ROAD, PLYMOUTH, 12/02320/FUL

Development Securities (Marsh Mills) Ltd

Decision:

Application **GRANTED** conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 16 December 2013.

(The Committee heard representations in support of the application).

(A Planning Committee site visit was held on 9 October 2013 in respect of this item).

47.3 27 SPRINGFIELD CLOSE AND LAND TO REAR, PLYMOUTH, 13/01346/FUL

Taylor Wimpey Exeter

Decision:

Application **GRANTED** subject to conditions, an amendment to condition (7) to remove the word 'other', and the satisfactory completion of a S106 legal agreement, defer for expiry of advertisement period with delegated authority to determine (delegated authority sought to refuse the application if the S106 is not signed by 13 November 2013).

Amended Condition:

ACCESS

(7) Before any works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and cs34 OF THE Plymouth Local Development Framework Core Strategy (2006 – 2021) 2007.

(Councillor Nicholson's proposal to amend condition (7), having been seconded by Councillor Foster, was put to the vote and declared carried).

47.4 63 HADDINGTON ROAD, PLYMOUTH 13/01477/FUL

The application was withdrawn.

47.5 MARINE ACADEMY PLYMOUTH, TREVITHICK ROAD, PLYMOUTH 13/01593/FUL

(Marine Academy Plymouth)

Decision:

Application **REFUSED** as the application was deemed contrary to the Core Strategy Policies CS22 and CS30 in respect of the development causing unacceptable and demonstrable harm from noise.

(The Committee heard representations from Councillor Bowie, ward member).

(The Committee heard representations against the application).

(The Committee heard representations in support of the application).

(A Planning Committee site visit was held on 9 October 2013 in respect of this item).

(Councillor Wheeler's proposal to refuse the application, having been seconded by Councillor Jarvis, was put to the vote and declared carried).

48. **PROPOSED VARIATION TO SECTION 106 RELATING TO PLANNING CONSENT 04/00850/FUL**

The Committee considered the report from the Director for Place in respect of a proposed variation to Section 106 relating to Planning Consent 04/00850/FUL.

Agreed

- (1) to the preparation and completion of a deed of variation which amends the existing S106 obligation as follows:
 - that the off-site affordable housing contribution is reduced from £1,098,762 to £675,000 and paid by Prestige Homes South West Ltd within 6 months from the date of the Deed of Variation;
 - that the public realm contribution of £252,728 is waived.
- (2) that the Head of Development Management meets with the Chair (Councillor Bill Stevens), Vice Chair (Councillor Tina Tuohy) and opposition representative (Councillor Patrick Nicholson) to outline the trigger mechanisms currently in operation to claim S106 contributions and to consider possible refinements to this process to maximise income from S106 agreements.

49. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee received a report from the Assistant Director, Planning Services, on decisions issued for the period 3 August 2013 to 30 September 2013, including –

- Committee decisions
- Delegated decisions, subject to conditions where so indicated
- Applications withdrawn
- Applications returned as invalid

Members noted the planning applications issued.

50. **APPEAL DECISIONS**

The Committee was informed that the appeal decision on I Staddiscombe Park, Plymstock, Plymouth, PL9 9LT was upheld and not dismissed as reported and a correct version of the appeal decision would be issued to members.

Members noted the appeal decisions.

51. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 5 - 6)

PLEASE NOTE

A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

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PLANNING COMMITTEE – 10 October 2013

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
47.1 – 317 HEMERDON HEIGHTS, PLYMOUTH 13/01177/FUL (Refusal)	Councillors Stevens, Tuohy, Mrs Aspinall, Darcy, K Foster, Mrs Foster, Mrs Nicholson and Wheeler.	Councillors Sam Davey, Jarvis and Jon Taylor.		Councillor Nicholson.	
47.2 – LEGACY PLYMOUTH INTERNATIONAL HOTEL, 270 PLYMOUTH ROAD, PLYMOUTH, 12/02320/FUL (Officers recommendation)	Councillors Stevens, Tuohy, Mrs Aspinall, Sam Davey, Jarvis, Jon Taylor, and Wheeler.	Councillors Darcy, K Foster, Mrs Foster, Nicholson and Mrs Nicholson.			
47.3 – 27 SPRINGFIELD CLOSE AND LAND TO REAR, PLYMOUTH, 13/01346/FUL (Amendment to condition)	Councillors Stevens, Tuohy, Mrs Aspinall, Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Nicholson, Mrs Nicholson, Jon Taylor, and Wheeler.				
47.3 – 27 SPRINGFIELD CLOSE AND LAND TO REAR, PLYMOUTH, 13/01346/FUL (Officers recommendation subject to amended condition (7))	Councillors Stevens, Tuohy, Mrs Aspinall, Sam Davey, Jarvis, Jon Taylor, and Wheeler.	Councillors Darcy, K Foster, Mrs Foster, Nicholson and Mrs Nicholson.			
47.5 - MARINE ACADEMY PLYMOUTH, TREVITHICK ROAD, PLYMOUTH 13/01593/FUL (Refusal)	Councillors Stevens, Tuohy, Mrs Aspinall, Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Nicholson, Mrs Nicholson, Jon Taylor, and Wheeler.				
48 - PROPOSED VARIATION TO SECTION 106 RELATING TO	Councillors Stevens, Tuohy, Mrs Aspinall,				

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
PLANNING CONSENT 04/00850/FUL (officers recommendation)	Darcy, Sam Davey, K Foster, Mrs Foster, Jarvis, Nicholson, Mrs Nicholson, Jon Taylor, and Wheeler.				

Planning Committee

Thursday 24 October 2013

PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Churchill (substituting for Councillor K Foster), Darcy, Sam Davey, Jarvis, Nicholson, Mrs Nicholson (substituting for Councillor Mrs Foster), John Smith, Jon Taylor and Kate Taylor (substituting for Councillor Wheeler).

Apologies for absence: Councillors K Foster, Mrs Foster, Stark and Wheeler.

Also in attendance: Paul Barnard – Assistant Director for Planning, Julie Rundle – Lawyer and Ross Johnston – Democratic Support Officer.

The meeting started at 4.00 pm and finished at 6.00 pm.

Note: At a future meeting, the committee 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.

52. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

53. **CHAIR'S URGENT BUSINESS**

The Chair thanked Ross Johnston, Democratic Support Officer, who was administering the Planning Committee for the final time, for all the support he had given to the Committee.

54. **QUESTIONS FROM MEMBERS OF THE PUBLIC**

There were no questions from members of the public.

55. **PLANNING APPLICATION FOR CONSIDERATION**

The Committee considered the following applications, development proposals by local authorities, and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservation Areas) Act, 1990. An addendum report was submitted in respect of minute number 55.1.

55.1 LAND AT SEATON NEIGHBOURHOOD, PLYMOUTH, I2/02027/OUT

(KDR (Forder Valley) Ltd)

Decision:

Application **DEFERRED** for further negotiation on the following:

- (a) the principle of the percentage of affordable housing which has currently been negotiated at 20 per cent. That the development should bring forward affordable housing closer to the figure outlined in Plymouth City Council's adopted Core Strategy, which set an affordable housing requirement of at least 30 per cent, on qualifying sites of 15 dwellings or more;
- (b) the de-risking of the highway infrastructure requirements for the development and negotiate further financial obligations to deal with junction improvements that would mitigate the traffic impacts should the Forder Valley Link Road never materialise.

(The Committee heard representations from Councillor Ian Bowyer, Eggbuckland ward member).

(The Committee heard representations in support of the application).

(Councillor Nicholson's proposal to defer the application, having been seconded by Councillor Darcy, was put to the vote and declared carried).

(A Planning Committee site visit was held on 23 October 2013 in respect of this item).

56. **EXEMPT BUSINESS**

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 3 - 4)

PLEASE NOTE

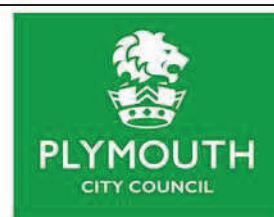
A SCHEDULE OF VOTING RELATING TO THE MEETING IS ATTACHED AS A SUPPLEMENT TO THESE MINUTES.

SCHEDULE OF VOTING

Minute number and Application	Voting for	Voting against	Abstained	Absent due to interest declared	Absent
55.1 LAND AT SEATON NEIGHBOURHOOD, PLYMOUTH, 12/02027/OUT (Deferral)	Councillors Stevens, Tuohy, Churchill, Darcy, Jarvis, Nicholson, Mrs Nicholson, J. Smith, J. Taylor and K. Taylor.	Councillor Davey			Councillor Stark

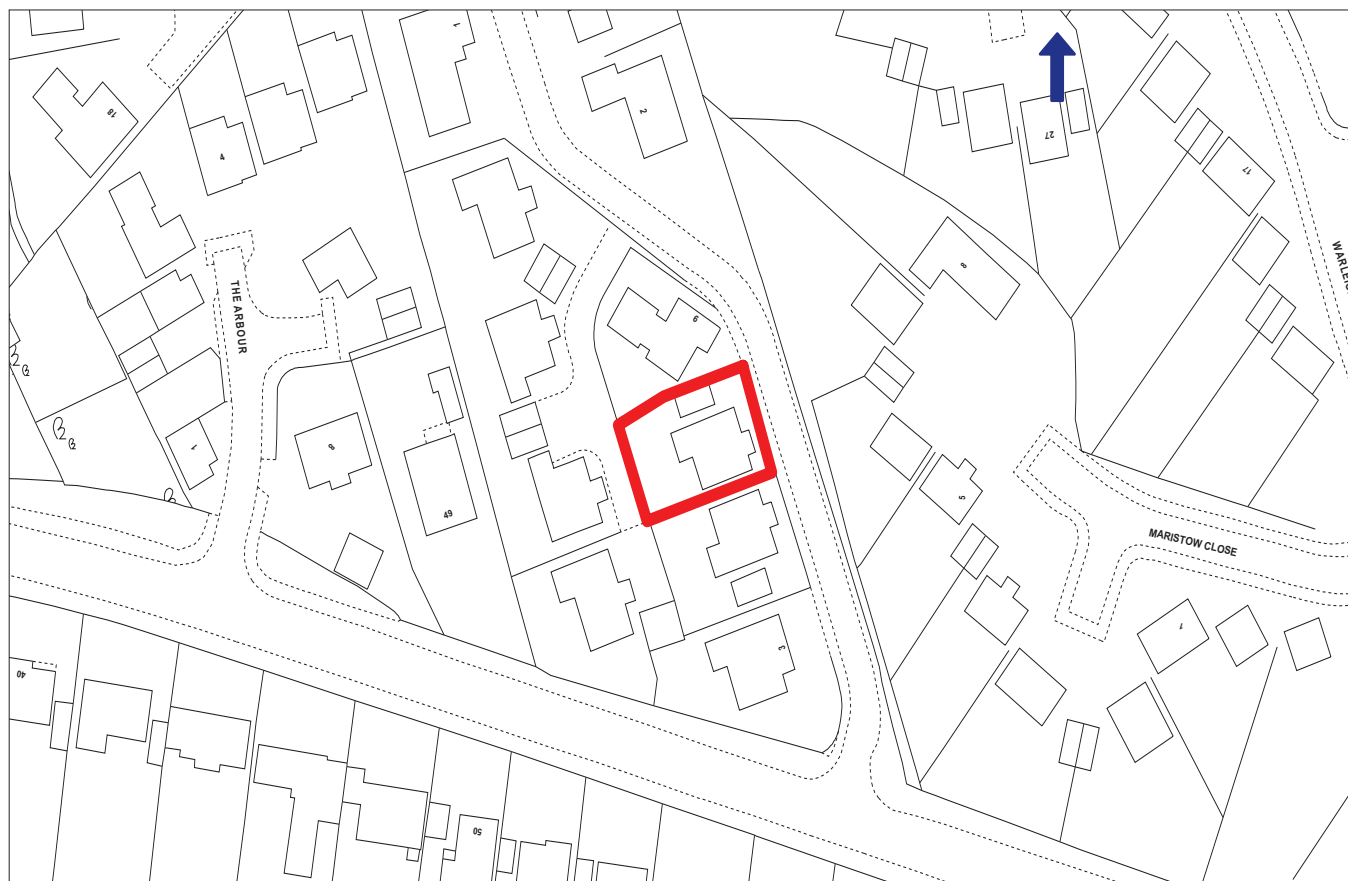
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PLANNING APPLICATION REPORT



ITEM: 01

Application Number:	13/01819/FUL
Applicant:	Mr Graham Clark
Description of Application:	Proposed single storey rear extension
Type of Application:	Full Application
Site Address:	7 LOOSELEIGH PARK PLYMOUTH
Ward:	Budshead
Valid Date of Application:	26/09/2013
8/13 Week Date:	21/11/2013
Decision Category:	Member/PCC Employee
Case Officer :	Louis Dulling
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



The application is before Planning Committee as the applicant is an employee of Plymouth City Council.

Site Description

No. 7 Looseleigh Park is a detached property arranged as a split level property.

Proposal Description

The proposal is for the erection of a single storey rear extension.

Pre-Application Enquiry

None

Relevant Planning History

07/02235/FUL Erection of 8 detached dwellings with associated garages, parking and landscaping – Approved 12/02/2008

Consultation Responses

None

Representations

At the time of writing the report (22/10/2013) 1 letter of representation had been received.

- No objection to the extension
- Concerns regarding access and delivery of building materials

1. Analysis

1.1 The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document First Review, and the National Planning Policy Framework.

1.2 The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

1.3 This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

1.4 The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.

2. Character and Appearance

2.1 The proposal extends from the existing rear elevation by approximately 3.3 metres. The proposal would extend beyond the existing glazed projection by approximately 1.17 metres. The proposed eaves height is to be approximately 3.3 metres.

2.2 As such the proposal is considered to be a sympathetic addition to the property and responds well to the existing design of the dwelling, using materials to match.

2.3 This proposal would not qualify for the Prior Approval process or the Certificate of Lawfulness process as the proposal is approximately 4.8 metres at its highest point (where it meets the existing roof slope) and therefore exceeds the criteria of 4 metres in height.

3. Amenity

3.1 When measured from the ground floor window to the property to the south (no. 5 Looseleigh Park), the proposal does not compromise the 45 degree guideline as detailed in the Development Guidelines SPD. Furthermore the level of glazing provided in the proposal provides a mostly transparent addition to the property. As such the proposal is not considered to result in a significant loss of light to no. 5 Looseleigh Park.

3.2 The proposal shall be approximately 10 metres from the property to the west at its nearest point. However, given existing boundary treatments and the single storey nature of the proposal it is not considered that there will be a loss of privacy. Furthermore the proposal is considered to be sited a sufficient distance so as not to have an overbearing impact. The proposed rooflights are not considered to allow for an increase in overlooking given the proposal is single storey and the purpose of the rooflights is to provide light to the existing upper floor windows and lower floor space to be provided by the proposed extension.

3.3 The proposal is not considered to impact upon the amenity of the neighbouring property to the north given the overall separation distance and orientation of the property.

3.4 The proposal is considered to be in accordance with the NPPF which states 'planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

4. Other Considerations

4.1 The proposal does not conflict with any of the conditions attached to the original consent for the dwelling. Following the letter of representation discussions were had with the objector to overcome concerns over the use of the private road to the rear of no. 7 Looseleigh Park during construction. The use of the private road is a civil matter and one which should be resolved by the owner of the road and the applicant. However, the case officer raised this concern with the agent in the interests of neighbour relations. Subsequently the agent submitted a code of practice detailing that the construction traffic would access the property from the front elevation only.

Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has

been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Local Finance Considerations

New Homes Bonus
None

Community Infrastructure Levy
The proposal does not attract a fee under the current charging schedule.

Section 106 Agreements
None

Equalities and Diversities

None

Conclusions

For the reasons as discussed above the proposal is considered to be acceptable and as such is recommended for approval.

Recommendation

In respect of the application dated **26/09/2013** and the submitted drawings Site Location Plan, Block Plan, DWG 1 of 2 (Existing), DWG 1 of 2 (Proposed), it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, DWG 1 of 2 (Existing), DWG 1 of 2 (Proposed)

Reason:

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

CODE OF PRACTICE DURING CONSTRUCTION

(3) Development shall be carried out in accordance with the Code of Practice details as provided in the email titled 'RE: 7 Looseleigh Park, PL6 5JL - 13/01819/FUL' received on 22/10/2013 unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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

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

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

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

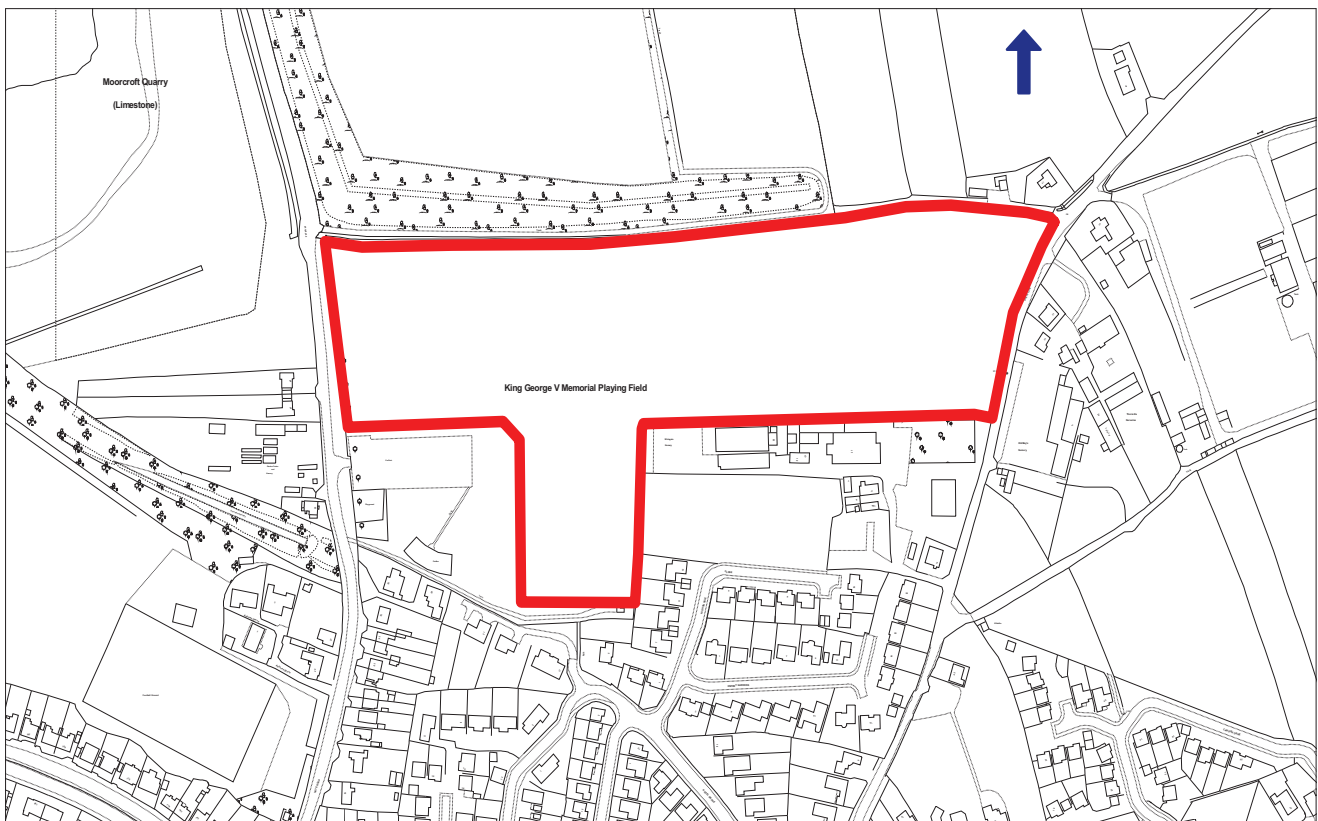
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PLANNING APPLICATION REPORT



ITEM: 02

Application Number:	13/01545/FUL
Applicant:	Old Plymothians And Mannameadians (OPMS) Rugby Football Club
Description of Application:	Siting of container to store sports equipment and provision of 2 movable/temporary floodlights
Type of Application:	Full Application
Site Address:	KING GEORGE V MEMORIAL PLAYING FIELDS, HAYE ROAD PLYMOUTH
Ward:	Plymstock Dunstone
Valid Date of Application:	24/09/2013
8/13 Week Date:	19/11/2013
Decision Category:	Member/PCC Employee
Case Officer :	Simon Osborne
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



This application has been brought to Planning Committee because the applicant is a Council employee

Site Description

The site is King George V playing fields located in Plymstock. The playing fields are bounded by Vinery Lane to the east, Hays Road to the west, a collection of business workshops located in an ex nursery and some dwellings to the south, and Hazeldine Quarry to the north.

Proposal Description

Siting of a container to store sports equipment and the provision of 2 movable/temporary floodlights.

The container would be located approximately 4 metres from the southern boundary and would measure approximately 12.2m x 2.44m x 2.4m.

The flood lights would be movable and would be located in different positions around the playing pitches depending on the state of the ground.

Pre-Application Enquiry

No formal pre-app

Relevant Planning History

90/03680/FUL - (pitch no.2) - installation of floodlights involving erection of eight lighting towers. – Grant Conditionally.

88/00994/30 - extension to pavilion to provide changing rooms and kitchen. (regulation 4 proposal) - Granted.

86/00822/30 extension of sports ground into dis-used farmland and formation of three new rugby pitches. (regulation 4 proposal). Granted Conditionally

06/02036/OUT - Outline planning permission for part of the proposed 'Sherford' settlement comprising residential development (320 new dwellings); a community sports hub; recreation and open space facilities and detailed approval for highway improvements to Stanborough Cross; the construction of a new junction with Hays Road and the construction of part of a Main Street link road to serve 'Sherford'.

Consultation Responses

Transport- No objections.

Public Protection – No comments at time of publication.

Lighting engineer – No comments at time of publication.

Representations

None at the time of publication.

Analysis

1. The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.
2. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core

Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

3. This application turns upon policies CS22 (Pollution) and CS34 (Planning Application Considerations) of the Plymouth Local Development Framework Core Strategy 2007 and the NPPF.

Storage container

4. The proposed container would be positioned to the south of the site adjacent to the boundary with the ex-nursery which now contains business workshops and carparking and storage areas. The use of stationary storage containers is never ideal however the proposed position is partly screened by vegetation which would limit its visual impact. It is therefore considered by officers that a temporary consent for a period of 5 years would be acceptable and comply with policy CS34 in terms of visual impact and impact on neighbouring amenity.

Temporary/Movable Flood Lights

5. The two proposed floodlights would not have a fixed position but would be moved around depending on the state of the ground at the time. The majority of proposed locations are located a considerable distance away from any residential dwellings. The closest location would be approximately 10 metres from the rear boundary of 11 Nightingale Close and 25 metres away from the actual dwelling. The lights would point away from the properties. Officers consider that the light itself would not have an unreasonable impact on neighbouring dwellings.
6. The applicant has indicated the lights would typically be used 3 nights per week until 9pm. This will inevitably extend the hours of use of the playing fields for rugby training and potentially prolong noise and disturbance to nearby dwellings. Considering the distance between the pitches and the dwellings officers consider this is acceptable subject to an hours of use condition limiting hours of use between 4pm and 9pm Monday to Saturday.

Other issues.

7. Given its small scale nature and relationship with the Sherford proposals it is not considered that the proposals will impact the Sherford Development.

Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Local Finance Considerations

None applicable

Equalities and Diversities

No further issues.

Conclusions

It is recommended that this application is granted conditionally including a condition limiting the siting of the proposed storage container for a temporary period of 5 years.

Recommendation

In respect of the application dated **24/09/2013** and the submitted drawings P.01/A, P.02/A, P.03/A, P.04/A, P.05/A, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: P.01/A, P.02/A, P.03/A, P.04/A, P.05/A.

Reason:

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

TEMPORARY SITING OF STORAGE CONTAINER: REINSTATEMENT

(3) The storage container hereby permitted shall be removed and the land restored to its former condition on or before 01/11/2018 to the satisfaction of the Local Planning Authority

Reason:

In the opinion of the Local Planning Authority the temporary building to which this permission relates will by the said date have fulfilled its required purpose. This condition is imposed to comply with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HOURS OF OPERATION

(4) The movable floodlights hereby permitted shall not be operated outside the following times: 1600 hours to 2100 hours Monday to Saturday inclusive; nor at any time on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FLOODLIGHTS - HOURS OF OPERATION

(5) The floodlights hereby permitted shall only be operated from the positions and pointing in the directions shown in red on drawing P.05/A.

Reason:

To protect the amenity of neighbouring properties in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy 2007.

FLOODLIGHTS- DETAILS

(6) No development shall commence until details and specifications of the approved movable floodlights have been submitted and approved in writing by the Local Planning Authority. The floodlights shall accord with the approved details.

Reasons:

To ensure the floodlights are acceptable and to protect the amenity of neighbouring properties in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy 2007.

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

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

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

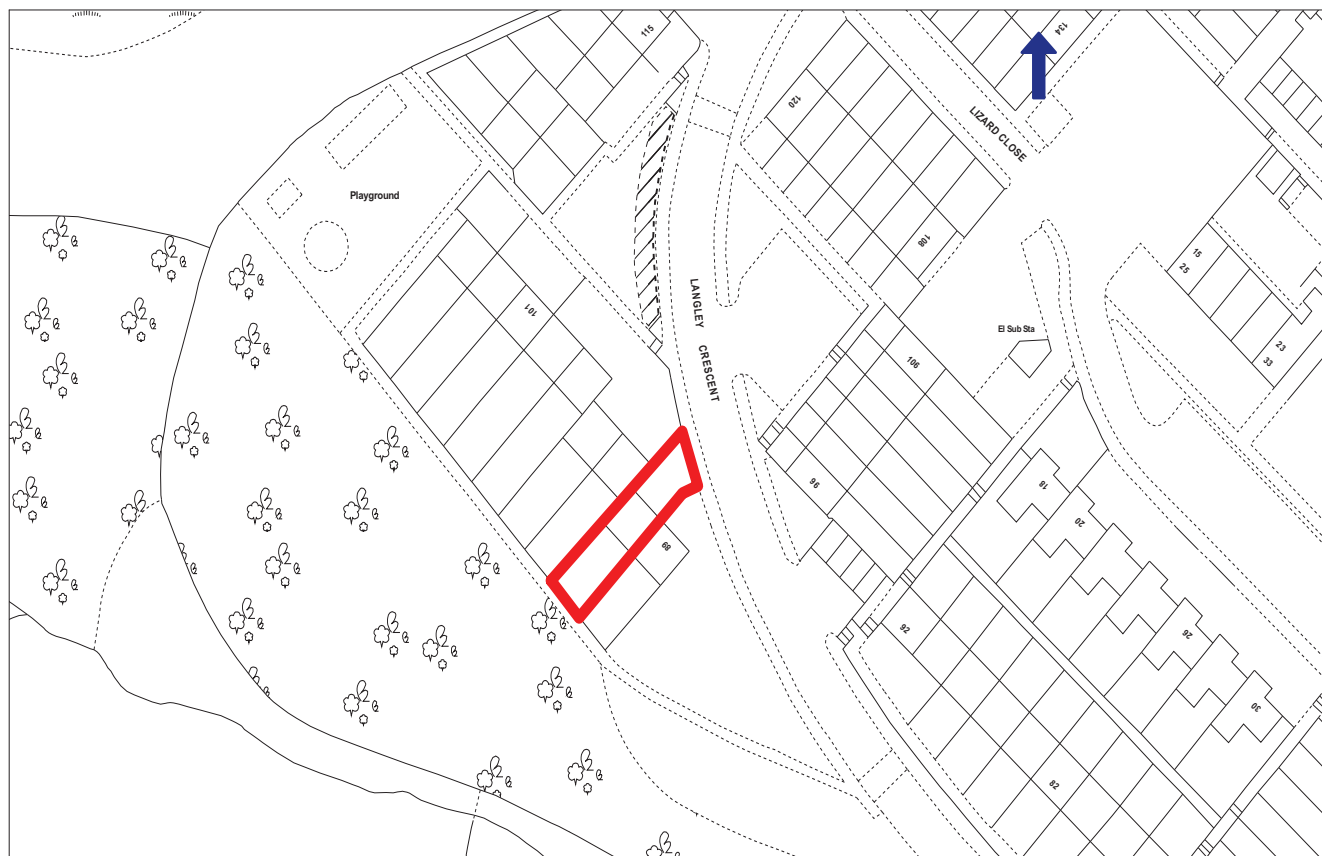
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PLANNING APPLICATION REPORT



ITEM: 03

Application Number:	13/01796/FUL
Applicant:	Mr & Mrs John Mellor
Description of Application:	Single storey rear extension and raised decking/patio
Type of Application:	Full Application
Site Address:	91 LANGLEY CRESCENT PLYMOUTH
Ward:	Southway
Valid Date of Application:	23/09/2013
8/13 Week Date:	18/11/2013
Decision Category:	Member/PCC Employee
Case Officer :	Liz Wells
Recommendation:	Grant Conditionally
Click for Application Documents:	www.plymouth.gov.uk



This planning application has been brought to Planning Committee because the applicant is or is related to an employee of the Council.

Site Description

91 Langley Crescent is a mid-terraced residential property in the Southway area of the city. The terrace is stepped such that the rear wall of no. 91 is flush with no. 89 but is set further back than no. 93. The property has an existing patio area at the rear. The rear garden slope down away from the property.

Proposal Description

Single storey rear extension and raised decking/patio. The proposed extension projects 3 metres from the rear wall of the dwelling and is approximately 4 metres wide, 2.5 metres high to eaves level and 3 metres to the ridge with a low pitched, hipped roof with roof lights. The proposal is predominantly glazed with folding sliding doors in the rear elevation and high-level windows in the side elevation adjacent to the boundary with no. 89. The proposed extended patio projects approximately 1.8 metres beyond the extension and for the width of the extension with two steps down to the garden level.

Pre-Application Enquiry

None formal. The application follows a recent application for a certificate of lawful development which was withdrawn following officer advice that the certificate could not be issued due to the element of raised decking/patio not being permitted development.

Relevant Planning History

13/01299/PRDE - Single storey rear extension and raised patio – WITHDRAWN

08/01423/FUL – Front porch – GRANTED

Consultation Responses

No consultation responses requested or received in respect of this application.

Representations

One letter of representation received from the adjoining neighbour at no. 89, objecting to the proposal on the basis of:

1. Loss of light as the height of the building will impede the light in my living space
2. Loss of privacy from proposed side windows
3. Also comments that they do not want neighbours to enter their space to clean the windows.

I. Analysis

- 1.1. The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

- I.2. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.
- I.3. The main considerations in assessing this application is the impact on the neighbour's residential amenity. The most relevant Core Strategy policy is CS34 (Planning Application Considerations) and the associated detailed guidance in the Development Guidelines Supplementary Planning Document (SPD) First Review 2013.
- I.4. Impact on neighbouring residential amenity:
 - I.4.1. As the proposal is set adjacent to the boundary with no. 89, this is the most affected property. The existing boundary wall separating these properties is approximately 1.7 metres high. The proposal will increase the height on the boundary to approximately 2.5 metres high. The proposal therefore is likely to have some impact on the light and outlook for the nearest neighbouring window (which is a patio door) which serves an open-plan living and dining area. That room is also served by a second window.
 - I.4.2. The 45 degree guideline set out in the Development Guidelines SPD is used as a tool to assess this impact. The proposal will breach the 45 degree guideline by approximately 2 metres.
 - I.4.3. The properties (91 and 89) face southwest at the rear therefore the rear rooms of the properties receive little direct sunlight until the afternoon. The orientation of the proposal to the nearest neighbours' window is to the northwest. As such, the proposed extension is likely to have no impact on the amount of direct sunlight reaching this window and given this relative orientation Officers consider that relaxation of the 45 degree guideline is appropriate, as set out in the Development Guidelines SPD, and that the proposed development will not result in an unreasonable loss of light or outlook to this neighbour.
 - I.4.4. Officers are aware from a site visit to this neighbour that the window receives daylight from a combination of reflection off the existing boundary wall and the sky visible above this boundary wall. The proposed high level windows or light paint colour would therefore help with the reflected light reaching the neighbour's window.
 - I.4.5. The cill height of the proposed side facing windows is approximately 1.7 metres above the finished floor level of the extension and therefore officers consider that this is likely to be sufficient to prevent any loss of privacy. Officers do not consider a condition requiring these windows to be fitted with obscure glazing to be necessary to protect the occupants' privacy from overlooking from the neighbouring first floor windows because the size of the window and angles involved are not considered to result in significant overlooking.

- 1.4.6. The letter of representation indicates that the adjoining neighbours have previously discussed the scheme but have not reached an agreement. In discussion with the applicant, the reason that they wish for the extension to be set to this side is due to the fact that it works better for their current house/room layout. In the circumstances, the applicants initially applied for a lawful development certificate but this application was not appropriate given the proposal includes a raised patio which requires planning permission. The extension alone is considered to be within permitted development allowances.
- 1.4.7. Amended plans were not requested in this instance. Recent appeal decisions have highlighted the consideration that should be given to the fall-back situation of what could be developed under permitted development rights. It is clear in this case that the impact of an extension built under permitted development allowances would be the same, if not more. Permitted development allowances would allow a taller extension – not exceeding 3 metres to the eaves and 4 metres in overall height.
- 1.4.8. The boundary wall steps down away from the house as the gardens slope down. The proposed raised patio may result in some increased overlooking of the neighbouring garden and may allow users to look back towards the rear windows of no. 89. This overlooking could be mitigated by a privacy screen or increasing the height of the boundary so that it was 1.7 metres from the patio level. Officers consider that given the separation distance from the house of 3 metres, an increase in the boundary wall height to the side of the proposed raised patio would not result in an unreasonable impact to the adjoining neighbours' amenity. This could be secured by condition requiring further details to be submitted for approval.

1.5. Other considerations:

- 1.5.1. The comment in the letter of representation about access to clean the windows is considered to be a civil matter and not a material planning consideration.
- 1.5.2. There is no significant impact to the other neighbour(s) due to the separation from the boundary.
- 1.5.3. The proposal is to the rear and not prominent in the streetscene.
- 1.5.4. The scale, design and materials are appropriate to the house and in keeping with the residential character of the area.
- 1.5.5. Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In

arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

2. Local Finance Considerations

- Section 106 Obligations – not applicable for this application.
- Community Infrastructure Levy – no change for this scheme under the current charging schedule.
- New Homes Bonus – not applicable to this application.

3. Equalities and Diversities

None.

4. Conclusions

- 4.1. Officers consider that given the relative orientation of the proposal to the nearest neighbour's window, that relaxation of the 45 degree guideline is appropriate (as set out in the Development Guidelines SPD paragraph 2.2.39) and that the proposed development will not result in an unreasonable loss of light or outlook to this neighbour.
- 4.2. The proposed extension is within permitted development allowances for single storey rear extensions. The fall-back situation that the extension could be completed without the extended raised patio without planning permission is a material planning consideration.
- 4.3. Overlooking from the proposed raised patio level could be mitigated by a privacy screen or increasing the height of the boundary so that it was 1.7 metres from the patio level. Officers consider this can be achieved without an unreasonable impact to the adjoining neighbours' amenity. A condition requiring further details of this mitigation to be submitted for approval is recommended.
- 4.4. The impact of the development is balanced against reasonable develop rights of the applicant as set out in the permitted development rights set out in National legislation. For the reasons set out above, the proposal is recommended for approval subject to conditions.

Recommendation

In respect of the application dated **23/09/2013** and the submitted drawings site location plan, site layout plan, existing ground floor layout and elevations, proposed ground floor layout, proposed cross-section and elevations and existing photographs, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, site layout plan, existing ground floor layout and elevations, proposed ground floor layout, proposed cross-section and elevations and existing photographs.

Reason:

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

FURTHER DETAILS

(3) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: details of privacy screen or boundary treatment to mitigate for increased overlooking from the raised patio . The hieght of which shall not be less than 1.7 metres from the level of the raised patio level. The works shall conform to the approved details.

Reason:

To ensure that the development does not result in an unreasonable loss of privacy to the neighbouring property and to ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: PROPERTY RIGHTS

(1) Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

INFORMATIVE: CONDITIONAL APPROVAL

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

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

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

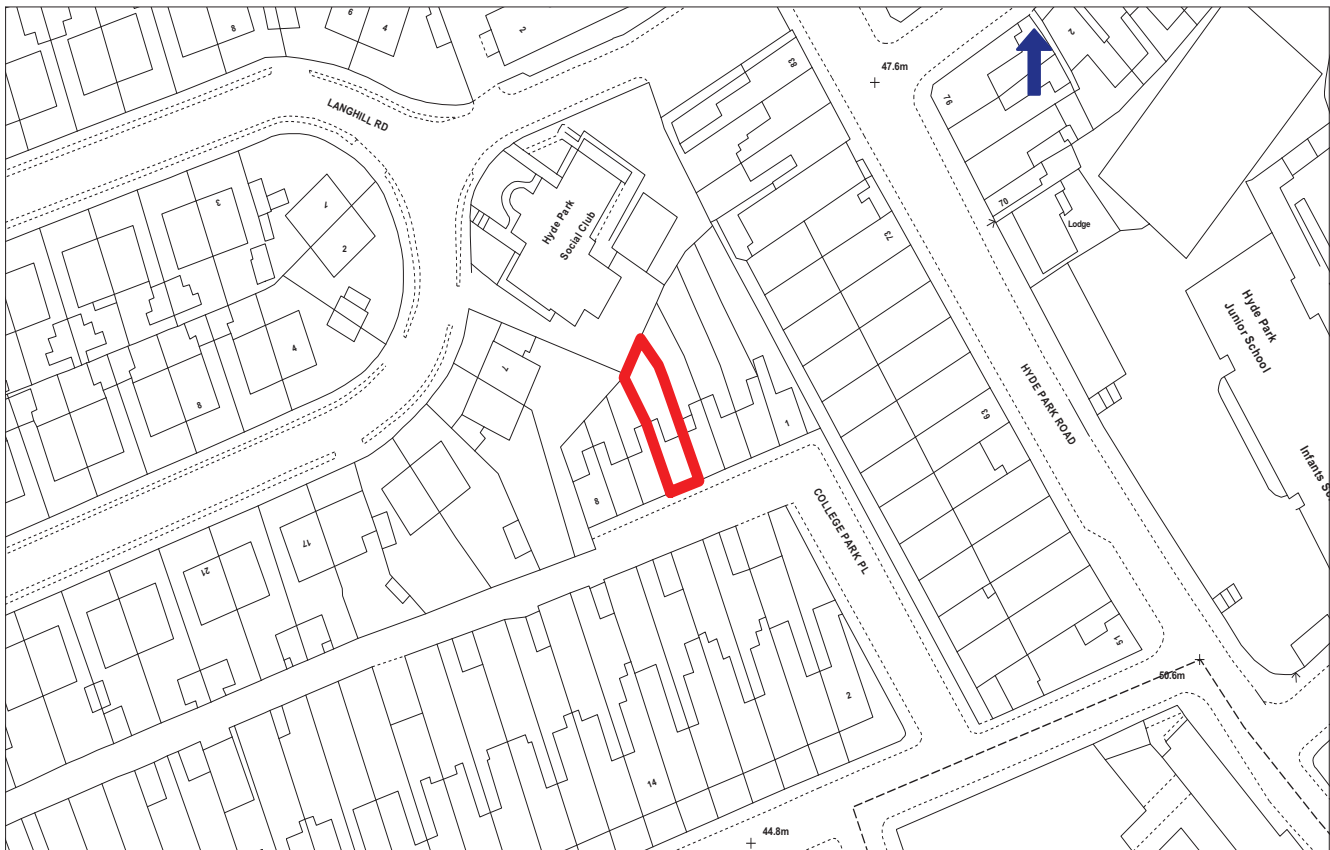
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PLANNING APPLICATION REPORT



ITEM: 04

Application Number:	13/01755/FUL
Applicant:	Miss Liza Barry
Description of Application:	Retrospective application for single storey rear extension
Type of Application:	Full Application
Site Address:	5 COLLEGE PARK PLACE PLYMOUTH
Ward:	Peverell
Valid Date of Application:	18/09/2013
8/13 Week Date:	13/11/2013
Decision Category:	PCC Employee
Case Officer :	Kate Price
Recommendation:	Refuse
Click for Application Documents:	www.plymouth.gov.uk



This application is before the Planning Committee as the applicant is an employee of Plymouth City Council.

Site Description

5 College Park Place is a two-storey mid-terraced house set within a short terrace of 8 houses located just to the south of the Hyde Park Road area and in the Peverell ward. The road at the front of the property leads to the back-land of other houses in the area. The rear of the property is partially visible in St Gabriel's Avenue.

Proposal description

The application seeks planning permission retrospectively for the retention of a recently constructed rear extension.

Pre-Application Enquiry

None

Relevant Planning History

13/ 01199/OPR - Erection of rear extension - Compliance case.

Consultation responses

South West Water – No objection.

Representations

One letter of objection has been received.

- concerned about the size of the extension
- design of extension not in keeping
- overshadows own property
- not been consulted on building against the party wall.

One letter of support has been received

- similar extensions have been built nearby

I. Analysis

1.1 The application stands to be considered under the National Planning Framework 2013 and policy CS34 (Planning application considerations) of the City of Plymouth Core Strategy 2006-2021 together with supplementary planning document 'Development Guidelines' First Review.

1.2 The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy Guidance issued at National Government level.

1.3 This application has been considered in the context of the Council's adopted planning policy and in the form of the Local Development Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

1.4 The primary planning considerations are the impact on the amenity of neighbours and the impact on the character and visual appearance of the street-scene.

2. Character and Appearance

2.1 The extension projects 4.06 metres from the main rear wall of the dwelling and, at 2.60 metres wide, fills the gap left between the boundary and the existing bathroom lean-to extension, which originally mirrored with the next door (no 6) and with the roof pitched west to east. A smaller pitched-roofed kitchen extension was in place before this new extension was constructed. The height of the extension ranges from approximately 3.30m – 3.50m at the eaves measured from the ground level at the applicant's side of the boundary, and being approximately 3.50m adjacent to the boundary with no 4 College Park Place. The extension has a flat roof, with 2 roof-lights, and over-sails the former pitched roofs to the bathroom and former kitchen extension, which has resulted in the increased height of the extension. The impact on no 6 is less than on no 4, in that the extension is just beyond the existing lean-to to no 6 by approximately 300mm. The impact on no 4 is greater, where no 4 has a small flat-roofed kitchen extension to the rear. Its bathroom, which projects further from the wall of the dwelling, is on the opposite side of its garden to this extension.

2.2 The materials to the walls and windows are of similar appearance to those used in the construction of the exterior of the existing adjacent dwelling-houses in the terrace.

3. Amenity

3.1 The new flat roof does not mirror what was replaced and at its height of 3.50m to the top of the roof, affects the amenity of the neighbouring dwelling no 4.

3.2 The ground level on the side of no 4 is at approximately 0.80m above no 5, the subject of this application, which lessens the overshadowing aspect. Although the impact is not extreme, it is considered on balance that the extension does not comply fully with the Council's guidelines for this form of development and it is considered to have an unreasonable impact on the closest adjacent property.

3.3 To minimise overlooking into the neighbour's garden, no 4, from the new kitchen the applicant proposes to erect a fence so that the boundary treatment is 1.80m high on the neighbour's side. The extension is acceptable in this respect.

3.4 There is no impact on the street-scene at the front and the extension is not readily visible from the rear from the public realm.

4. Other Considerations

4.1 The neighbour's objection regarding lack of consultation by their neighbour prior to building work is a civil matter and not a material planning consideration.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 the first protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have also been assessed alongside the wider community interests, as expressed through third party interests /the Development Plan and Central Government Guidance.

Local Finance Considerations

New Homes Bonus- not applicable to this application

Section 106 Obligations

None

Community Infrastructure levy

Exempt development

Equalities and diversities issues

None

Conclusion

The proposed rear extension is acceptable in plan form but does not sit well with the roof, being flat, when most others to the terrace are double pitched with their neighbour although there are a few smaller flat-roofed extensions too, the height at 3.50m contributes to this effect. For this reason it is recommended that planning permission should be refused.

Recommendation

In respect of the application dated **18/09/2013** and the submitted drawings; Drawing no 1442-PL-001 Existing Plan, section and elevations including location plan; Drawing no 1442-PL-002 Proposed Plan, section and elevations and including site plan, it is recommended to: **Refuse**

Reasons for Refusal

DETRIMENTAL TO RESIDENTIAL AMENITY

(1)The Local Planning Authority (LPA) considers that the proposed rear extension, due to its height close to the property boundary, would result in an unreasonable loss of amenity enjoyed by occupiers of the neighbouring property, 4 College Park Place due to the overshadowing of the neighbour's property and the appearance of the structure. Consequently, the LPA considers that proposed rear extension is contrary to policy CS34 (Planning Application Considerations) of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and to Plymouth's adopted Development Guidelines Supplementary Planning Document First Review 2013.

INFORMATIVE - REFUSAL (WITH ATTEMPTED NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of

securing a development that improves the economic, social and environmental conditions of the area.

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

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

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

- CS34 - Planning Application Consideration
- SPDI - Development Guidelines First Review
- NPPF - National Planning Policy Framework March 2012

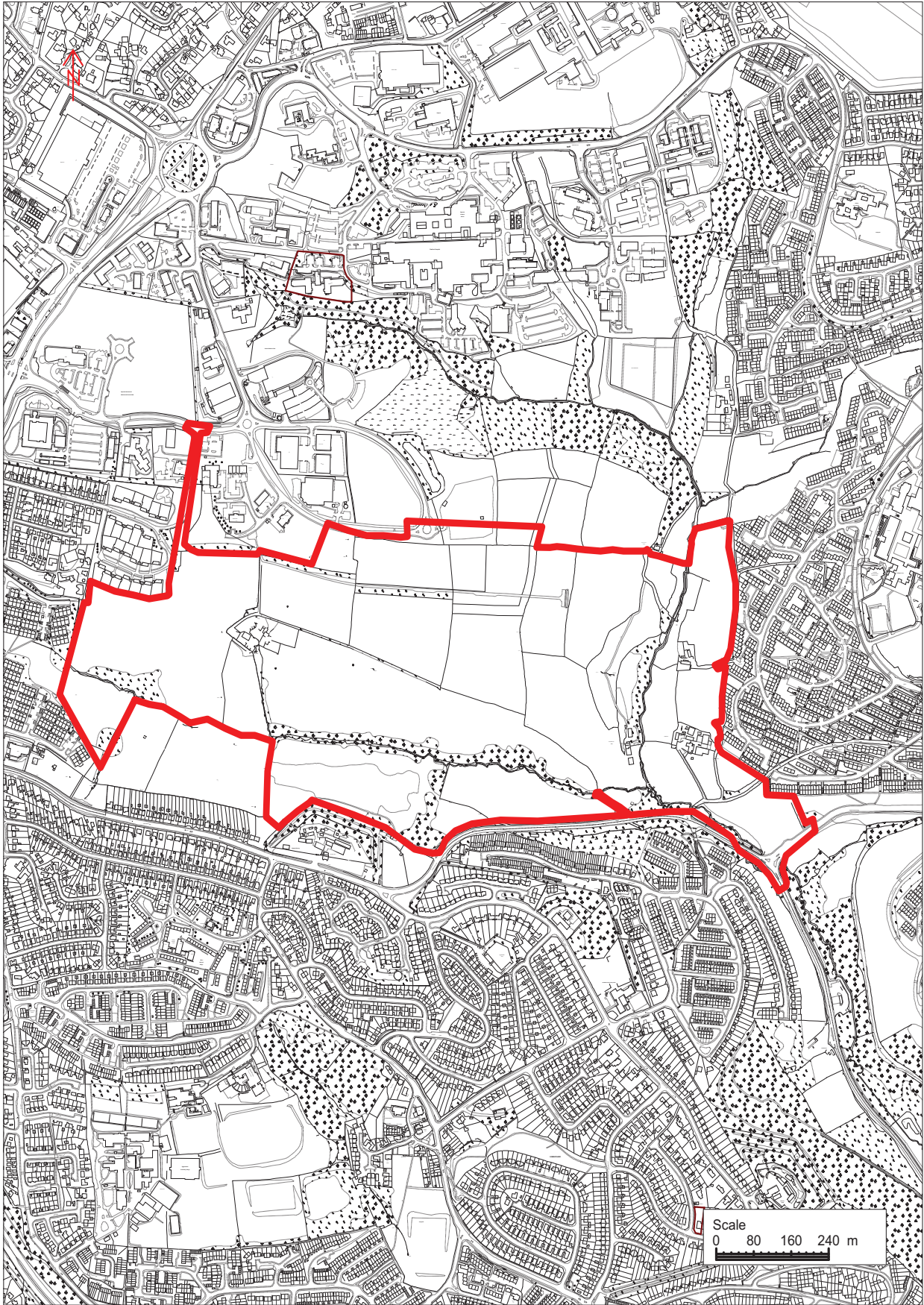
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PLANNING APPLICATION REPORT



ITEM: 05

Application Number:	12/02027/OUT
Applicant:	KDR (Forder Valley) Ltd
Description of Application:	Outline application (all matters reserved) for a residential led mix of uses on 32.07 hectares of land including up to 873 dwellings (2, 3, 4 bedroom houses, 1, 2 bedroom flats); 8,000 sq m of business space (use class B1); 1000 sq m of non-residential institutions (use class D1); 2,000 sq m of commercial floor space to include a mix of shops (use class A1), financial and professional services (use class A2), restaurants, cafes (use class A3), drinking establishments (use class A4) hot food takeaways (use class A5) construction of a new link road and bridge across Forder Valley; Combined with a full application for the change of use of 38.67 hectares of agricultural land to public open space.
Type of Application:	Outline Application
Site Address:	LAND AT SEATON NEIGHBOURHOOD PLYMOUTH
Ward:	Budshead
Valid Date of Application:	09/11/2012
8/13 Week Date:	31/12/2013
Decision Category:	Major - more than 5 Letters of Representation received
Case Officer :	Mark Evans
Recommendation:	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 st January 2014.
Click for Application Documents:	www.plymouth.gov.uk



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Published 2013



Update

A decision on this application was deferred at the previous meeting of Planning Committee on the 24th October; the application was deferred for further negotiation on the following:

(i) the principle of the percentage of affordable housing which has currently been negotiated at 20%. That the development should bring forward affordable housing closer to the figure outlined in Plymouth City Council's adopted Core Strategy, which set an affordable housing requirement of at least 30%, on qualifying sites of 15 dwellings or more;

(ii) the de-risking of the highway infrastructure requirements for the development and negotiate further financial obligations to deal with junction improvements that would mitigate the traffic impacts should the Forder Valley Link Road (FVLR) never materialise.

Further negotiation with the application has now taken place with regards to these matters, in accordance with the resolution of Planning Committee. Whilst the applicant maintains that the viability appraisal for the planning application remains robust, and this is a view which the Officers concur with, the applicant has responded to the issues raised by Planning Committee through the following:

With regard to affordable housing:

- Provision of a minimum of 22% of the total number of dwellings as affordable housing (representing a total of 192 units, in comparison to 175 in the original application)

With regard to highway infrastructure, the applicant is willing to enhance the travel planning provisions of the proposed Section 106 Agreement which will provide additional safeguards to minimise the long term transport impacts of the development in light of any uncertainties about delivery of strategic transport infrastructure for the north of Plymouth.

These measures include:

- Inclusion of travel plan contingencies that will be applied if the modal shift targets included within the application's Travel Plan are not met.

The Officers consider that the applicant has responded positively to the issues raised by the Committee, and that there is no affordable housing or transport impediment to granting planning permission.

Affordable Housing

With regard to the affordable housing changes, Policy CS15 of the Core Strategy is of particular importance. This policy sets a target of 3,300 new affordable dwellings to be delivered over the plan period of 2006-2021, with an objective of providing at least 30% of the total number of dwellings as affordable homes on qualifying sites, subject to viability

assessment. The changes proposed by the applicant provide for an increased level of provision of affordable housing and provide the potential to reach 30% in Phase 2. Given the evidence of the viability appraisal, such an outcome is considered to be fully policy compliant and indeed, given the wider strategic benefits being provided by the application – particularly the land necessary to deliver the FVLR and Derriford Community Park, and the significant financial contributions to the delivery of both projects, this is considered to be a very good outcome for the city.

Highways

With regard to highway infrastructure, although the application has not been amended to bring any additional financial contribution to highway infrastructure, the additional measures proposed will help to de-risk further transport impacts that are already considered by both the Highways Authority and the Highways Agency as not 'severe'. It should be noted that the applicant's own traffic modeling was overly robust (particularly in respect of the first phase) as it included the traffic impacts of sites which are neither committed nor proposed. Furthermore and more importantly, no reduction had been applied in respect of modal shift as a result of the Travel Plan (which includes funded measures totaling just over £1m). In other words, it paints a worst-case scenario, and this should give members a high degree of confidence that the proposal is acceptable in terms of its transport impacts. It is of note that the applicant has demonstrated that the first phase of the development can be accommodated without any adverse impacts upon the operation of the local and strategic road networks. Finally, Members attention is drawn to Condition 45 which imposes a Grampian Condition preventing the commencement of any works to Phase 2 of the development until the FVLR has been constructed.

It should be noted that the FVLR proposal is a crucial one for growth in the north of Plymouth as a whole, and it is recognised as such in the Local Transport Plan. It is only reasonable for the current application to make a proportionate contribution to its delivery; anything above this would fall foul of Regulation 122 of the Community Infrastructure Regulations. The application is offering not just a £2m contribution but also the land that is needed in order to deliver the road (which is an in-kind contribution of significant value in its own right). The three greatest risks to the delivery of major transport infrastructure projects are planning, land and funding. Should planning permission be granted it will de-risk the first two of these risks, and it will make a significant and proportionate contribution to the third. Should planning permission not be granted, the first two risks will remain very high, and the cost of overcoming them and therefore the deliverability of the proposal will become much more challenging, with a consequential impact of stifling growth in the north of Plymouth. There are, therefore, considered to be no grounds for refusing planning permission based on a desire for the applicant to de-risk strategic infrastructure, and the changes that the applicant has agreed to in relation to travel planning are welcomed as a means of reducing risks

associated with the cumulative transport impacts of development.

Development impact on Manadon Junction and Marsh Mills

Members raised concerns in respect of the impact of the development-related trips upon the operation of several junctions on both the Local and Strategic Road Network, namely Manadon and Marsh Mills.

With regards to Manadon, this junction is already operating at capacity during the peak traffic hours; Members expressed concern at any further increase in congestion that could arise as a result of the Seaton Neighbourhood application.

At present, there are currently 4,641 movements through the Manadon junction during the am peak hour, with phase 1 of the Seaton Neighbourhood application generating an additional 77 movements. This equates to an increase of 1.6%. The greatest impact in trips as a result of phase 1 associated traffic is experienced on the eastbound off-slip where there is a further 35 movements (one vehicle every 1 minute 42 seconds). Such an increase will have very little impact.

Furthermore, the modelling work undertaken to assess the impacts of the phase 1 associated traffic, includes no assumption for modal shift (as a result of the Travel Plan measures). Assuming a 30% reduction in trips (this is consistent with the approach taken for phase 2), the number of trips at Manadon during the am peak would reduce to just 54 (less than 1 per minute). Such an impact would have little effect upon the operation of the junction.

Similar results are provided in respect of the pm peak (78 additional trips through the junction), with the busiest arm being the westbound off-slip (31 movements). A total of 5,035 movements currently take place through this junction during the pm peak and therefore the impact of the application traffic results in an increase of just 1.5%. Again, this impact would be further reduced were a 30% reduction to be applied in respect of modal shift.

In respect of phase 2, much of the traffic impacts are mitigated through the delivery of the FVLR. During the am peak all of the eastbound development departures would be more inclined to use the FVLR and access the A38 at the Forder Valley Junction (which is shown to operate well within capacity both during the base year and future assessment years) rather than access the A38 at Manadon. This is reflected in the traffic distribution that roughly shows the number of departures evenly split between the use of the FVLR and the A386.

Based upon agreed distribution, the full development (phases 1 and 2) generates 65 trips through the Manadon Interchange (excluding the trips travelling along Outland Road flyover) during the am peak and 61 during the pm. Such a number of movements would not give rise to any highway capacity issues.

In addition to Manadon, the junction of Marsh Mills is also operating close to capacity during the morning and afternoon peak hours. However the installation of Microprocessor Optimised Vehicle Actuation (MOVA) at this junction through recently approved development will help to improve capacity at this junction.

Furthermore, when compared to the base traffic flows, phase 1 of the Seaton Neighbourhood development results in an impact of just 0.36% in the am peak and 0.32% in the pm peak. These figures increase to 0.62% in the am peak and 0.41% in the pm peak with the full amount of development (phases 1 and 2). Such impacts associated with the development will have little overall effect upon the operation of this junction.

Travel Plan Contingencies

In terms of delivering all of the growth planned within the Derriford area, a change in travel behaviour (modal shift) will be just as important as the delivery of various pieces of infrastructure such as the FVLR. Assessment work undertaken in support of the Derriford and Seaton Area Action Plan (AAP) identified the need for modal shift in the region of 25-50% in order to deliver all of the growth planned within the area.

The applicant has agreed a Framework Travel Plan (FTP) for the development, which includes a number of measures/initiatives for which funding has been secured through the Section 106 Agreement (£1.047m). The FTP and associated funding package is considered by the Highway Authority to be particularly comprehensive and will provide the applicant with the best possible opportunity to meet the proposed modal shift targets.

The FTP, however, makes no reference to contingencies that would be applied if it is revealed after routine monitoring that the modal shift targets are not being met. Such contingencies were included within the Travel Plans approved for both Sherford and Plymstock Quarry developments.

It has since been agreed with the applicant that the Travel Plan for this development will include reference to contingencies and could include, although not be restricted to, the following measures:

- Extension of the subsidised bus service;
- Additional Travel Passes for the residential units;
- Bike vouchers per dwelling;
- Car sharing initiatives and events to encourage people to meet potential car sharing partners;
- Support for active travel to local schools;
- Investigate potential for extending personalised travel planning to adjacent communities.

The actual measures to be implemented (which will require additional funding from the applicant) will depend on the specific need that is identified following the detailed Travel Plan monitoring and shall ultimately be agreed by the Local Planning Authority and secured by planning condition 41 entitled Travel Plan and planning condition 42 entitled Travel Plan Coordinator.

Please note that the report below is the original report presented to the Committee on 24th October 2013, with adjustments to reflect the previous addendum report presented to Committee with respect to the revised consultation responses of the Highways Agency and Education Authority, together with amendments to the S106 Obligation Heads of Terms.

Site Description

The application site is located 4 km north of Plymouth City Centre and is located within an area of the City known as Derriford and Seaton. The planning application site area comprises 76.6 hectares. The majority of the application site occupies the northern slope of Forder Valley. The slope is relatively flat in the northern part of the site, but becomes steeper close to the stream within Forder Valley. Levels vary across the site between 100m Above Ordnance Datum (AOD), falling to 30-50m AOD within Forder and Bircham Valleys. The site, including the area of woodland to the south is private (with no public access), being split up into a number of separate land ownerships including that of the Hawkins Trust, Poole Farm, MOD, NHS, SWRDA and Plymouth City Council.

The application site is essentially a plateau to the north with the slopes of the Forder Valley to the south. The south facing slopes have the more modest gradient comprise grazing land (48ha), divided by sporadic hedgerows and pockets of woodland (13ha), scrub (3ha), marshland (0.6ha) and orchards (0.2ha). It is noted that there are a number of significant and well established trees and hedgerows on the site.

The flatter slopes are used for grazing, and are divided by occasional hedgerows and isolated pockets of woodland. There are also a number of small springs on the slope. The eastern portion of the application site occupies part of Bircham Valley. As with the lower slopes of Forder Valley, this is a relatively steeply sloping valley generally occupied by broad leaved woodland.

Forder stream flows west to east through Forder Valley and Bircham Brook flows from north to south through Bircham Valley. The confluence of the streams is close to the south eastern corner of the site. The resultant watercourse then continues to flow to the south east and is a tributary of the River Plym.

The majority of the application site is in agricultural use for grazing with isolated farm buildings. The agricultural land, as a result of its size and the lack of agricultural land in the local area, means that there is insufficient land to constitute a viable agricultural holding. To the north of the confluence of the streams is Poole Farm (a

farmhouse and associated agricultural buildings), while there are also the derelict buildings of Coleridge Farm located in the centre of the site.

Public views of the site can be made from the adjoining residential areas and more widely from those on the opposite side of Forder Valley.

The site has been the subject of a full Extended Phase I Habitat Survey and the surveys highlighted the following important features exist on the site:

- At least 8 species of bats have been recorded on the site and a high level of activity was recorded during the surveys. Rare species such as Barbastelle, Lesser Horseshoe and Greater Horseshoe were recorded;
- Two badger setts were recorded;
- Reptiles have been recorded in the extensive grasslands;
- No dormice are present on site;
- A total of 24 bird species were recorded breeding on site, only one of these [House Sparrow] is on the Red List;

The invasive Japanese Knotweed was also identified on the site.

The application site does not lie within a conservation area and contains no listed buildings.

Surroundings

The Scheduled Ancient Monument known as Bowden Battery lies to the immediate south of the application site. The battery was connected to Forder Battery and Egguckland Keep to the east, and Crownhill Fort to the west, by a military road (Fort Austin Avenue). By 1996 it was recognised that the north *glacis* (slope) of the Battery merited preservation, and in 2004 the scheduled area was subsequently extended by English Heritage (EH) as far north as Forder Stream, which is included in the development site.

Two Grade II listed buildings, Fursdon Farmhouse and Barn are located some 250m to the northeast of the development site.

To the north of the site is the Plymouth International Medical and Technology Park and Derriford Hospital complex, including the Peninsula Medical School and the related Tamar Science Park. Beyond the hospital complex is the Derriford Health and Leisure Centre, the Marjon Sports and Leisure Centre and the University College of St Mark and St John, including its sports ground. Beyond these various medical and educational complexes is the former Plymouth City Airport site and various associated facilities (recently closed).

To the west some 500 metres from the site is the Tavistock Road (A386), one of the main arterial thoroughfares linking Plymouth to its northern rural catchment area, including the town of Tavistock. Off this main route, in the vicinity of the application site is the Plymouth International Medical & Technology Park, extensive residential areas and Crownhill Fort.

To the east is open land and, much of it woodland, beyond which are extensive residential areas of Estover including Estover Community College and the district centre anchored by Asda. To the south-east is the Forder Valley Local Nature Reserve.

South of the application site is further open land and beyond that, as far as the dual-carriageway A38 Parkway, is the extensive residential area of Egguckland, which includes educational facilities and community open space and Bowden Battery.

Proposal Description

The application was re-advertised due to receipt of revised phasing plans and a minor amendment to the application description.

This is a hybrid planning application ie. it seeks outline planning permission for one part of the site and full planning permission for another, for the following;

Outline application (all matters reserved) for a residential led mix of uses on 32.07 hectares of land including up to 873 dwellings (2, 3 and 4 bedroom houses and 1 and 2 bedroom flats); 8,000 sq m of business space (use class B1); 1000 sq m of non-residential institutions (use class D1), 2,000 sq m of commercial floor space to include a mix of shops (use class A1), financial and professional services (use class A2), restaurants and cafes (use class A3), drinking establishments (use class A4) and hot food takeaways (use class A5).

The application also includes full details for the change of use of 38.67 hectares of agricultural land to public open space (to be dedicated as parkland).

The Illustrative Masterplan (SK-130710 Rev C) submitted with the application identifies the layout of the proposed development. This is then supported by a Design Code to provide clarity on how the masterplan can be implemented. The Design Code provides a benchmark for development quality by illustrating a number of design principles to guide the shape and form of the development generated from the masterplan.

The Design Code provides guidance about street, block design, public realm, landscape design and building design. It is pitched at a level of detail to avoid prescription but provide confidence and continuity of quality across the site. The code will be a guide for developers and designers preparing schemes for the submission of reserved matters applications, and or PCC and stakeholders in reviewing and determining them.

The Environmental Statement submitted with the Outline Planning Application presents the findings of an Environmental Impact Assessment (EIA) undertaken in accordance with the Town and Country Planning (EIA) Regulations 2011 and covers all matters identified within the Council's Scoping Opinion and assesses the environmental impact of the development proposals. The scope of assessment includes: planning policy context, landscape and visual impact, air quality, noise and vibration, transportation, ecology, arboriculture, ground conditions, flood risk assessment, utilities and socio economic.

On 21st January 2013, under Regulation 22 (1) and (10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, further information was requested by Plymouth City Council as the data and reports concerning biodiversity, environmental assessment, protection and mitigation were considered to be insufficient or out of date.

Revised information including updated species assessments, Ecological Impact Assessments, Construction an Environment Management Plan [CEMP] and Environmental Management Plan [EMP] was subsequently submitted to address this matter to the satisfaction of officers.

The revised Environmental Statement (ES) confirms that there are no significant adverse environmental impacts arising from the development during construction or operational phases that justify withholding planning permission for the proposed development. The ES identifies appropriate mitigation measures that can be put into place to reduce or remove the impact of effects on the environment.

The key mitigation measures recommended by the Environmental Statement include:

- (i) Establishing Derriford Community Park to provide a new recreational space for north Plymouth and to enhance the ecological value of the area. The park will also act to connect Bircham Valley and Forder Valley Local Nature Reserves.
- (ii) Establishing a One Planet Living Centre to provide community and education facilities within the development.
- (iii) Locating development on the flattest areas of the site to minimise groundworks and engineering solutions required to manage land stability risks.
- (iv) Hedgerow retention of as many hedgerows and trees as possible – accompanied by management, like coppicing, to restore existing hedges and banks. New planting to supplement the existing.
- (v) Management within Bircham Wood to improve access and to diversify the woodland by removal of alien and some shade-casting trees and shrubs – like cherry laurel, to encourage a stronger field layer and a greater density of native shrubs.
- (vi) Erection of bird nesting and bat roosting boxes in Bircham Wood and bat roost boxes under the new bridge that will span the Forder Valley.
- (vii) Use of sustainable drainage techniques to ensure that the development does not adversely affect the local flood risk whilst taking account of the topography and geology.
- (viii) A programme of archaeological works will be undertaken which will improve knowledge of local heritage assets.

- (ix) Provision of a new road with bus segregation to reduce congestion on Tavistock Road. Preparation of a Travel Plan to encourage non-car transport.
- (x) Utilising a Code of Construction Practice to minimise the adverse effects of construction.
- (xi) Utilisation of a Travel Plan to minimise private car use and promote travel by more sustainable modes.

These mitigation measures are proposed to be secured by the imposition of planning conditions and through a Section 106 agreement.

The key access feature of the development is the construction of a new link road and bridge across the Forder Valley (The 'Forder Valley Link Road') which is set out within illustrative Masterplan drawing number SK-130710 Rev C. This has been designed to connect Forder Valley Road to the south east of the site with William Prance Road (Plymouth International Medical and Technology Park) to the north, and will create a new High Street (at its northern end) which will be the focus of the local centre and which will provide retail, employment and higher density residential accommodation.

The northern section of this high street will be the focus of the local centre, which will provide retail, employment and more dense residential accommodation. It is envisaged that the high street will be a formal lined strategic link with active frontages, linking into, and part of, the northern sections of the proposed new Forder Valley Link Road. Linking with Novorossiysk Road this completes a key connection between the A38 and east Plymouth with Derriford, Tavistock Road and north Plymouth. The potential need for the Link Road is recognised as being of strategic importance to North Plymouth in Policy AV9 (Area Vision 9) the Core Strategy, and within the submitted Derriford and Seaton AAP, including the Derriford Transport Strategy Dec 2012, and associated evidence base highlights its key importance to growth in Derriford and the north of Plymouth.

The application envisages that the facilities included at the new local centre will include shops, cafes and a new public transport interchange providing improved links to the surrounding neighbourhood facilities and Plymouth City Centre.

The illustrative Masterplan indicates that further from the high street, the density of the development will reduce and building heights will be broadly consistent across the development. The high street and local centre will feature the tallest buildings which are likely to be 3-4 storeys. Other important junctions within the development may also feature buildings of 3-4 storeys, while buildings across the site will generally be 2-3 storeys.

The development proposal also facilitates the delivery of the proposed North Plymouth Community Park located to the south of the Seaton neighbourhood. The need for a park in this location was identified in the Core Strategy spatial vision for the city (2.21) and illustrated in Area Vision 9's diagram (see also 11.20, 11.38). The proposal was amplified in the submitted Derriford and Seaton AAP following a range of detailed evidence base studies. The Community Park proposed by Plymouth City

Council seeks to deliver in total 140 hectares of green infrastructure including 10 km of new footpath and cycle ways contributing to a sustainable network for north Plymouth.

The proposed development will include a One Planet Living Centre at the main entrance to the community park from the development. This will include community and education space.

The Environmental Statement advises that the existing topography of the site is challenging with gradients within the order of 1:6, requiring cut and fill to accommodate the development. A detailed cut and fill modelling exercise will be undertaken and it is envisaged that the site will achieve a cut and fill balance.

The applicant has provided a revised phasing plan that divides the development proposal into two key phases:

(i) Phase A1 proposes 350 residential units, 1,000 sq m of B1 commercial floorspace and 400 sq m of A1, A2, A3, A4 and A5 commercial uses.

At the end of Phase 1, it is proposed that the Forder Valley Link Road will be delivered, which shall be completed prior to the occupation of any part of phase 2.

(ii) Phase A2 proposes 523 residential units, 7,000 sq m of B1 commercial floorspace, 1,600 sq m of A1, A2, A3, A4 and A5 commercial uses and 1000 sq m of D1 non-residential institutions.

With regard to timing, the applicant states that Phase A1 will be constructed from 2014 and will take 3-4 years to build out, The Forder Valley Link Road is estimated to take 2 years and Phase A2 is estimated to take a further 4 years, although market conditions could influence these delivery estimates.

Pre-Application Enquiry

Consultation has been an integral part of the design and assessment process initially with Officers from Plymouth City Council, Statutory Consultees and with the Plymouth Design Panel (October 2008).

In order to provide members of the public with an opportunity to comment on the development proposals, a public exhibition was held in September 2010 organised by the applicants. Key stakeholders such as politicians, community groups, surrounding businesses and local residents were invited to the event, which was also publicised within the local press and local news bulletins. A further public consultation event took place in Feb/March 2011. The applicant has also had considerable discussions with the Seaton Area Residents Association (SARA).

Relevant Planning History

98/00461/OUT - Outline application to demolish existing buildings & redevelop land for Class B1 (business), B2 (general industrial) & B8 storage/distribution) purposes, including details of means of access. GRANTED CONDITIONALLY.

01/01520/FUL - Variation of condition 1 of outline planning permission no.98/0461 (for B1, B2 and B8 development on the whole Seaton Barracks site) to extend the period for the application for approval of reserved matters. GRANTED.

01/01020/REM – Infrastructure and remodelling works in part of employment estate (approval of reserved matters relating to outline planning permission 98/00461/OUT). APPROVED.

02/01445/REM - Landscaping works in part of employment estate (approval of reserved matters relating to outline planning permission 98/00461/OUT). APPROVED.

02/00922/OUT - Outline application to develop land by the erection of a new Plymouth Area Diagnostic and Treatment Centre together with new access road and footpath link. GRANTED CONDITIONALLY.

Consultation Responses

Highways Agency

On the 6th of December 2012, the Highways Agency issued an Article 25 Direction (TR110) under the Town and Country Planning (Development Management Procedure) (England) Order 2010 directing that planning permission not be granted for a six months period.

The reason given for the issue of the Direction was to give the applicant time to submit additional information to enable the Highways Agency to assess the impact of the development on the A38.

The direction is issued on the basis of the fact that the evidence base to support the application is considered by the Highways Agency to be incomplete with particular respect to the predicted vehicular trip generation and impact on the highway network with and without the Forder Valley Link Road. The Highways Agency requires additional information to demonstrate compliance with Circular 02/2007 and its replacement in relation to the impact of the development on the operation of the A38. The submission of a business case to confirm the prospects of the Forder Valley Link Road being delivered in the lifetime of any permission is also requested.

This direction was further extended on the 4th of June and again on the 17th of June 2013, the Highway Agency extended the Article 25 direction of non-approval until the requested outstanding information has been considered and agreed.

On the 16th October, the Highways Agency, having considered further information submitted by the applicant, concluded that the comparative scale of the impact of Seaton Neighbourhood development on the highway network is considered to be acceptable. This conclusion is based on the Highways Agency consideration of the proposed Strategic Transport Contribution sought by Plymouth City Council via the S106 Obligation, which the Highway Agency considers will adequately mitigate the minor impacts forecast at Manadon Junction, and its support for a Grampian

Condition to be imposed to restrict the development to the first phase until the Forder Valley Link Road is complete.

On this basis, the Highway Agency has removed its direction issued under Article 25 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, which previously prevented approval of the planning application, and offers no objections.

Highway Authority

No objections subject to conditions and informatives. The detail of the Highway Authority response is expanded upon within the 'Analysis' section below.

Environment Agency

No objection subject to conditions and informatives to ensure the appropriate management of surface water drainage, no adverse impacts on the floodplain of the watercourse or its nature corridor and the management of any unsuspected contaminated land which may be encountered on site.

A condition is also required for a Construction Environment Management Plan (CEMP).

A CEMP is a management system showing how the environmental risks are managed through the construction phase, in a similar way that the Contractor will manage Health and Safety risks. It will outline how pollution will be controlled, includes a Statutory Waste Management Plan, shows how biodiversity features to be retained will be protected during the construction phase and how new features such as biodiversity and Sustainable Urban Drainage features are created.

Natural England

No objections raised and confirm agreement with the conclusions of the Habitats Regulations Assessment, Ecological Impact Assessment (March 2013), Ecological Management Plan and Construction Ecological Management Plan Framework. This is dealt with in analysis section 'The impact of the development upon greenspace, wildlife and biodiversity'.

English Heritage

Raises concern that the visual impact of any development does not adversely affect the Bowden Battery Glacis (an area kept free from visual obstructions to provide a clear field of fire) and its setting. Whilst recognising the protection of this space that the incorporation of the Community Park will provide, English Heritage considers that clarity is required with respect to the visual impact of the development when viewed from Bowden Battery and its setting.

Public Protection Service

Recommend approval subject to conditions and a clause within the S106 Obligation requiring a contribution of £4195 towards air quality assessment and monitoring. This is required to assess the impact of the development on air quality inside the application area and on adjoining areas where air quality has been identified as being already poor, such as, the adjoining Air Quality Management Area on Tavistock Road.

Sport England

No objections raised, recommends development is designed in line with 'Active Design' principles around improving accessibility, enhancing amenity and provision of sport and recreational facilities.

South West Water

Requires a foul drainage condition to prevent any connection of foul flows to the public sewer network.

Devon and Cornwall Police Architectural Liaison Officer

Is opposed to the planning proposal in its current design and layout for the following reasons: -

No reference is made in any of the submitted documents explaining how the developer will be complying with council policy CS32 – Designing Out Crime. Further, there was no mention either of 'Safer Places' - The Planning System and Crime Prevention, nor any mention of building to Secured By Design standards.

Education Authority

The consultation response of the Education Authority is as follows:

The proposed development of 873 new dwellings in the Seaton area will have an impact on the education provision in the area. The development of 873 dwellings triggers the need to seek an education planning obligation in line with the Planning Obligations and Affordable Housing SPD.

The proposed site geographically sits in the North East Central locality of the city. There are five primary schools located within the area which would be affected by the development of the site; Thornbury Primary, Tor Bridge Primary, Widey Court Primary, Eggbuckland Vale Primary and St Edwards Church of England School.

Any additional dwellings built within this area will add pressure on places at these schools. A contribution amount negotiated in the section 106 agreement should be sought to mitigate the impact these additional dwellings will have on the surrounding primary schools and contribute towards the cost of the proposed new build primary school which lies adjacent to this development proposal.

The Education Authority has confirmed that it has sufficient secondary school capacity to accommodate the development.

The submission version Derriford and Seaton Area Action Plan highlights a critical need to invest in the expansion of existing schools and build a new primary school in the area to accommodate the increase in pupils in both primary and secondary phases. Targeted Basic Needs funding available from the Department for Education has been confirmed, to support the infrastructure costs of the area, however it does not cover the total infrastructure costs and therefore S106 contributions are required to mitigate the impacts of this development.

In line with the Planning Obligations and Affordable Housing SPD, the Education Authority would therefore be seeking a contribution of £731,561 for 61 Primary school places.

Representations

21 letters of representation received. Objections can be summarised as follows:

- (i) In the absence of an adopted land use policy promoting the redevelopment of this greenfield site and given concerns about the soundness of the Area Action Plan (AAP) submission version, against which the applicant's justification for this development heavily rely upon, it is considered premature to determine an application which proposes a quantum of residential development significantly above the threshold defined by the submission version of the AAP, in advance of the Examination in Public of the AAP and subsequent Independent Inspector's findings.
- (ii) Concern about the sustainable credentials of the development on the basis that the proposal constitutes potential overdevelopment of the site involving a significant loss of greenspace when there is previously developed land in the locality (such as the airport site) that is available for development.
- (iii) Concern about flooding risk due to surface water run-off.
- (iv) Concern about loss of greenspace and destruction of an existing nature reserve, wildlife habitats including the stream and grasslands, and mature trees.
- (v) Concern about impact of general construction works upon residential amenity of adjoining / neighbouring residents.
- (vi) Concern about adverse impact upon existing protected wildlife and hedgerows including protected bat species.
- (vii) Concern that proposed development does not address the local need for more infrastructure such as doctor's surgeries, public transport, police, community facilities and schools.
- (viii) Scheme is considered to be excessive and grandiose and will ruin a natural valley and replace an indigenous, working farm with a 'toy town' replica.
- (ix) Suggestion that proposed link road is relocated behind the existing farm to reduce its impact.
- (x) Concern that development will have increased impact on traffic congestion on existing road network which is already noted as being a 'congestion hotspot'.
- (xi) Concern that the locality does not need more shops and pubs as existing centres are already in decline.
- (xii) Concern about adverse impact on natural valley vista.
- (xiii) Concern about loss of outlook / natural views from residential properties.
- (xiv) Concern that the development is not warranted.
- (xv) If development of cycle routes to and from this development is a serious commitment, the existing shared use surface on Forder Valley Road is not considered adequate for more than minimal and slow use being narrow and with poor sight lines on bends and should therefore be improved.

- (xvi) A greater proportion of the proposed houses should be affordable and to lifetime homes standard.
- (xvii) Concern that inadequate consideration has been given to the impact on the viability of the Crownhill shops.
- (xviii) Concern about how the greenspace will be managed.
- (xix) Noise from the completed development would be unacceptable to local residents.

I.0 Analysis

I.1 The key issues are:

- (i) The principle of the development in terms of the policy framework;
- (ii) The impact of the development on the appearance and character of the area;
- (iii) The impact of the development upon neighbouring properties;
- (iv) The ability of the development to address local housing need;
- (v) The impact of the development upon the highway network;
- (vi) The impact of the development upon the setting of the adjoining Scheduled Ancient Monument.
- (vii) The impact of the development upon greenspace, wildlife and biodiversity.

The principle of the development in terms of the policy framework

I.2 Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

I.3 The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). The National Planning Policy Framework (NPPF) is a weighty material consideration. Paragraph 215 of Annex I to the NPPF provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the NPPF. In a recent appeal decision (North West Quadrant, Plymouth APP/N1160/A/12/2169472) an inspector found that the Core Strategy was substantially consistent with the NPPF. He said: 'The CS sets sustainable development at its heart with a vision for sustainable growth. Consequently, many relevant policies are consistent with the Framework and should be accorded considerable weight' (para. 15.3). Plainly the application should be considered within the context of the NPPF and should be assessed primarily against the Local Development Framework Core Strategy, and in particular its Strategic Objectives and Policies.

I.4 In particular, this report has due regard to the following relevant Strategic Objectives and Policies:

- Strategic Objectives: SO1 (Delivering Plymouth's Strategic Role); SO2 (Delivering the City Vision); SO3 (Delivering Sustainable Linked Communities); SO4 (Delivering the Quality City); SO6 (Delivering the Economic Strategy); SO7 (Delivering Adequate Shopping Provision); SO10

(Delivering Adequate Housing Supply); SO11(Delivering a Sustainable Environment) and SO14 (Delivering Sustainable Transport)

- Policies: CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); AV9 (Area Vision 9 – Derriford and Seaton); CS04 (Future Employment Provision); CS08 (Retail Development Considerations); CS15 (Overall Housing Provision); CS16 (Spatial Distribution of Housing Sites); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Sustainable Resource Use); CS21(Flood Risk); CS22 (Pollution); CS27 (Supporting Strategic Infrastructure Proposals); CS28 (Local Transport Considerations); CS30 (Sport, Recreation and Children's Play Facilities), CS32 (Designing Out Crime); and CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).

1.5 Consideration should also be given to the following: Adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and adopted Planning Obligations and Affordable Housing 2nd Review Supplementary Planning Document (2012).). These SPDs implement and amplify Core Strategy policy.

1.6 The application is also considered within the context of the Submission version of the Derriford and Seaton Area Action Plan 2012 (AAP), which is a material planning consideration albeit with only limited weight following the outcome of an Examination in Public held in March 2013 in which the inspector concluded that the AAP is not sound. The Inspector's Final Report in to the Derriford and Seaton AAP published in September 2013 is also a material planning consideration in relation to this application.

National Planning Policy Framework

1.7 The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It identifies three dimensions to sustainable development namely economic, social and environmental and the policies in the NPPF constitute taken as a whole the government's view of what sustainable development means in practice. It replaces all previous Planning Policy guidance issued at National Government Level.

1.8 At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

1.9 As is seen below, the development plan (the Core Strategy) is not absent or silent in this case, and therefore the weight to be applied to its policies will be particularly high where they are consistent with the NPPF. Furthermore, it is considered that the relevant policies are substantially consistent with the NPPF.

Core Strategy

1.10 The Core Strategy promotes a growth vision for Plymouth, built upon principles of sustainable development and delivering a city of high quality sustainable linked communities (Strategic Objectives 1, 2, 3 & 4, and Policies CS01, 02 & 03).

1.11 The Core Strategy identifies three broad areas of the city as being key to the achievement of its vision for Plymouth, these being:

- The Northern Corridor Opportunity Area, which has Derriford at its heart and for which the Core Strategy provides for 20% of its planned housing growth.
- The Eastern Corridor Opportunity Area, providing for 13% of housing growth.
- The City Centre & Waterfront Regeneration Area, providing for 44% of housing growth.

1.12 The application site is located within the Derriford area and is therefore part of the Northern Corridor Opportunity Area. Diagram 6 of the Core Strategy shows the planned distribution of housing provision across the city. The Derriford / Northern Corridor is anticipated as accommodating approximately 6,600 new homes in the period 2006-2021+. The contribution of 873 homes offered by the application proposal can be seen in this wider context of the Core Strategy's growth aspirations.

1.13 Strategic Objective 5 identifies the Council's intention to prepare Area Action Plans (AAPs) for ten priority locations within these three areas, one of which is Derriford & Seaton. The Derriford & Seaton AAP was submitted and subject to Public Examination, but was found unsound. It has not been withdrawn, and therefore is a material consideration albeit of limited weight. This AAP, which included policies relevant to the planning application, is discussed further below. The Core Strategy intended that AAPs would translate the vision and aspirations of the Core Strategy (as articulated in Area Visions) into reality.

1.14 The Core Strategy identifies its vision and aspiration for Derriford & Seaton in Policy AV9 (Area Vision 9). This sets out objectives that will help to deliver the vision and the Derriford and Seaton Vision Diagram conceptually illustrates how the vision can be achieved.

1.15 Policy AV9 (Area Vision 9) seeks 'to create a thriving, sustainable, mixed-use new urban centre at the heart of the north of Plymouth, which is well connected to surrounding communities and to the city's High Quality Public Transport network'. The Derriford and Seaton Vision diagram associated with Policy AV9 shows the broad location and nature of development and infrastructure that it is anticipated will come forward in order to realise this vision. Particularly relevant to the current application is the broad locations identified for 'residential-led mixed use', which is shown in a predominantly greenfield location notwithstanding the Core Strategy's target in CS16 for brownfield development. The Core Strategy anticipated the need for development of this site to the achievement of its overall vision for Derriford. Also of significance is the broad location shown for the 'community parkland and nature conservation management' and 'potential new transport route.' Each of these

broad locations relates well to the equivalent land uses as set out in the current planning application and provides support for the principle of the proposed development.

1.16 To achieve this vision, Policy AV9 identifies nine objectives, the most relevant to consideration of the application being set out below:

- (i) To develop a diverse mix of commercial and community uses supported by a strong, vibrant new residential community.
- (ii) To play a major supporting role in the sub-region's long term economic and social well-being through the provision of strategically important health, economic, further education and transport infrastructure (including an improved Plymouth airport).
- (iii) To facilitate public transport, cyclist, pedestrian and vehicular access in a sustainable way.
- (iv) To create a strong urban form, utilising distinctive high quality architecture and spaces with sufficient scale, which is easy to understand and assists in orientation.
- (v) To create a high quality, safe and accessible environment.
- (vi) To create key new transport linkages with surrounding areas, including potential Forder Valley and Whiteleigh links.
- (vii) To capitalise on the existing network of green spaces, views and historic environment and enhance the role of these, with greater access and links to wider areas.

1.17 The application is considered to respond positively to each of these objectives.

1.18 It should be noted that a part of the application site includes a pocket of land (2.5 ha.) that is currently part of Plymouth International Medical and Technology Park (PIMTP). In this respect, Policy CS04 has relevance to the consideration of this application. This policy seeks to safeguard and support proposals to extend the strategic employment opportunities at PIMTP, and to improve linkages between the sites and Derriford Hospital. The planning application identifies the delivery of commercial units fronting on to William Prance Road on land within PIMTP. Noting that this application is an Outline application with all matters Reserved for future approval, the illustrative Masterplan Rev C shows a number of coloured blocks to the north of the site that will provide retail provision on the ground floor with commercial BI uses above. These BI uses are considered consistent with CS04. The plan also includes units with retail provision on the ground floor with vertically integrated residential units above; these units are located along the proposed new Forder Valley Link Road and will form part of the local centre identified within the AAP and supported through the Retail and Centres Study prepared by Roger Tym and Partners published in May 2012. Although not explicitly provided for in CS04, this form of development is considered complementary to its overall purpose, particularly when considered in the context of the vision for Derriford as a whole and the Area Vision diagram's identification of the broad location of PIMPT as for 'employment led mixed use development'.

1.19 In conclusion, it is considered that the principle of the application proposal is consistent with the Core Strategy as the relevant development plan for the area.

Derriford and Seaton Area Action Plan – Submission Draft and Inspector’s Report.

1.20 The Council submitted the AAP to the Planning Inspectorate in December 2012 and an Examination in Public was held in March 2013. Recently, the Planning Inspectorate issued a Final Report into the Area Action Plan (AAP) concluding the plan was unsound. The Council has not withdrawn the AAP and therefore, although the plan is a material consideration, it can be attributed limited weight and is not part of the development plan.

1.21 The Inspector found the AAP unsound with regard to the ‘cumulative consideration’ of all factors, rather than one key concern. He identified five key concerns:

- Inadequate regard was given to the close proximity of the disused airport and the effects that the potential use of the site could have on Derriford and Seaton
- Inadequate economic evidence in relation to justifying the use of part of PIMTP for a new district centre
- Inadequate evidence regarding the deliverability of key sites across the Plan period
- Inadequate evidence to indicate that the necessary modal shift can be achieved
- Lack of evidence that transport infrastructure is deliverable in a timely fashion.

1.22 The application site includes all land within Proposal DS13 (Seaton Neighbourhood), 2.5ha of land within DS06 (Plymouth International Medical and Technical Park), a large area of Proposal DS20 (Derriford Community Park), land at Bowden Battery Glacis within Policy DS03 (Historical Assets) and includes the Forder Valley Link Road, which is included within Proposal DS18: Transport Infrastructure Improvements. The application site also includes an area of land to the east of the AAP boundary that adjoins the residential area of Estover. The masterplan accompanying this application proposes housing development in this area, a potential identified within the Strategic Housing Land Availability Assessment 2009 (reference site 27_015).

1.23 **Proposal DS13 (Seaton Neighbourhood)** sets out the AAP aspirations for a residential led mixed-use neighbourhood with some 770 residential units, a new local centre providing for a mix of A1-A5 uses and 4,500 sq m of associated employment provision and the new Forder Valley Link Road. The proposal also requires land to be dedicated for community park uses with provision made for a new environmental education centre. Subject to further detailed assessment, a new 2 form entry primary school is proposed within the AAP site DS13. Within the AAP, the estimated timescale for delivering this proposal is 2014-2022.

1.24 The AAP Inspector's conclusions in relation to DS13 were primarily favourable and support the acceptability of the principle of residential led mixed-use development. Key points of relevance to the application include:

- He acknowledged that the 'evidence sources support the principle and content of the application' (para.92).
- In response to a representation that the airport site was sequentially preferable to the Seaton Neighbourhood site, he said: '... the Seaton Neighbourhood proposal would support the ambition of the Council to create a clearer heart to the Derriford and Seaton area that, based on current evidence, would not be overtly secured by deleting the proposal in preference to any alternative provision' (para 94).

1.25 Although he did have concerns about imprecision in the Plan about phasing of Proposal DS13 in relation to the proposed Forder Valley Link Road, it is clear that he had no in principle objection to the nature of development proposed by the Plan. It is therefore considered that limited weight can be given to the provisions of DS13 in relation to the nature of development it seeks to bring forward.

1.26 The application proposal is broadly consistent with the AAP (albeit with a higher level of residential development) and provides for the general mix of uses envisaged. The AAP identifies land within the application site as one of three potential suitable locations to deliver a two form entry primary school; the Council has recently secured funding to deliver a new two form entry school on land adjoining the application site, and the Council is currently considering an acquisition of the land through the Capital Programme in order to deliver the school. The availability of alternative sites means that there is no overarching need for the application proposal to provide for a new primary school as part of its development, although the seeking of planning obligations to mitigate its education impacts is relevant. Further information regarding educational requirements associated with this development proposal is set out within the S106 Obligation section of this report.

1.27 In relation to phasing, the applicant has provided a revised phasing plan and supporting highways information that concludes an initial phase of 350 homes, 1,000 sq m of B1 commercial floorspace and 400 sq m of A1/A5 retail floorspace would result in a modest increase to peak hour trip generation, the applicant considers that this initial phase of development can be delivered in advance of the Forder Valley Link Road. Illustrative Masterplan Rev C sets out the phasing strategy for the delivery of the development proposal. There are two key phases to the development:

- (i) Phase 1 proposes 350 residential units, 1,000 sq m of B1 commercial floorspace and 400 sq m of A1, A2, A3, A4 and A5 retail uses.

At the end of Phase 1, it is proposed that the Forder Valley Link Road will be delivered by Plymouth City Council, which shall be completed prior to the occupation of any part of phase 2. A financial contribution of £2m towards the delivery of FVLR will be secured from the development during Phase 1. However the extent of funding required will necessitate further S.106 contributions from developments within the Derriford Area (District Centre

etc) in addition to Plymouth City Council making a bid for Local Growth Funding from Central Government. An outline business case is anticipated to be submitted to by end of 2016 and subject to demonstrating Value for Money and securing statutory approvals for the construction, a Full Business Case will be submitted to the Heart of the South West Local Enterprise Partnership by the end of 2018, with intention to start construction of the FVLR in Spring 2019. This is anticipated to have a two year build programme. The acquisition of the land required for the delivery of the FVLR will be secured through a land option agreement between the Hawkins Trust and Plymouth City Council.

- (ii) Phase 2 proposes 523 residential units, 7,000 sq m of B1 commercial floorspace, 1,600 sq m of A1, A2, A3, A4 and A5 retail uses and 1000 sq m of D1 non-residential institutions.

1.28 With regard to timing, the applicant states that Phase 1 will be constructed from 2014 and will take 3-4 years to build out. The construction period for the link road is estimated by the developer to take 2 years and Phase 2 is estimated to take a further 4 years, although market conditions could influence these delivery estimates.

1.29 It is of note, the Inspector did not benefit from the availability of this information when he was drawing together his conclusions on the AAP.

1.30 **Proposal DS06: Plymouth International Medical & Technology Park** seeks to strengthen the Park's strategic role as an employment site through the delivery of an additional 40,000 sq m of B1 and B2 commercial office and manufacturing floorspace and medical facilities within the C1 and C2 use class. A small part of the application site (2.5 ha) overlaps into the area covered by DS06. Proposal DS06 states that in addition to meeting its primary strategic employment role, consideration will be given to *'limited residential development in the region of 100 dwellings where this relates to the adjoining residential areas in Seaton Neighbourhood'*. The elements of the planning application located in PIMTP have been described above, where Policy CS04 of the Core Strategy is considered.

1.31 The AAP Inspector's conclusions in relation to DS06 where concerns with matters of deliverability, particularly given evidence relating to unviability of speculative employment development and uncertainty over the timing of and Proposal's relationship to the delivery of the Forder Valley Link Road. There was little challenge to the provisions of DS06 *per se*, and limited weight can be given to DS06 in relation to the principles of development it is advocating. The application proposal is considered consistent with the draft policy.

1.32 **Proposal DS20: Derriford Community Park** seeks to deliver *'a new community park that will become an environmental, social and educational asset and resource for communities within and around Plymouth'*. In accordance with DS13: Seaton Neighbourhood, the applicant is seeking to change the use of an area of agricultural land to public open space that will be dedicated to enable the delivery of Derriford Community Park.

1.33 The AAP Inspector's conclusions in relation to DS20 were entirely positive and therefore limited weight is able to be given to this draft policy. In para. 92 of his report he refers to the 'commendable aims for the Community Park'. The application proposal is considered consistent with the draft policy and indeed crucial to securing the delivery of the park. A clause is recommended within the S106 Obligation to include a provision for the developer to grant a 999-year lease to the Council in respect of all land and existing or proposed buildings required for the Community Park. This is required upon signing of the Obligation. The application site includes 1,000 sq m of D1 non-institutional floorspace within Phase 2, which will include the delivery of the One Planet Centre sited within Proposal DS20. The AAP states that the One Planet Centre will be the hub of the park, an educational resource that will offer opportunities for hands-on learning in food production, nature conservation and sustainable living. Further information on the requirements and delivery of the proposed Community Park are provided in paragraph 1.149 onwards.

1.34 **Policy DS03: Historical Assets** seeks to ensure that development proposals relate and are sensitive to Derriford's historic assets, one of which is identified as Bowden Battery Glacis, a Scheduled Ancient Monument which should be managed sympathetically as part of the Community Park. The parcel of land, to be dedicated for Community Park uses, labelled 'B' on Illustrative Masterplan Rev C, incorporates Bowden Battery Glacis.

1.35 No objections were received in respect of DS03 and the AAP Inspector only made limited comment, acknowledging that the evidence and proposal complement the provisions of the Core Strategy and provide an effective basis for decision making. Limited weight is therefore able to be given to this draft policy.

1.36 Proposal **DSI8: Transport Infrastructure Improvements** provides for the safeguarding of land to deliver key transport infrastructure, including the Forder Valley Link Road. The application includes provisions for this new link road which will connect Brest Road with the junction of Forder Valley Road and Novorossiysk Road. This road has been under consideration over many years and was considered in studies that pre-date the Core Strategy. It has been recognised as a key element in the City's Strategic Public Transport Network since 2005 and as an integral part of the City's Strategic Cycle Network since 2009. Most recently it was identified in the Derriford Transport Strategy Dec 2012 as being a critical strategic requirement to enable the sustainable delivery of all planned developments in Derriford.

1.37 The Core Strategy seeks to secure a strategic high quality public transport network which is linked to SO18. 8 and CS27 refers to the construction of a High Quality Public Transport network. This will facilitate sustainable transport modes in accordance with the NPPF. The Forder Valley Link Road will provide improved connectivity, particularly in respect to linking Derriford with developments coming forward to the east of Plymouth (Sherford), and the creation of a dedicated Park and Ride service which would link Sherford to the employment opportunities to the north of the City at Derriford. In addition the link road will provide additional network capacity and will reduce pressure on the A38/A386 junction at Manadon, a key congestion hotspot in Plymouth. The AAP states that this route could prove vital in any future attempt to provide public transport priority along the A386 and it

will meet increasing demands for cross city links between Derriford and the new community of Sherford and employment development at Langage. Evidence prepared for the AAP Examination in Public anticipated this new highway link would be delivered later in the plan period; the application phasing plan is consistent with these aspirations. Further information on the impact of the development upon the highway network is provided from paragraph 1.55 of this report.

1.38 Although the AAP Inspector had significant concerns regarding the adequacy of the evidence to support the deliverability of the transport proposals set out in DS18, he did explicitly acknowledge the need for transport infrastructure improvements in general and the Forder Valley Link Road in particular:

- (i) He acknowledges that need for modal shift, reducing severance and improving transport infrastructure are supported by the available evidence, particularly the content of the Core Strategy, the Local Transport Plan and the Derriford Transport Strategy, which 'appear robust in their construction' (para. 103)
- (ii) He speaks of the 'necessary improvements to the transport infrastructure' (para.113).
- (iii) In relation to FVLR he says 'The balance of evidence proportionately supports its provision and there is no compelling evidence to indicate that, alternatively, the use of the existing highway network will deliver the objectives of the Plan albeit the FVLR does not need to be in place before development can begin' (para 116).

1.39 The application's provisions for the FVLR are therefore given support in principle by the submission AAP, even if only limited weight can be accorded to it.

Evidence Base documents – other material considerations

1.40 In commenting on the implications for planning decision making in the absence of an adopted Derriford & Seaton AAP, the Inspector has sought to provide some guidance on material considerations for the consideration of planning applications, pending the completion of the Core Strategy Review. In paragraph 19 of his Final Report (Aug 2013) he referred to the existence of the NPPF, the Core Strategy Vision for Derriford, the relevant content of the Core Strategy and 'the informative aspects of some local evidence which has been produced.

1.41 Furthermore, in his letter to the Council where he set out his Preliminary Main Concerns (4 May 2013) he suggested that the Council 'may care to consider withdrawal of the AAP and the use of much of its relevant evidence base to inform the production of the Plymouth Plan.'

1.42 A considerable amount of evidence has been produced which has first considered and then identified the potential of the application site for the kind of development now proposed. Amongst this evidence base are the following key documents:

- Derriford and Southway Area Planning Framework, Llewelyn Davies, May 2005; Plymouth Sustainable Growth Study Stage 1 (May 2003) and Stage 2 (July 2004) Llewelyn Davis ; Plymouth Sustainable Growth Distribution Study 2005 (Baker Associates). Between them, these documents have explored the key issues and opportunities in the Derriford area, identified the potential for

the Seaton Neighbourhood and articulated its potential role as part of the overall growth agenda which became established in the Core Strategy.

- Derriford Development Framework Evidence Report, LDA Design, (2009). This report gives consideration to the broad location of the application site and the principle of delivering an area with intensification with a new link road, community park and local centre. Reference is made to the archaeological importance of Bowden Battery Glacis, which forms part of this planning application;
- Derriford Masterplan Framework, LDA Design, (2009). This report specifically refers to land within the planning application in the section entitled Seaton Valley. In particular, reference is made to the 'creation of a desirable valley-side residential community through high quality, development of the higher south and south east facing slopes of the Forder Valley'. In addition, reference is made to the Seaton Local Centre 'that will form the interface between the predominantly residential area and the new medical facilities on the ridge'. The report also considers appropriate uses that could be delivered within the application area, which include a mixed use scheme with a range of housing types and sizes, a local centre with a mixture of accompanying employment and residential uses and a new community park. There is a strong emphasis on integrating the development at Seaton with the existing surrounding residential areas and Plymouth International Medical and Technology Park.
- Strategic Housing Land Availability Assessment (2009) (SHLAA). Site reference 27_015 assesses a parcel of land within this planning application located to the west of Blunts Lane. The SHLAA Panel Assessment proposes that an unconstrained yield of 100 dwellings could be delivered on this land with an estimated delivery date of 2019-2024. In addition, site reference 27_018 within the SHLAA assesses an area of land within the planning application immediately to the south of land at Plymouth International Medical and Technology Park. The SHLAA Panel Assessment proposes that an unconstrained yield of 700 dwellings could be delivered on this land with an estimated delivery date of 2014-2024. Strategic Housing Land Availability Assessment 2009 (site reference 27_018) that are material planning considerations. These evidence base documents informed the Derriford and Seaton Area Action Plan, which sought to amplify and update the Core Strategy Area Vision 9 for Derriford and Seaton.

1.43 These evidence base documents add weight to the acceptability in principle of the application.

The impact of the development on the appearance and character of the area

1.44 Whilst all matters are reserved for future consideration, the applicant has provided an indicative masterplan layout intended to represent how the vision, through quantum and form of development could be achieved on site.

1.45 It is acknowledged that the development of this site will have a significant impact in terms of landscape and visual setting within the locality of the site. There will be extensive areas of new housing in both phase I and phase II. The construction of the Forder Valley Link Road will have an adverse impact on the natural open vista and rural character of the valley.

1.46 Officers consider that through the sensitive design of the new housing areas and associated road and utility services, and with particularly close scrutiny to the details of the design and construction of the link road and development context as a whole at Reserved Matters stage, this impact can be minimised and need not be significantly adverse. In addition, the recreational and ecological resources of the area can be increased through the delivery of a new community park. On balance therefore, the visual impact on the appearance and character of the locality is not considered by officers to be so significant to warrant a refusal of the planning application taking into account the wider benefits of this scheme identified within this report. Indeed, these were matters also considered by the AAP Inspector who acknowledged that development of the nature proposed and the Forder Valley Link Road were both justified (see commentary above).

1.47 Concerning issues of density, the broad brush reference to a density of 30 – 50 dwellings per hectare (dph) within PPS3 has been superseded by guidance within the NPPF which states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances. Strategic Objective 10.2 aims to promote the highest density compatible with the creation of an attractive living environment. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood's centre.

1.48 The issue of density will be dealt with through the Reserved Matters submissions. Officers consider that the indicative density levels at the site appear consistent with the density levels in the immediate vicinity. Given the sustainable location of the site and the lack of demonstrable harm associated with the amount of development proposed, the density is likely to be acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2.

1.49 Officers are satisfied that this development will comply with Core Strategy Policy CS18 Greenspace which states that 'development proposals will improve the quality and quantity of accessible greenspace'. Whilst the development will result in a loss of privately owned, open (inaccessible) countryside, it will provide open access to a large area (38.67 HA) of this previously privately owned land and improve the quality of the greenspace.

1.50 It is noted that there are a number of significant and well established trees and hedgerows on the site. In accordance with NPPF paragraph 118 and Core Strategy Policy CS18.4, a condition is recommended to ensure that the details submitted through the Reserved Matters process make adequate provision for the retention and protection of key and significant trees and that there is more retention of hedgebanks, or at least sections of hedgebanks containing special veteran trees of note, wherever possible.

1.51 Officers therefore consider that the development is capable of being controlled through Reserved Matters Application so as to achieve accordance with adopted policies CS01, CS02, CS18 and CS34 of the Core Strategy and the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and policies and provisions of the National Planning Policy Framework.

The impact of the development upon neighbouring properties

1.52 Officers do not consider that the proposed development will impact significantly upon the residential amenities of nearby properties due to the separation distances between the existing surrounding development and the site, the extent of green landscaping that will be retained (as illustrated on the illustrative Masterplan) and also the changing topography, with much of the site being significantly lower than the surrounding areas and separated from adjoining residential development by established hedgerows.

1.53 The aspects of the development that could have an impact on residential amenity, such as noise and disruption caused from development construction, potential light pollution issues and potential noise nuisance issues, can be mitigated through the imposition of planning conditions. On this basis the development proposal is not considered to have an unacceptable impact on the residential amenity of neighbouring properties in terms of outlook, noise, nuisance or light pollution and on balance is considered to be acceptable.

1.54 Officers consider that the development accords with adopted Core Strategy policies CS02, CS18 and CS34, the Council's adopted Design Supplementary Planning Document (2009), adopted Development Guidelines Supplementary Planning Document (2009) and the policies and provisions of the National Planning Policy Framework

The impact of the development upon the highway network

1.55 Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- (i) The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- (ii) Safe and suitable access to the site can be achieved for all people; and
- (iii) Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

1.56 Accordingly, a detailed Transport Assessment (TA) and Travel Plan (TP) have been prepared in support of this application which can be assessed as follows:-

Traffic Modelling

1.57 A detailed traffic modelling exercise has been undertaken in order to assess the impact of the development-related trips (both Phases 1 and 2) upon the operation of both the local and strategic highway networks.

1.58 The applicant has assessed a number of agreed junctions, with an opening assessment year of 2016 and a future year of 2021. In respect of the 2021 tests, the Plymouth City Council commissioned 'SATURN' model was used to determine the re-routing affects that will arise at the various modelled junctions as a result of the construction of the FVLR, the provision of which was included within the 2021 tests. The junctions were then assessed using the same base LINSIG and TRANSYT models that were used for the 2016 tests.

1.59 Although Committed Development (derived from the Derriford and Seaton AAP Delivery Framework) was included within the modelling for the assessment years of 2016 and 2021 (District Centre, North West Quadrant, Tamar Science Park), none of these sites are 'committed' and therefore the inclusion of such has resulted in the traffic modelling being overly robust. Furthermore no assumption has been made in respect of modal shift for the Phase 1 (2016) assessment year as the Travel Plan would still be in its' infancy likewise the supported bus route. However reductions (around 30% for residential being a combination of the Travel Plan and internalisation) have been included for Phase 2 trips as the creation of the FVLR will lead to the site being better served by all modes of transport including public transport. The creation of the Link Road would also result in many of the retail related trips being pass-by hence a 50% reduction has been applied to this trip rate.

1.60 Whilst the planning application submitted is seeking outline planning permission for all of the development shown on the site Masterplan Rev C (which includes the FVLR), a detailed costing exercise undertaken for the Link Road revealed that the true cost of delivery would be much higher than envisaged by both Plymouth City Council and the applicant. Consequently it has been agreed with the applicant that Plymouth City Council would be best placed to deliver the FVLR. Therefore a Grampian style condition would be imposed which limits the amount of development that can take place prior to the delivery of the entire Link Road. The amount of development that can be permitted without the FVLR would need to be determined by undertaking detailed traffic modelling of the current highway network with the inclusion of development traffic.

1.61 On the basis of capacity of the local highway network (the trips the local network could accommodate without those impacts being considered as being 'severe') and a sufficient number of units that would create a viable scheme, a total of 350 homes are proposed as part of the first phase of the development along with 1,000 sqm of commercial uses and 400 sqm of retail use in order to create a sustainable neighbourhood. The traffic modelling work was therefore undertaken by the applicant on this basis.

1.62 Based upon approved trip rates, the revised first phase of the development generates 218 vehicular trips during the am peak (70 arrivals and 148 departures) and 246 (138 arrivals and 108 departures) in the pm. This compares to a total of 450 two-way trips in the morning and 487 two-way in the afternoon for the full

development scenario (the latter assumes reductions as a result of modal shift and internalisation/pass-by trips).

1.63 As mentioned above, the applicant has assessed a number of agreed junctions both on the local and strategic road networks in 2016 and 2021. A summary of the results of those assessments for each of the junctions are as follows:-

Manadon Junction -

1.64 The results of the modelling runs undertaken for both 2016 and 2021 show that the junction is operating over-capacity in all scenario's during the am and pm peak traffic hours, with the most significant queues and delays being experienced on the A386 southbound approach and Mannamead Road (the latter being particularly congested during the am peak).

1.65 In order to provide a particularly robust assessment the applicant's traffic consultant has included the development trips associated with development proposals that were projected to be delivered within the Derriford and Seaton AAP for example (such as the District Centre) for the relative assessment years of 2016 and 2021.

1.66 The results of the 2016 test indicate that there would be a slight deterioration in operating conditions at Manadon Junction as a result of the Phase I trips. However by excluding the various Committed Development sites (such as the District Centre) it can be seen that the trips associated with Phase I would have little impact upon the operation of the junction (just 35 additional trips on the eastbound on-slip during the am peak and 31 on the westbound off-slip during the pm).

1.67 The results of the 2021 test, (which includes the construction of the FVLR), indicate that whilst the amount of traffic using the network has been increased (due to the inclusion of Committed Development sites), the level of congestion and queuing experienced at the junction is not much greater than that identified in the 2016 + Committed Development assessment year (which assumes no modal shift to provide a particularly robust assessment). This is likely to be the result of traffic using other routes due to the junction already operating at capacity in 2016. What is also worth noting is that the results of the 2021 tests undertaken both with and without the FVLR being in place show little difference in terms of the operating conditions at Manadon. This is likely to be due to additional capacity being created on the A386 (as a direct result of the introduction of the FVLR) being taken-up by traffic which had re-routed elsewhere on the network in order to avoid the existing queues at Manadon.

Forder Valley Interchange (A38 junction)

1.68 As expected, the results for this junction show an increase in congestion in the various scenarios that have been assessed, particularly with the introduction of the FVLR as traffic travelling to Derriford from the East of the City (Plympton, Plymstock etc) re-routes along the new Link Road rather than through Manadon and along the A386 resulting in an increase in traffic flows through Forder Valley Interchange. However the results of the modelling does indicate that the junction

will continue to operate within its theoretical capacity both in the 2016 and 2021 assessment years.

Marsh Mills

1.69 This junction is already operating beyond its capacity and consequently officers consider that the increase in flows resulting from the development will lead to a deterioration in operating conditions, with the most significant problems being experienced on Plymouth Road (southbound) and the A38 (westbound) approaches to the junction.

1.70 However it is accepted that in terms of the baseline position, this junction is already operating close to capacity in the am and pm peak traffic hours. A summary of the development impacts highlights that when compared to the 2012 surveyed flows, the trips generated in 2016 (Phase A1 of the development) equates to an impact of just 0.36% in the am and 0.32% in the pm. In the 2021 tests (which include the provision of the FVLR) these impacts increase to 0.62% in the am and 0.41% in the pm. In respect of the NPPF these impacts are not considered to be 'severe', particularly as the assessment work includes development sites which are not committed such as the District Centre but ensures that the residual cumulative impacts are assessed as outlined in the NPPF. Furthermore a contribution is being sought from this development to fund strategic transport infrastructure within the area, to help mitigate these impacts (this is demonstrated in the results of the 2021 test with the inclusion of the FVLR which shows improvements at Marsh Mills), along with a robust Travel Plan

Plymouth International Medical and Technology Park (Junction with William Prance Road)

1.71 The assessment work undertaken for the opening year (2016) indicates that the junction operates over-capacity in all of the various scenarios that have been modelled.

1.72 The results show some considerable queues of traffic forming on the approaches to the junction, with the most significant problems being experienced during the am peak hour on the Tavistock Road (South) approach to the junction where a maximum queue of 555 'passenger car units' has been reported which equates to a queue length of over 3.3km. Further traffic queues are also indicated on the William Prance Road approach during the pm peak (430 'passenger car units' which equates to a queue of 2.15Km).

1.73 It should be noted however that the results of the modelling work undertaken includes trips from development proposed within the area which is neither permitted or committed. Certainly the inclusion of those trips generated by the proposed District Centre for the Derriford and Seaton area for example, adds a considerable amount of traffic to the network as can be observed from the results of the Manadon sensitivity test which excludes the District Centre trips.

1.74 In order to overcome the capacity issues at the Plymouth International Business Park junction, the applicant is proposing an improvement scheme on the A386 which seeks to increase the capacity of the right turn into William Prance Road from the A386 by extending it into the central reservation by an extra 70m.

The results of a sensitivity test undertaken to assess the impact of this scheme reveals that there would be no increase in traffic queues on the approaches to the junction despite the inclusion of the traffic movements associated with Phase I of the development (the results indicate that the junction would operate similarly to the base conditions). All of the land required to deliver this scheme falls within the extent of HMPE and will be delivered by Plymouth City Council through a financial contribution secured through the S.106 Agreement.

1.75 The results of the 2021 tests reveals that a combination of the new FVLR and the proposed A386 improvement scheme demonstrates an improvement in the operation of the junction when compared to the 2016 Base, despite a greater proportion of development being considered in the 2021 assessment year. The removal of the trips associated with the District Centre improves the situation further when compared to the 2016 Base.

Site Access Junction

1.76 The results of the traffic modelling work reveal that this junction operates within its theoretical capacity in all scenarios assessed with minimal queues and delays in both the am and pm peak traffic hours.

Proposed Junction at the Southern end of the FVLR

1.77 Associated with the delivery of the FVLR is the need to create a new junction at its' southern end where it meets both Forder Valley Road and Novorossiysk Road. Whilst a roundabout option was assessed in an earlier version of the TA, subsequent modelling of a signalised crossroads arrangement demonstrated an improvement in capacity when compared to the roundabout option although the results of the modelling work undertaken for both options identified significant capacity issues in the 2021 assessment year. This is not unexpected considering the amount of growth planned within the Derriford area and as some traffic that currently uses the A386 is likely to re-route along FVLR, this will create some additional capacity (albeit limited) at Manadon Junction. It is also worth highlighting the point that the proposed junction layouts assessed provide improved facilities for both pedestrians and cyclists in this location. The construction of this junction is likely to require land outside the ownership of PCC. The acquisition of the land required for the delivery of the FVLR will be secured through a land option agreement between the Hawkins Trust and Plymouth City Council.

Car Parking

1.78 As this is an outline application with all matters being reserved, very little detail has been provided by the applicant in respect of car parking apart from specifying the overall numbers being provided. (The submitted Transport Assessment states that 1729 spaces are proposed overall, 1187 within the first development phase). Therefore various conditions are recommended to be attached to any grant of consent relating to the use/management of such (Car Parking Management Strategy).

1.79 In accordance with the methodology as set out within the Development Guidelines SPD, the applicant's traffic consultant has calculated the existing accessibility of the site by public transport and this score has then been applied to the maximum standards for the non-residential uses as a percentage reduction. This

has resulted in a car parking standard of 1 space per 47 sq.m for the commercial/offices and 1 space per 36 sq.m. for the retail uses. However these standards only apply to the commercial and retail elements in Phase A1.

1.80 The creation of the FVLR has the potential to significantly increase the accessibility of the site as a combination of the Link Road along with a new Park and Ride site to the East of the City will result in regular use of the Link Road by public transport. This has been considered by the applicant with a lower standard of car parking being proposed for the commercial elements (1 space per 103 sq.m.) and retail elements (1 space per 105 sq.m.) of floor space once the FVLR has been constructed. When considered across both development phases, the level of car parking proposed to serve the retail and commercial floorspace is well below the maximum standards as outlined within the Development Guidelines SPD and is therefore considered acceptable.

1.81 The revised phasing plan produced indicates that only part of the area of employment land (to the south of William Prance Road) will be developed during Phase A1. However these development areas are shown to be served by several large communal car parking courtyards and therefore concern is expressed by officers that these early phases of commercial and retail could well be over-provided in terms of car parking if these car parking courtyards are constructed in their entirety, undermining the aims and objectives of the TP and leading to a greater traffic impact upon the local highway network. Details will therefore need to be submitted to and approved by the Local Planning Authority demonstrating how the use of such areas will be controlled/managed in order to ensure that there is no car parking over-provision. Conditions are recommended to cover this relating to a Car Parking Management Strategy, Travel Plan and Car Parking.

1.82 With regard to the spaces proposed to serve the retail, it is recommended that their use be restricted to limited waiting (no more than 20 minutes) in order to ensure that there is regular turnover of spaces. It is not currently clear whether or not these spaces will be located on private land or on 'Highway Maintained at Public Expense' (HMPE). If it is the latter then a Traffic Regulation Order will be required. This same comment would also apply to any other on-street car parking proposed either along the Link Road or on William Prance Road.

1.83 It is noted that the level of car parking serving the residential units will be in accordance with the approved standards, with a total of 1,494 spaces for the completed development (phases A1 and A2) allocated as follows:-

126 one bed units – 126 spaces at a standard of 1 space per unit

747 two (or more) bed units – 1,494 spaces at a standard of 2 spaces per unit.

1.84 It would appear from viewing the Design Codes submitted that a large amount of the car parking serving the residential elements will be situated on-street within the development. As these spaces will be located within the adopted highway they cannot be allocated to individual properties.

1.85 In order to control the use of any on-street kerbside car parking provided within the development (there are a number of large employment sites within the

area which generate considerable demand for car parking such as Derriford Hospital), it is recommended that the applicant fund the provision of a Controlled Parking Zone for the entire development. This will ensure that employees from those large employers within the area are not tempted to park within the residential streets which make-up the Seaton Neighbourhood development.

1.86 A total of 45 spaces have been proposed to serve the One Planet Living Centre which is considered acceptable. Officers consider that there may be a need to reduce this number in order to provide some coach parking (as the centre is likely to be visited by schools and organised groups etc).

Layout

Forder Valley Link Road/High Street

1.87 As mentioned above, an up-to-date costing exercise has been undertaken by PCC and has revealed the cost of delivering the FVLR would be far in excess of the amount previously identified by the applicant. Furthermore if the applicant had proceeded with the delivery of the FVLR then there would have been no funding for those 'softer measures' included within the Travel Plan which, in terms of delivering the growth planned within Derriford, are just as important as the physical infrastructure improvements such as the FVLR.

1.88 One of the primary drivers behind the need for the FVLR was in respect of developments coming forward to the east of Plymouth (Sherford) and the creation of a dedicated Park and Ride service which would link Sherford to the employment opportunities to the north of the City at Derriford. This would result in such Park and Ride buses running along FVLR. However as the delivery of the Sherford development has stalled, in terms of scheme priority the FVLR has been reprogrammed and the order of new infrastructure provision in Derriford has been re-prioritised to support the delivery of the reconfiguration of Derriford Roundabout in the short term and the delivery of the FVLR in the longer term (likely start of construction Spring 2019). This is anticipated to have a two year build programme.

1.89 However the northern section of the new Link Road (referred to as the High Street) is ultimately required to serve the first phase of the proposed development (phase A1) and therefore this will be provided by the applicant as part of site infrastructure works. This also includes the construction of a signal controlled junction where the Link Road/High Street meets William Prance Road.

1.90 In order to provide a suitable road network to serve the first phase of the development which caters for all modes, it is recommended that the High Street is constructed during the early stages of this first phase of development and these works should include the new signal controlled junction that will replace the existing roundabout. This will need to be covered by condition.

1.91 In terms of pedestrian and cycle provision, a combined footway/cycleway is proposed along the western side of the Link Road. The provision of such a route along the frontage of the ground floor retail units will need some consideration to ensure that customers entering and leaving such premises do not come into conflict

with cyclists. It may be more appropriate to encourage cyclists to use the bus lane once they enter the busier High Street section of the Link Road.

1.92 Whilst it may be permissible to provide informal crossings at various locations along its length, a 'Toucan' crossing is proposed at the southern end of the High Street section of the Link Road. This facility is due to be provided as part of the first phase infrastructure works.

1.93 A further on-road cycle route is proposed on the eastern side of the Link Road as the steep gradient of the road (1:10 in a number of locations) would result in cyclists travelling downhill at speed. All round pedestrian and cycle crossing facilities will need to be provided at the new junction being constructed at the top of the Link Road where it meets William Prance Road.

1.94 Public transport provision (in the form of a bus lane) is provided on alternate sides of the new Link Road on the approaches to the junctions at the northern and southern ends (it should be noted that in terms of national transport standards, the bus lane should be 4.5m in width, not 4.25). Whilst a new transport hub is proposed immediately to the north of the signal controlled junction of FVLR with William Prance Road, the creation of this facility may not come forward for some considerable time. Therefore some public transport provision in the form of a boarder, shelter and real time passenger information will need to be provided on the High Street. A location for such a bus stop has been shown along the frontage of the ground floor retail units on the western side of the High Street (which is considered acceptable). A further bus stop will also need to be provided on the eastern side of the High Street for outbound bus services.

1.95 Despite the Design Codes stating to the contrary, the steep uphill gradient of the Link Road will mean that traffic calming measures will not be necessary. Some on-street car parking is also proposed on the High Street. It is recommended that these spaces be subject to a Traffic Regulation Order (TRO) which restricts their use to short periods of time.

1.96 In order to make their associated use by vehicles safer all of the junctions onto the new Link Road (apart from the southern-most which has a dedicated right turn lane and the northern-most which will be signalised), will operate on a left-in, left-out basis.

1.97 No details have been provided in respect of loading and unloading provision for the retail units that will front onto the upper section of FVLR. Officers therefore recommend that this be covered by way of a condition. A Traffic Regulation Order shall also be required in terms of managing the use of such a facility.

General Layout

1.98 There are concerns regarding access to the area of Phase 2A development located around the former Poole Farm site (the area of development around Blunts Lane). Very few details have been provided in respect of how this area of development will be accessed by any modes of transport but particularly by vehicles. Due to the speed of approaching traffic, a formal right turn arrangement would be

required on Forder Valley Road which necessitates localised road widening to accommodate both the right turn lane and a planned uphill on-road cycle route.

1.99 No assessment work has been undertaken to give any indication on the level of use of the access that will serve this area of development (circa 65 units) with the vehicular route shown to narrow down to 4.5m in width just beyond its' junction with Forder Valley Road. Such an arrangement may be acceptable as it will function as a traffic calming measure. However this will depend on the number of vehicles using this access and whether or not vehicles would be shown to stack back out onto Forder Valley Road in the peak hours. If there is the possibility of such occurring then the existing bridge may have to be widened to provide an adequate means of access.

1.100 Suitable pedestrian and cycle links will need to be provided from the residential area of development near Poole Farm through to the existing Estover estate (Rydal Close, Torver Close etc.). This would allow residents to access the existing bus services that run along Miller Way (15 minute frequency). Details of these links should be provided and careful consideration will need to be given to where these links cross Blunts Lane.

1.101 The applicant has confirmed that the extension of Colborne Road (which is being provided as part of the first development phase) will operate as a bus only link. The applicant has agreed to fund the installation of a bus lane enforcement camera (the associated cost of which is around £25k). This will be secured through the S.106 Agreement. The applicant should be aware that a Traffic Regulation Order will also be necessary. Consideration should also be given to creating a footway/cycleway link through to Charlton Crescent (although it is accepted that this may not ultimately prove to be possible due to Charlton Crescent being a private street).

1.102 Whilst there are currently dedicated off-road cycle facilities alongside William Prance Road, the creation of the retail and commercial uses fronting onto this road may provide the opportunity to relocate this provision on-street. This would necessitate a 1.5m wide route in either direction on William Prance Road. This is likely to result in the overall street dimensions being closer to 18m than 15m (as indicated within the Design Codes).

1.103 Internal streets within the development should be designed in accordance with the concept of a 'Home Zone', with reduced traffic speeds which encourage greater priority towards cyclists and pedestrians. The provision of on-street car parking (which it should be noted cannot be allocated to individual properties) can be effective in helping to reduce traffic speeds along with landscaping and tree planting.

1.104 A minimum of 2 car club spaces should be provided within the residential area of the first Phase A1. It is recommended that these spaces be located close to the community hub buildings.

1.105 As the site is generally quite steep, consideration should be given to ensure that any footway/cycleway routes are built to the maximum gradient of 1:12

(although ideally 1:20). If sections of steps are required in some locations then suitable handrails must be provided. A condition is recommended accordingly.

Travel Plan

I.106 Whilst the final version will need to be subject to a suitably-worded condition, the applicant has proposed a number of measures/initiatives to mitigate the residential and employment related trips generated by the proposed development.

I.107 One of those key measures is the provision of a bus service linking the Seaton Neighbourhood development to the existing public transport interchange at Derriford Hospital (to the north) and Crownhill Local Centre (to the south). Such a service would be delivered either through the provision of a new service or extension of an existing service. A substantial financial contribution (£750k) will be secured through a S.106 contribution to deliver such a service for a minimum period of 5 years. (5 years often being the length of time after which a bus service should be self-supporting).

I.108 In order to ensure that there is sufficient critical mass to support such a service, it is recommended that the first payment for the supported bus service be received upon occupation of the 100th house on phase A1. Subject to funding applications for the construction of the FVLR being successful, the above-mentioned trigger point for the supported bus service should result in the bus service still being operational once the FVLR has been constructed, after which the site would then be served by those bus services that have diverted along FVLR (including the Park and Ride services from Sherford).

I.109 Further measures included within the Travel Plan (which are also to be secured through S.106 contributions) include:-

- Establish and run a car club for a minimum period of 3 years (£125,000)
- Public Transport Infrastructure – boarder, shelter and RTPI (£25,000)
- Monthly Travel Pass for all residential units (£57,000)
- Monthly Travel Pass for all commercial floor space employees (£43,400)
- Travel Plan Admin costs (excluding employment costs of the Travel Plan Coordinator) (£46,200)

I.110 Including the contribution for the subsidised bus service, the total cost of Travel Plan related measures totals £1.047m.

I.111 In view of the changes that will come about as a result of the creation of the Forder Valley Link Road (improved site accessibility by all modes but in particular public transport), the Travel Plan measures are very much focussed on mitigating the impacts of the phase A1 trips and this is reflected in the Section 106 trigger points for these payments (set within the 'Local Finance Considerations' section below).

I.112 Whilst the applicant has submitted details of a Framework Travel Plan for the site, it is recommended that a specific condition be attached relating to the final details of the Travel Plan being approved by the Local Planning Authority, as further changes are likely to be required (such as reference to the area-wide Travel Plan

being developed for the Derriford area). It is also noted that the applicant agrees to fund, through a S106 Obligation, the employment of a Travel Plan Coordinator for the site. Details of such employment would need to be agreed through the associated Travel Plan condition.

Construction Traffic Management Plan

1.113 The applicant's transport consultant has included reference to a Construction Traffic Management Plan (CTMP) within the TA. Considering the scale of development proposed, it is considered appropriate that there is a need for such a document and it is therefore recommended that a condition be attached relating to the need for such. The CTMP will need to refer to the fact that the A386 is a particularly sensitive route in terms of traffic movements and therefore no deliveries to the site will be permitted to occur before 9am and after 3pm.

Section 106 Agreement

1.114 In addition to securing funding for measures that will be delivered through the Travel Plan, the applicant will also be required to make a financial contribution of £2m towards strategic transport infrastructure within the Derriford area. This could be one of two schemes; The Forder Valley Link Road and the Derriford Roundabout Improvements (replacing the existing roundabout with the four-arm signalised crossroads).

1.115 In addition to the above, further obligations included within the S.106 Agreement include the provision of a financial sum of £300k towards highway works at the PIMTP junction, an obligation to undertake Section 278 works on Forder Valley Road to provide a suitable means of access to the area of residential development at Poole Farm and a commitment to funding the Travel Plan Coordinator posts for a set period of time.

1.116 To conclude, there are no highway objections to this application subject to the various conditions mentioned below being attached to any grant of consent along with a S106 Agreement which secures the various financial contributions and obligations mentioned above.

The impact of the development upon the setting of the adjoining Scheduled Ancient Monument.

1.117 The Scheduled Ancient Monument known as Bowden Battery lies to the immediate south of the application site. The battery was connected to Forder Battery and Egguckland Keep to the east, and Crownhill Fort to the west, by a military road (Fort Austin Avenue). By 1996 it was recognised that the north *glacis* (slope) of the Battery merited preservation, and in 2004 the scheduled area was subsequently extended by English Heritage (EH) as far north as Forder Stream.

1.118 The application site does not lie within a conservation area and contains no listed buildings. Two Grade II listed buildings, Fursdon Farmhouse and Barn are located some 250m to the northeast of the development site. It is considered by officers that the setting of these listed buildings will not be adversely affected by the proposed development.

I.119 In considering the impact of the development upon the setting of Bowden Battery, the adjoining Scheduled Ancient Monument, officers gave due consideration of the framework set by government policy, in this instance the NPPF, Core Strategy Policy CS03 and the Submission Draft Derriford and Seaton AAP Policy DS03.

I.120 Section 12 of the NPPF, entitled Conserving and Enhancing the Historic Environment provides guidance for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets. Overall, the objectives of Section 12 of the NPPF can be summarised as seeking the:

- (i) Delivery of sustainable development;
- (ii) Understanding the wider social, cultural, economic and environmental benefits brought by the conservation of the historic environment;
- (iii) Conservation of England's heritage assets in a manner appropriate to their significance, and
- (iv) Recognition that heritage contributes to our knowledge and understanding of the past.

I.121 Section 12 of the NPPF recognises that intelligently managed change may sometimes be necessary if heritage assets are to be maintained for the long term. Paragraph 128 states that planning decisions should be based on the significance of the heritage asset, and that level of detail supplied by an applicant should be proportionate to the importance of the asset and should be no more than sufficient to review the potential impact of the proposal upon the significance of that asset.

I.122 Core Strategy Policy CS03 advises that the Council will safeguard and where possible, enhance historic environment interests and the character and setting of areas of acknowledged importance, including amongst others, scheduled ancient monuments.

I.123 Derriford and Seaton AAP Policy DS03 advises that development proposals should support the contribution that the historic assets can make to enhancing Derriford's unique character and identity by increasing their visibility and accessibility. With respect to Bowden Battery Glacis it states that this "should be managed sympathetically as part of the Community Park".

I.124 Officers are satisfied that through the submitted Environmental Statement, adequate assessment and consideration has been given to the setting of the scheduled ancient monument.

I.125 Officers agree with the conclusions within the submitted Environmental Statement, that there will be a potential low adverse visual impact on the setting of Bowden Battery, as both the battery and its glacis currently look out to rural views which have been largely unchanged since the monument was built in the second half of the 19th Century.

I.126 However, the proposed development will be sympathetically designed to ensure that this visual impact is minimised and no new development will take place within 160m of the edge of the glacis.

I.127 Management of the country park will also ensure that the setting of the glaxis will not be adversely affected and consideration will be given to using the country park and One Planet Living Centre to increase awareness of the Battery.

I.128 On this basis, officers are satisfied that the proposed development will have no direct impact on any designated heritage asset and will have no more than a minor adverse visual impact on the setting of the Bowden Battery Scheduled Ancient Monument. When weighed against the wider public benefits of the proposal as identified within this report, the development is therefore considered to accord with the policy and provisions of the NPPF, Core Strategy Policy CS03 and Derriford and Seaton AAP Policy DS03.

The ability of the development to address local housing need

I.129 The site is located within the Northern Growth area of the City, as identified in the Local Development Framework Core Strategy, and is of strategically important scale in terms of potential housing delivery for the City.

I.130 Plymouth has an agenda to grow and as part of this there is a priority to increase housing supply including affordable housing. Affordable housing need within the City is very high, due to low income levels compared to house prices, a situation that is exacerbated by current financial insecurity in the wider economy. Consequently, individuals and families seeking to enter the housing market for the first time are being adversely affected and housing waiting lists are also increasing. In June 2013 there were more than 10,000 households on Plymouth's housing register.

I.131 New residential led mixed use development will make a valuable contribution to the City's growth agenda, while also meeting the City's housing need through the provision of affordable and open market housing.

Housing Mix

I.132 The site straddles two neighbourhood boundaries. On the west side, the site lies within Derriford West and Crownhill neighbourhood area and on the east side, the site is located within the Estover /Glenholt and Derriford East neighbourhood. The 2011 census profile of information for these neighbourhood areas shows that in Derriford West and Crownhill there is 13% affordable housing and in the Estover/Glenholt and Derriford East there is 18% affordable housing. Both areas are below the city average of 20% affordable housing.

I.133 In terms of the creation of sustainable communities within the Core Strategy (Policy CS01), the proposed housing mix for this site includes both smaller houses, terraced properties and flats within the housing mix, which will tend to appeal to the younger age groups and families. This will help to ensure balanced and sustainable population profiles are created. In addition, if there are elderly people in the neighbourhood who wish to downsize (perhaps to a more fuel efficient property) this may result in the release of some under-occupied larger properties to the housing market. A condition is recommended to ensure that each phase of the development includes a sufficient mix to ensure that the respective phase delivers sustainable development. The proposed housing mix is therefore supported.

Affordable Housing Quantum/ Viability

1.134 Within the Core Strategy, CS15 sets out the requirement of at least 30% affordable housing provision (subject to viability assessment). It is in the context of the City's extremely high levels of affordable housing need that all development viability assessments are considered.

1.135 Applying Core Strategy policy CS15 to the development proposal at the outline planning application stage needs to remain in the form of percentage requirements, where total dwelling numbers are yet to be determined. The application states total residential numbers are up to 873 dwellings and based on this, 30% affordable housing level would equate to 262 affordable housing units. However, at this outline stage, it would be practical to operate the affordable housing requirements based on percentages.

1.136 In accordance with adopted planning policy, discussions have taken place on the grounds of development viability issues which have arrived at an offer by the applicant to provide 20% affordable housing. This affordable housing offer has been tested on development viability grounds and is considered to be sufficiently robust to warrant commending it to members as a basis to conclude s106 clauses for on-site affordable housing provision.

Affordable Housing Quality

1.137 In addition to the quantum of affordable housing, it is important to ensure the quality of affordable housing delivery. The affordable housing and Planning Obligation Supplementary Planning Document (second review) amplifies the requirements of affordable housing policy CS15 within the Core Strategy.

Representative Mix

1.138 The proposed affordable housing mix which has been discussed is outlined below and is considered to be broadly representative of the overall housing mix likely to be delivered by the outline development.

AFFORDABLE HOUSING AT 20% of overall dwelling numbers (Minimum of 175 units to be affordable)

Affordable housing mix breakdown

TYPE	PERCENTAGE
1/2 Bed Flat	14% (Minimum of 24 units)
2 Bed House	36% (Minimum of 63 units)
3 Bed House	40% (Minimum of 70 units)
4 Bed House	10% (Minimum of 18 units)
	100% (Minimum of 175 units)

1.139 The affordable housing mix percentages will be secured by condition and as part of the S106 Obligation clauses.

Tenure

I.140 A mix of tenures should be incorporated with the preference being for the provision of rent (social and affordable) and shared ownership (intermediate) at a ratio of 60:40, which are specified in the S106 Obligation clauses.

Dwelling Sizes

I.141 The proposed units appear to broadly comply with Housing Association standards, although a more detailed check would be required in the process of negotiating a sale agreement with the Registered Provider, under the terms of the S106.

I.142 Locations of affordable housing proposed will need to be reasonably well dispersed, although small clusters of up to 12 Affordable housing units are likely to be acceptable given the scale of the proposed development.

Parking

I.143 Proportionate parking allocation will be required for the affordable housing units.

Service Charge

I.144 Through the S106 clauses, a capped level of service charge is required for the Affordable Housing units to ensure total housing cost affordability, as per the Planning Obligation and Affordable Housing Supplementary Planning Document (SPD) (Second Review).

Disabled housing and Lifetime Homes:

I.145 The National Planning Policy Framework requires that all aspects of local housing need are assessed in order to form a basis for local housing policy provision. Plymouth has identified (both through its Housing Register and Housing Market Needs Assessment) that it has high levels of un-met housing need for households which include physically disabled people. Negotiations have taken place with the applicant regarding the provision of eight of the affordable dwellings to be provided as fully adapted disabled specification dwellings (4 houses and 4 flats). This enhancement to the affordable housing package has been agreed by the applicant, to be incorporated into the S106 requirements, and forms a significant enhancement (additionality) to the affordable housing provision for this site.

I.146 Within the Core Strategy, Policy CS15 requires that 20% of all new dwellings built within Plymouth shall be constructed to Lifetime Homes Standards. Lifetime Homes 'Habinteg' Standards allow for the future proofing of all new dwellings and should be considered desirable in all cases.

I.147 The Provision of 20% Lifetime Homes will be required to comply with the policy through planning. These units should be provided in both the open market and affordable properties in order to allow purchasers of the open market properties the opportunity to buy Lifetime homes.

Conclusion - Affordable Housing and Lifetimes Homes

I.148 Officers have welcomed the engagement with the applicant to support and enhance the development of the affordable housing offer and ensure that both the Council's and applicant's aspirations of a sustainable community are delivered. A

negotiated affordable housing and specialist housing solution has been proposed (as outlined above) which is considered to be acceptable and is therefore recommended for approval subject to appropriate clauses being imposed within the S106 Obligation.

The impact of the development upon greenspace, wildlife and biodiversity.

I.149 The Seaton Neighbourhood will include the development of an area of greenspace in the north of the City that currently consists of inaccessible farmland. To comply with Core Strategy policies CS18 (Greenspace) and CS19 (Wildlife), the application needs to demonstrate that it will deliver improved quality and quantity of accessible greenspace and a net gain in biodiversity. This should be delivered by designing in important wildlife features, reducing impacts and ensuring that unavoidable impacts are appropriately mitigated for and providing an overall enhancement for biodiversity. These Core Strategy policies are considered to be consistent with the NPPF, in particular para. 9 which sets out the objective of net gain in biodiversity, and para. 74 which sets out circumstances where a general presumption against loss of exist open space may be acceptable.

I.150 The application responds positively to the requirements of the Core Strategy by:

- The provision of over 38ha of land (currently owned by the applicant) and a financial contribution towards the delivery of Derriford Community Park which will provide a significant accessible green space resource for the City;
- The submission of high quality wildlife surveys that informed the design of the neighbourhood and the Park;
- The submission of a deliverable wildlife mitigation and enhancement strategy that will result in a net gain in biodiversity.

I.151 Although an area of green space will be lost as a result of development, the application complies with Core Strategy Policies CS18 and CS19 by delivering a significant quality improvement in terms of greenspace function and wildlife value. Furthermore, greenfield development in this location was clearly anticipated by Policy AV9 (Area Vision 9) with its accompanying diagram. Without the development of the adjacent greenspace for the Seaton Neighbourhood the delivery of Derriford Community Park would not be possible.

I.152 The application site comprises almost 68ha made up of habitats including grassland [48ha], woodland [13ha], scrub [3ha], marshland [0.6ha] and orchards [0.2ha].

Surveys

I.153 This application has been subject to the Environmental Impact Assessment process. A series of surveys have taken place at the site since 2005 to establish the current wildlife interest on the site and the potential impacts of the proposed scheme. The site has been the subject of a full Extended Phase I Habitat Survey and the following protected species surveys: bats, badgers, reptiles, dormice, breeding birds and hedgerows have been undertaken. These surveys have been reviewed and

it can be confirmed that they provide an appropriate level and quality of information to inform the application. The surveys highlighted the following important features:

- At least 8 species of bats have been recorded on the site and a high level of activity was recorded during the surveys. Rare species such as Barbastelle, Lesser Horseshoe and Greater Horseshoe were recorded;
- Two badger setts were recorded;
- Reptiles have been recorded in the extensive grasslands;
- No dormice are present on site;
- A total of 24 bird species were recorded breeding on site, only one of these [House Sparrow] is on the Red List;
- The invasive Japanese Knotweed was identified on site.

Enhancements

1.154 Officers have worked with Natural England and the developer to negotiate significant nature conservation enhancements over and above those proposed when the scheme was originally submitted. These enhancements include:

- Creation of a Community Park [which will be passed to the Council to be managed cooperatively with partners];
- Creation of over 15ha of species rich grassland [wildflower meadows];
- Creation of over 1 mile of species rich hedgerows;
- Enhancement of 1 mile of existing hedgerows;
- Creation of over 1ha of orchard;
- Enhancement of 3ha of woodland;
- The delivery of new corridor features to allow bats to commute across the site;
- Enhancement of one building for roosting bats.

1.155 The application is accompanied by Construction Environment Management Plan [CEMP] framework which establishes the principles for protection measures for pre-construction, construction and post-construction phases of the development. This will include updated surveys for bats, badgers, reptiles and otter; creation of a badger sett and limiting lighting levels. A condition is recommended to be placed on the application to ensure finalised CEMPs are submitted prior to each stage of the development commencing.

1.156 It is recommended that Ecological Management Plans will be pre-commencement conditions to ensure that ecological features both within the development footprint and within the new Community Park are managed appropriately for wildlife in perpetuity.

1.157 Officers and Natural England are now satisfied that these measures will lead to sufficient protection for protected species and deliver net biodiversity gain across the site in line with:

- Core Strategy Policy CS19 which states that 'development retains, protects and enhances features of biological interest, and provides for the appropriate management of these features'

- The NPPF paragraph 109 which states that ‘The planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible’
- The NPPF paragraph 118 which states that ‘opportunities to incorporate biodiversity in and around developments should be encouraged’

Greenspace

1.158 Officers are satisfied that this development will comply with Core Strategy Policy CS18 [Greenspace] which states that ‘development proposals will improve the quality and quantity of accessible greenspace’. Whilst the development will result in a loss of greenspace quantity, it will provide open access to a large area (38.67 HA) of previously privately owned land and improve the quality of the greenspace.

1.159 The planning application area is currently private farmland which is inaccessible to the public. The greenspace value of the land is therefore limited to landscape amenity and wildlife value. Although a portion of this greenspace is to be lost to facilitate the development of the Seaton Neighbourhood, the remaining area will be enhanced to improve the quality and value of this greenspace site. The development will result in 38.67ha of land being leased to the Council and a financial contribution that will initiate the delivery of Derriford Community Park.

1.160 The delivery of Derriford Community Park will enable access to be opened up across the site, the development of the One Planet Centre and Community Farm which will include community food growing areas and places for play, relaxation and recreation. The development will not fund the complete delivery of the Park, as detailed in the Masterplan, but will make a significant contribution to this significant Green Infrastructure project.

1.161 Due to the contribution the development is making towards the delivery of Derriford Community Park and the consequential increase in greenspace quality the loss of a green space quantity is deemed to be acceptable. The development will result in an improvement to the quality and quantity of accessible green space and therefore complies with Core Strategy policy CS18.

Retention of Significant Trees and Hedgerows

1.162 It is noted that there are a number of significant and well established trees within the site. The benefit of retention of these features is that they add identity, maturity and a sense of community to the proposed new neighbourhood through a continuity link with the past. They are also considered to have a high nature conservation value that cannot adequately be mitigated for in the short or medium term. In design terms, without such features, new developments can often be left as a bland, featureless massing of roofs and brickwork, punctuated by trees of lesser merit that are frequently less robust.

1.163 There is significant policy backing for the retention of significant and well established trees. The NPPF in paragraph 118 states that: “*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats including ancient woodland and the loss of aged or veteran trees found outside ancient*

woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss”

I.164 Core Strategy Policy CS18 (4) relates to the Council ‘Using its planning powers to safeguard important trees and hedgerows’, there is also a legal duty under Section 197 of the Town and Country Planning Act 1990 to make adequate provision for the preservation (and planting) of trees when granting planning permission by imposing conditions and making Tree Preservation Orders.

I.165 Core Strategy Policy CS18 (2) Requires development proposals to improve the quality and quantity of accessible greenspace where appropriate; This can be applied to these historic hedgebanks and their retention as features in the proposed new neighbourhood.

I.166 Whilst it is noted that this application reserves all matters for future approval, indicative layout plans indicate that some key trees could be removed if these layout plans are later submitted as proposed layout at Reserved Matters.

I.167 Accordingly a condition is recommended to ensure that the details submitted through the Reserved Matters process make adequate provision for the retention and protection of key and significant trees and that there is more retention of hedgebanks, or at least sections of hedgebanks containing special veteran trees of note, wherever possible.

Habitats Regulation Assessment (HRA)

I.168 A Habitats Regulation Assessment was carried out for this development and concludes that the development will not have a significant effect on the integrity of the European Marine Site. Natural England has confirmed that it agrees with the conclusions of the HRA.

Green Infrastructure Contributions

I.169 In order to meet the reasonable costs of the new infrastructure made necessary by the proposal. The development will be required to contribute to the delivery of strategic infrastructure, to enable cumulative impacts of developments to be managed in a sustainable and effective way and support the delivery of the City Vision. A development of this scale would be required to contribute the following financial amounts (before viability assessment work):

Infrastructure Provision	Amount
Local Green space	£493,805
Children's play space	£324,044
Playing pitches	£895,746
Strategic Green space	£1,101,359
Total	£2,814,953

I.170 As part of the application, land for the delivery of Derriford Community Park will be provided by the applicant that has a land value that can be deducted from this contribution figure.

I.171 The land to be leased to the Local Authority for the creation of the Park will include:

Poole Farm - £300,000; The Community Park land itself illustrated on Masterplan SK-130710 Rev C (45ha/111 acres) - @£6000/acre = £666,000.

Total = £966,000.

I.172 The overall required contribution amount minus value of the land for the Park would therefore equate to £1,848,953

I.173 Due to the importance of delivering the Park and the viability issues of the development, it is proposed that this development does not contribute to Playing Pitches. Therefore the Green Infrastructure Contribution for the Park is proposed as £1,848,953 - £895,746 = £953,208 towards local green space, children's play space and strategic play space.

I.174 This should be provided early in the development to ensure that the Park is available for the new community. Phasing of the payments is proposed as:

- 50% prior to commencement of development = £476,604.
- 50% 2 years after commencement of development = £476,604.

I.175 It is important that the payments are made on calendar years from the commencement of development rather than linked to a phase of development. The development of Derriford Community Park will commence once the land is made available. Enabling community access to this site will be delivered at an early stage with a phased approach to access provision within the Park. The Council therefore requires complete certainty over the availability of the development contributions to enable this work to be delivered. Once access is enabled, shutting the Park would be impossible. The provision of these contributions therefore need to be linked to calendar years rather than to phases of the development.

Biodiversity Contribution

I.176 The development will result in a loss of:

- 33.5ha of improved/semi-improved grassland;
- 0.8ha of Unimproved neutral grassland;
- 1.9ha ephemeral
- 0.7ha of scrub;
- 0.35ha of woodland;
- 277m of hedgerow.

I.177 To make the development acceptable, significant mitigation is required. This will include the following provision within the community park:

- Planting an orchard;
- Delivery of 15ha of unimproved neutral grassland;
- Enhancement of 3ha of broadleaved woodlands.

I.178 The management of these features will be essential to gain the biodiversity value needed to mitigate and compensate for the impacts of the development. The applicant has provided the costs related to the delivery of these improvements. Below are the figures that are needed to manage the Park and the phasing of the

payment. Figures are taken from the Landscape Ecology strategy with an assumption that 5ha of the grassland will be cut and the remaining areas will be grazed. The total cost for implementing and delivering the mitigation/compensation works = £514,090

I.179 This will need to be provided at the following stages:

- On hand-over of the land – £218,446 towards grassland management, retained woodland management and new planting, hedgerow enhancement, planting and management, orchard planting and management and bat and bird box management.
- One year after hand-over of the land – £139,837 towards grassland management, retained woodland management and new planting, hedgerow enhancement, planting and management, orchard planting and management and bat and bird box management.
- Five years after hand-over of the land – £155,807 towards grassland management, retained woodland management and new planting, hedgerow enhancement, planting and management, orchard planting and management and bat and bird box management.

I.180 These figures only relate to management of features within the Park and do not include the maintenance of green spaces within the development area or for the maintenance of sustainable urban drainage systems that may need to be installed within the Park. These costs do not cover any mitigation works needed for the future road link.

Other Issues

I.181 Devon and Cornwall Police Architectural Liaison Officer is opposed to the planning proposal in its current design and layout on the basis that no reference is made in any of the submitted documents explaining how the developer will be complying with council policy CS32 – Designing Out Crime. Further, there is no mention either of ‘Safer Places’ - The Planning System and Crime Prevention, nor any mention of building to Secured By Design standards.

I.182 The application is an Outline planning application with all matters reserved with respect to the core residential and commercial development. A condition is therefore recommended to ensure that the development complies with Core Strategy Policy CS32.

I.183 Third party concerns regarding loss of private views and impact of the development upon neighbouring resident’s house values is not a material planning consideration.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant’s reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Local Finance Considerations

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the proposal. Each planning obligation sought has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010, to enable appropriate mitigation of the impacts identified above.

The details of the Heads of Terms are set out below:

1. Community Park - Upon signing of the agreement the applicant shall grant a 999-year lease to the Council with regards all land and buildings required for the Community Park the details of which shall have been previously submitted to LPA.
2. Affordable Housing – Minimum of 175 units to be affordable - this represents 20% of the total number of units for each and every phase. The affordable housing mix shall be delivered on a representative formulaic basis. For illustrative purposes, on the basis of the current application, this can be broken down as follows:

<u>TYPE</u>	<u>PERCENTAGE</u>
1/2 Bed Flat	14% - minimum 24 units
2 Bed House	36% - minimum 63 units
3 Bed House	40% - minimum 70 units
4 Bed House	10% - minimum 18 units
	100% - minimum 175 units

3. A clause is required to ensure eight affordable units are constructed so as to be fully adapted to disabled specification (4 houses and 4 flats) split over the two phases.
4. A clause is required to ensure a mix of tenures is incorporated over the two phases, with the preference being for the provision of rent (social and affordable) and shared ownership (intermediate) at a ratio of 60:40,
5. A capped level of service charge is required for the Affordable Housing units to ensure total housing cost affordability, as per the Planning Obligation and Affordable Housing Supplementary Planning Document (SPD) (Second Review).

6. A clause is required with regards the developer being required to fund the post of the Residential and Commercial Travel Plan Co-ordinator's as follows:-

(i) The Residential Travel Plan Coordinator shall be appointed 3 months prior to first occupation of any residential unit on Phase A1 and shall remain in post until 1 year following the last occupation of any residential unit on Phase A2.

(ii) The Employment Travel Plan Coordinator shall be appointed 3 months prior to first occupation of the commercial floor space on Phase A1 and shall remain in post until 1 year following the last occupation of any commercial unit / floor space in Phase A2.

7. Transport Contributions

A transport contribution totaling £3,371,600 is required. This can be broken down as follows:

Travel Planning:-

(i) £125,000 contribution to create a Car Club. Payment trigger is on occupation of the 100th dwelling. The trigger date is based upon securing enough of a critical mass of development to support the Car Club which shall operate for a minimum of 3 years.

(ii) £25,000 contribution to Public Transport Infrastructure (Boarder, Shelter and Real Time Public Information) to be provided at the top of the section of the Link Road being constructed by the developer. Payment trigger is upon commencement of development and as it is unclear as to when during Phase A1 this section of highway will be constructed, funding is requested upfront so that the Public Transport infrastructure can be factored into the highway works from the outset.

(iii) £750,000 contribution to Subsidised Bus Service. Payment triggers are £375,000 upon occupation of 100th dwelling. Second payment of £375,000 within 18 months of receipt of first payment. The reason for the phasing of the funding is that a balance needs to be struck between getting enough of a critical mass to support such a service yet not introducing it so late that resident's travel patterns are established. As funding will support a service for 5 years, delaying the first payment would extend the service up to Summer 2020.

(iv) Monthly Travel Passes (Both Residential and Commercial required):

a) Residential – Total £57,000 contribution towards Monthly Travel Pass (Residential).

Phasing payment trigger is £22,750 within 6 months of the commencement of development (Phase A1) and second payment of £22,750 towards Monthly Travel Pass (Residential) prior to commencement of the second development phase A2. This payment needs to be received prior to commencement of the subsidised bus service so passes can be allocated to residents as the service starts.

- b) Commercial – Total £43,400 contribution towards Monthly Travel Pass (Commercial B1).

Phasing payment trigger is £5,400 within 6 months of the commencement of development (Phase A1 passes) and second payment of £38,000 prior to commencement of Phase A2. The payment needs to be received prior to commencement of Subsidised Bus Service so that passes can be allocated to staff as the service starts.

- (v) £46,200 contribution towards Travel Plan Admin Costs.

Payment trigger is £23,100 within 6 months of the commencement of development. Second payment of £23,100 prior to commencement of Phase A2. This contribution has been calculated on the basis of the cost of an information pack (£30) for each property and employee residing at or working on the site. However expenditure will not be restricted to just supplying Travel Information Packs and shall be used by the TP Coordinator as they see fit (website set-up etc).

- (vi) Strategic Transport - £2Million contribution towards Forder Valley Link Road and related transport improvements to mitigate the strategic transport impacts of the development.

First payment of £1Million trigger is upon occupation of the 100th house on Phase A1, a second payment of £1Million trigger is required within 18 months of receipt of first payment or upon occupation of the 200th house on Phase A1 (whichever is sooner). The contribution will then need to be spent within 10 years from the date of receipt.

- (vii) Local Highway Improvements –

Section 278 Agreement required - £300,000 contribution towards Improvements on the Local Highway Network, these include a scheme of improvements at Derriford Roundabout (2016/2017) and part of that scheme includes extending the capacity of the right turn into William Prance Road from the A386. Modelling work undertaken in support of the application identifies the need for such in order to facilitate development traffic. To ensure that this funding is included within this scheme it is considered justified that this contribution be secured early. The payment trigger is therefore upon commencement of development.

- (viii) £25,000 contribution towards a Bus Lane Enforcement Camera on Colborne Road in order to provide suitable measures to restrict the use of Colborne Road to buses only. Securing this with a Traffic Regulation Order only would not be an affective measure. The payment trigger is upon occupation of the 100th dwelling (to tie-in with the subsidised bus service).

8. Education Contribution:

On 1 August 2013, £4,394,672 funding for the delivery of a two form entry primary school was granted. This is estimated to be enough to cover the cost of the school but not the land purchase. This is a material planning consideration when considering

the precise level of contribution required to mitigate the impacts of the development.

The Council is currently considering an acquisition of land through the Capital Programme in order to deliver the school.

In discussions with the Education Authority it has been agreed that in light of the above grant funding, a financial contribution of £731,561 is required towards meeting the primary education needs of the development through provision of a new primary school or increasing the capacity of nearby existing schools payable upon commencement of Phase I of the development. The contribution is based on the standard formula applied to the percentages of house types within the overall development. The figure represents the Primary contribution for phase I of the development (350 homes).

The Education Authority confirms that no secondary school contribution is required because there is sufficient secondary school capacity to accommodate the development.

9. Green Infrastructure Contribution:

Total payment of £953,208 towards local green space, children's play space and strategic play space.

Phasing of the payments is proposed as:

- 50% prior to commencement of development = £476,604.
- 50% 2 years after commencement of development = £476,604.

It is important that the payments are made on calendar years from the commencement of development rather than linked to a phase of development.

10. Biodiversity Contributions:

Total payment of £514,090 required. Phasing of the payments is as follows:

- On hand-over of the land – £218,446 towards grassland management, retained woodland management and new planting, hedgerow enhancement, planting and management, orchard planting and management and bat and bird box management.
- One year after hand-over of the land – £139,837 towards grassland management, retained woodland management and new planting, hedgerow enhancement, planting and management, orchard planting and management and bat and bird box management.
- Five years after hand-over of the land – £155,807 towards grassland management, retained woodland management and new planting, hedgerow enhancement, planting and management, orchard planting and management and bat and bird box management.

11. Public Protection - Air Quality

A contribution is required totalling £4,195 towards air quality assessment and monitoring. This is required to assess the impact of the development on air quality inside the application area and on adjoining areas where air quality has been identified as being already poor such as the adjoining Air Quality Management Area on Tavistock Road. This is payable upon commencement of development.

12. S106 Management Fee

In accordance with the Planning Obligations and Affordable Housing SPD (Second Review), a Planning Obligation Management Fee will be payable on the signing of Section 106 agreements to meet the Council's costs in administering and implementing the agreement. The level of fee is reviewed on an annual basis and published in Planning Services Fees Policy (see <http://www.plymouth.gov.uk>). This calculates that the management fee (based on £2.69 per gross internal floor area of development) and with an average house size of 85 sqm @ 873 residential units and 11,000 sqm commercial floorspace would equate to £229,201.

On this basis, this S106 package of measures demonstrates that the development will meet the reasonable costs of the new infrastructure made necessary by the proposal. It will contribute to the delivery of strategic infrastructure, to enable cumulative impacts of developments to be managed in a sustainable and effective way and support the delivery of the City Vision.

Community Infrastructure Levy

The provisional Community Infrastructure Levy liability (CIL) for this development is £2,434,020. This information is based on an estimate of the proposed floorspace contained in the submitted appraisal.

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development at each phase of reserved matters. The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. The liable party should check the current rates at the time planning permission first permits development see www.plymouth.gov.uk/cil for guidance.

It is noted that the affordable housing element is likely to comply with the social housing relief conditions. If social housing relief is applied for and given for 20% of the new dwellings, at the current rate it would equate to a reduction of £486,810, and a therefore a final CIL liability of £1,947,210.

There is no qualifying demolished floorspace.

New Homes Bonus

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended Section 70 of the Town and Country Planning Act 1990. This development, if fully built, will generate a total of

approximately £8,341,986 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Equalities and Diversities Issues

The delivery of 873 homes will provide a good range, mix and type of housing that will benefit the local community and provide adequate accommodation to meet the needs of the growing population. The mix and delivery of affordable and lifetime homes will support an inclusive community. The housing numbers and mix proposed as part of this development will have a beneficial impact on all equality groups.

Through the creation of mixed-use developments, the new community will have the opportunity to walk or cycle to their place of employment. This could lead to a reduction in car use and positively contribute towards healthy lifestyles to the benefit of all equality groups.

The proposed delivery of an additional 8000 sq m of employment floorspace within the development proposal will create job opportunities that could benefit all equality groups.

The delivery of retail facilities will help to create a sustainable new community, providing opportunities for residents and employees to reduce the need to travel and shop locally. The retail provision will add to the services in the Derriford and Seaton area and will support all equality groups within the growing population

Through the proposed improvements to the local highway network and the proposed enhancements to the City's public transport network, accessibility to and through the Derriford and Seaton area will benefit all equality groups.

The Community Park will benefit all equality groups; it will be a great resource for education, health and exercise through the creation of new routes through the park. It could also have a beneficial impact on community cohesion and help to strengthen the existing community in this part of the City. The Community Park will also provide a highly valued recreational resource for all of the people in Plymouth. The One Planet Centre will provide a focus for community events. Food growing opportunities in the Community Park could allow the whole community to become involved and benefit from this citywide resource.

Conclusions

The application site is located in an area which is identified in the adopted Core Strategy, and submission Derriford and Seaton Area Action Plan, for significant regeneration and development.

The application includes 873 residential units that will provide a mix, range and type of housing that has been demonstrated to meet local housing needs including 20% affordable housing, together with the delivery of a new community park that will support the creation of a diverse and inclusive community, and become an

environmental, social and educational asset and resource for communities in and around Plymouth.

Officers consider that the development will not have a significant adverse impact on the appearance and character of the area nor upon neighbouring properties and through the sensitive design of the development at Reserved Matters stage, this impact can be minimised and need not be significantly adverse.

The impact of the development upon the highway network is considered to be acceptable taking into account the recommended planning conditions and Section 106 Obligation set out within the officer's report. The application will also enable the sustainable delivery of all planned developments in Derriford by including a new link road to connect Brest Road and the junction of Forder Valley Road and Novorossiysk Road (Known as the Forder Valley Link Road).

Officers are satisfied that the proposed development will have no direct impact on any designated heritage asset and will have no more than a minor adverse visual impact on the setting of the Bowden Battery Scheduled Ancient Monument.

On balance, the development is considered by officers to be fully supportable in terms of the policies and provisions of the National Planning Policy Framework, adopted Core Strategy and submission Derriford and Seaton Area Action Plan.

The principle of the development is therefore supported.

Recommendation

It is recommended that the application be granted conditional planning consent subject to satisfactory completion of the Section 106 Obligation. Delegated Authority is sought to refuse the planning application if the S106 Obligation is not signed by the 31st January 2014.

Recommendation

In respect of the application dated **09/11/2012** and the submitted drawings Illustrative Masterplan SK-130710 Rev C, Indicative Sections 07710 L03.02 and 07710 L03.01, Block Reference Plan 07710 L01.03, Application Boundary 07710 L01.02, Landscape Ecology Strategy 07710 L04.01 Rev A, Mitigation Areas 07710 L01.06 Rev A, Viewpoints 1-5 (illustrative Purposes only), Landscape Strategy L04.01 Rev A, Indicative Street Hierarchy Fig 11.8 Rev A, Zone of Visual Influence and Topography Plan Fig 11.10 Rev A, Zone of Visual Influence and Viewpoints Plan Fig 11.9 Rev A, Transport Assessment and Addendum June 2013, Travel Plan Rev B July 2013, Seaton Neighbourhood Habitats Regulations Assessment August 2012, Ecological Impact Assessment March 2013, Indicative Building Heights Plan Fig 11.7 Rev A, Topography Plan Fig 11.5 Rev A, Illustrative Masterplan Fig 11.3 Rev A, Application Area Plan Fig 11.2 Rev D, Existing Vegetation Plan Fig 11.13A Rev A, Detailed Landscape Character Fig 11.12 Rev A, Environmental Impact Assessment and Regulation 22 Information, Sustainability Assessment, Planning Statement and Design and Access Statement.,it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31st January 2014.**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: Illustrative Masterplan SK-130710 Rev C, Indicative Sections 07710 L03.02 and 07710 L03.01 (illustrative Purposes only), Block Reference Plan 07710 L01.03 (illustrative Purposes only), Application Boundary 07710 L01.02, Landscape Ecology Strategy 07710 L04.01 Rev A, Mitigation Areas 07710 L01.06 Rev A, Viewpoints 1-5 (illustrative Purposes only), Landscape Strategy L04.01 Rev A, Indicative Street Hierarchy Fig 11.8 Rev A (illustrative Purposes only), Zone of Visual Influence and Topography Plan Fig 11.10 Rev A, Zone of Visual Influence and Viewpoints Plan Fig 11.9 Rev A, Transport Assessment and Addendum June 2013, Travel Plan Rev B July 2013, Seaton Neighbourhood Habitats Regulations Assessment July 2013, Ecological Impact Assessment March 2013, Indicative Building Heights Plan Fig 11.7 Rev A, Topography Plan Fig 11.5 Rev A, Illustrative Masterplan Fig 11.3 Rev A, Application Area Plan Fig 11.2 Rev D, Existing Vegetation Plan Fig 11.13A Rev A, Detailed Landscape Character Fig 11.12 Rev A, Environmental Impact Assessment and Regulation 22 Information, Sustainability Assessment, Planning Statement, Design and Access Statement (with exception of phasing detail) and Design Code.

Reason:

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

APPROVAL OF RESERVED MATTERS

(2) Approval of the details of means of access, appearance, layout, scale and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

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

SUBMISSION OF RESERVED MATTERS

(3) Plans and particulars of the reserved matters referred to in condition (2) above, relating to the means of access, appearance, layout, scale and landscaping of each and every phase of the development, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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

TIME LIMIT FOR SUBMISSION

(4) Application for approval of the reserved matters of Phase I shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Except where otherwise agreed previously in writing with the Local Planning Authority, the applications for the approval of Reserved Matters which relate to the remaining development within Phase II shall be submitted to the LPA within six years from the commencement of development of Phase I.

All subsequent Reserved Matters shall be submitted to the LPA no later than 10 years from the date of the commencement of development of Phase I except where otherwise agreed in writing with the Local Planning Authority.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and the need to phase the development in the interests of public safety, convenience and amenity.

PHASING

(5) No subsequent phase of development hereby permitted shall be commenced until an application for approval of the reserved matters relating to that phase of development has been submitted to and approved in writing by the LPA.

Reason:

To allow the development to be built out in a phased manner consistent with conditions 1, 2 and 6 and to ensure that the development proceeds in a satisfactory manner to comply with policies CS01, CS18, CS20, CS28, CS30 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 (CS).

PHASING 2

(6) As part of the first reserved matters application, a detailed phasing plan for the whole site shall be submitted to the LPA for approval in writing. The phasing plan shall include details of the individual parts of the strategic infrastructure within the site including the highways, footways, cycleways, accesses for pedestrians, cyclists, buses and vehicles, surface water drainage, green infrastructure, play-spaces . The strategic infrastructure shall be implemented in accordance with the approved details and phasing.

Reason:

To ensure that the necessary strategic infrastructure is in place at the appropriate time as the development is built out in phases to ensure that the development proceeds in a satisfactory manner to comply with policies CS01, CS18, CS20, CS28, CS30 and CS34 of the Core Strategy, policy DS05 of the Derriford and Seaton AAP and the provisions of the NPPF.

TIME LIMIT FOR COMMENCEMENT

(7) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

SUSTAINABLE RESOURCE USE

(8) An energy strategy for the whole site shall be submitted to and approved in writing by the Local Planning Authority in advance of the first application for Reserved Matters, setting out how all the relevant reserved matters areas shall meet a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable or low carbon energy production methods. This will include an investigation of low carbon community heating or district energy solutions.

This shall be accompanied by full details demonstrating how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable or low carbon energy production methods shall be provided for each phase of the development in accordance with these details prior to the first occupation of the respective phase of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

The energy strategy will be reviewed and amended (with the approval of the Council) prior to the commencement of the development in subsequent reserved matters applications.

Reason

To comply with policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF.

SECURE BY DESIGN STANDARDS

(9) The reserved matters submissions for each phase of the development shall include details of a scheme detailing how the principles and practices of the 'Secured By Design' scheme are to be incorporated into the development. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of creating safer and sustainable communities in accordance with The National Planning Policy Framework and Local Planning Policy CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

CODE OF PRACTICE DURING CONSTRUCTION

(10) No development shall take place on any phase of development, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the LPA for that phase of development. The approved

Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction; and
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

For the avoidance of doubt, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing, piling and noisy operations, control of mud on roads and the control of dust.

The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

CONTAMINATED LAND

(11) Unless otherwise agreed by the Local Planning Authority, development of each phase of development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, work on that phase of development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site for each phase of the development. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land

- groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

For each phase of the development, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme for each phase of the development shall be carried out in accordance with its terms prior to the commencement of that phase of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development

Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

(12) No development shall take place on any phase of development until a detailed Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the LPA for that phase of development. This Plan shall include details of all permits, contingency plans and mitigation measures that shall be put in place to control the risk of pollution to air, soil and controlled waters, protect biodiversity and avoid, minimise and manage the productions of wastes with particular attention being paid to the constraints and risks of the site. The development shall be carried out in accordance with the Construction Environment Management Plan.

Reason

To ensure that adequate measures are put in place to avoid or manage the risk of pollution or waste production during the course of the development works in the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS22 and CS34 and Government advice contained in the NPPF.

ECOLOGICAL MANAGEMENT PLAN

(13) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to commencement of development, a detailed Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority and ecological features will be managed in perpetuity in accordance with the agreed provisions. For the avoidance of doubt, the EMP will cover full management prescriptions for both the development area and the Countryside Park.

For the avoidance of doubt, the EMP must be supported by up-to-date ecological survey data.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or

attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

Reason:

To ensure that trees or hedgerows are protected during construction work and thereafter are properly maintained, if necessary by replacement in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

ARBORICULTURAL METHOD STATEMENT

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

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (12) 2007 and Government advice contained in the NPPF.

LANDSCAPE DESIGN PROPOSALS

(16) No development shall take place on any phase of development until full details of both hard and soft landscape works and a programme for their implementation for that phase of development have been submitted to and approved in writing by the LPA and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant

specification including handling, planting, seeding, turfing, mulching and plant protection]. Detailed sections shall be submitted at a minimum scale of 1:20 specifying tree planting pit proposals. The landscape works shall proceed in accordance with the approved scheme.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

SOFT LANDSCAPE WORKS

(17) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

LANDSCAPE WORKS IMPLEMENTATION

(18) All hard and soft landscape works shall be carried out in accordance with the approved details. The works for any phase of development shall be carried out prior to the occupation of any part of that phase of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

LANDSCAPE MANAGEMENT PLAN

(19) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

DETAILS OF EARTHWORKS

(20) No development shall take place until details of earthworks for each phase of the development have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and modelling of the land areas including the levels and contours to be formed, showing the relationship of the proposed modelling to existing levels and contours, vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

DETAILS OF TREE PLANTING

(21) The plans and particulars of the landscaping works submitted in accordance with condition 16 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

TREE REPLACEMENT

(22) For each phase of development, if within a period of five years from the date of the occupation of the last building within that phase of the development or from the planting of any tree within that phase, that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and are subsequently properly maintained, if necessary by replacement and Government advice contained in the NPPF.

DETAILS OF ENCLOSURE AND SCREENING

(23) No development shall take place on any phase of the development until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used on that respective phase. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

TREE / HEDGEROW / GREENSCAPE PROTECTION

(24)) Notwithstanding the details submitted, applications for Reserved Matters approval within any Reserved Matters Areas shall be accompanied by full details of the landscaped areas, trees and hedgerows to be retained (which shall include the existing land to be designated as community parkland and the key trees and/or hedgerows to be retained within the site and on the boundaries of the site) shall be identified and agreed in writing by the Local Planning Authority (LPA) together with details for protection with appropriate fencing. The location of fencing and a programme for its provision and retention shall be approved in writing by the LPA. Fencing for the protection of any retained trees or hedgerows shall be undertaken in accordance with [Section 8 of BS5837:2005 (Guide for Trees in relation to construction)]. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made within those areas, without the written consent of the LPA. The scheme shall be carried out in accordance with the approved details.

Reason:

To protect plants and features of landscape and ecological value in accordance with CS18 and policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

DETAILS OF DEVELOPMENT/COMMUNITY PARK INTERFACE

(25) Unless otherwise previously agreed in writing with the Local Planning Authority, a detailed plan of the interface between the Development and the Community Park will be submitted for approval at each Reserved Matters Stage.

For the avoidance of doubt, unless otherwise agreed previously in writing with the LPA, the minimum distance between the development and the edge of the woodland block on the south east corner of the development shall be 46m.

Reason

To ensure a high quality and functional interface between the Community Park and the development is achieved at each stage in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

PROTECTION OF COMMUNITY PARK

(26) Unless otherwise previously agreed in writing with the Local Planning Authority no construction activity of any type including the storage of materials, or site compounds relating to the development of the site (excluding those required for development activity related specifically to the creation of the community park) shall be permitted to occur within the boundary of the Community Park as illustrated on Masterplan SK-I30710 Rev C.

Reason

In the interests of the protection of the quality of the Community Park, retention and protection of wildlife and features of biological interest in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

STREET DETAILS

(27) No development in any Reserved Matter Area shall commence until details of the design, layout, levels, gradients, materials, street lighting, parking areas, and method of construction and drainage of all roads, cycleways and footways forming any part of the Reserved Matter Area, have been submitted to and approved in writing by the Local Planning Authority. No dwelling or commercial/business unit shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

ACCESS

(28) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

SERVICE ROADS

(29) No dwelling or building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

ACCESS/HIGHWAY IMPROVEMENTS

(30) No development shall take place until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

DRIVEWAY GRADIENT

(31) No driveways to any of the proposed dwellings hereby permitted shall be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable off street parking facilities are provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

MAXIMUM CAR PARKING PROVISION

(32) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 1780 cars to be parked (727 in phase A1 and 1053 in phase A2).

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

CYCLE PROVISION - NON RESIDENTIAL

(33) None of the commercial or retail floor space in either phase A1 or A2 shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 82 bicycles to be securely parked (11 spaces in phase A1 and 71 in phase A2) along with the provision of further visitor cycle parking spaces. The secure areas for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling to staff and visitors to the commercial and retail units as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. and Government advice contained in the NPPF.

DETAILS OF PEDESTRIAN AND CYCLE LINKS

(34) No development shall take place on any phase of the development hereby permitted until details of the pedestrian and cycle links linking that area of the proposed development to existing infrastructure and residential areas have been submitted to and approved in writing by the Local Planning Authority and those links shall thereafter be delivered in accordance with Condition 26 (Street Details).

Reason

To ensure that an appropriate and safe pedestrian and cycle network is provided in the interests of highway safety and to encourage the use of such modes of transport as an alternative to the private car in accordance with Policies CS28 and CS34 of the

Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

DETAILS OF NEW JUNCTION

(35) Development shall not begin on any phase of development until details of all new and improved junctions proposed to serve the development have been approved in writing by the Local Planning Authority; and no part of the site shall be occupied until that particular junction which provides access to it has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

DELIVERY OF THE HIGH STREET

(36) No development shall take place on any part of Phase A1 until details relating to the design, construction and timing of delivery of the High Street section of Forder Valley Link Road (FVLR) shown on Illustrative Masterplan SK-130710 Rev C (including its' signal controlled junction with William Prance Road) have been submitted to and approved in writing by the Local Planning Authority. Construction of the High Street shall be in accordance with the approved details, and that section of the FVLR shall be delivered in accordance with Condition 27 (Street Details) and to a programme to be approved in writing by the Local Planning Authority.

Reason

To ensure that the High Street section of the FVLR is delivered during the early stages of Phase A1 of the development in order to provide a safe and satisfactory means of access to the development for all road users in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

CYCLE PARKING STRATEGY - RESIDENTIAL

(37) Details of the bicycle parking and/or secure bicycle storage for each phase of development shall be submitted to and approved in writing by the LPA before any dwelling or building within that phase of development is occupied.

The bicycle parking and/or secure bicycle storage for each phase of development shall be provided in accordance with the approved details before any dwelling or building within that phase of development is occupied.

The bicycle parking areas and secure areas for storing bicycles shown on the approved details shall remain available for their intended purpose.

REASON

In order to promote cycling as an alternative to the use of the private car in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

CAR PARKING MANAGEMENT STRATEGY

(38) Prior to the occupation of any of the residential, commercial or retail units on phase A1, a Car Parking Management Strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The said Strategy shall provide information in relation to the allocation and use of all car parking areas across the site and measures that will be implemented to control the use of those spaces.

REASON

To ensure that the level of car parking provided and the use of those spaces is properly controlled in order to support the aims and objectives of the site-wide Travel Plan in securing a greater level of modal shift towards the use of sustainable modes of transport and hence reduce the number of single occupancy car journeys being made on the highway network in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

LOADING AND UNLOADING PROVISION

(39) Before any of the commercial or retail floor space is first brought into use, adequate provision shall be made to enable goods vehicles associated with such uses to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority and thereafter those areas shall not be used for any other purpose unless an alternative area can be provided with the prior consent of the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(40) The construction of the development hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted no less than 3 months prior to the start of construction works on-site and shall include details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors car parking arrangements. The construction of the development hereby permitted shall be carried out strictly in accordance with the approved CTMP.

Reason

To ensure that the traffic impacts associated with the construction phase of the proposed development does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

TRAVEL PLAN

(41) No dwelling house, maisonette, duplex, flat or commercial/business use within any phase of development shall be occupied until Travel Plans for both the Residential and Employment uses have been submitted to and approved in writing by the LPA not less than 3 months after commencement of construction of any building on any phase of the development. The said TP's shall seek to encourage residents, staff and visitors to use modes of transport other than the private car to get to and from the development. It shall also include:

- a. the final targets for modal shift as to be agreed by the Local Planning Authority and based upon agreed trip rates for the development;
- b. measures to control the use of permitted car parking areas in accordance with the Car Parking Management Strategy;
- c. details of the measures and initiatives that will be implemented in order to encourage the use of sustainable modes of transport as an alternative to the private car, including the provision of car club with a minimum of two designated parking spaces;
- d. the name, position and contact details of the persons who are responsible for their implementation (TP Coordinator's) who shall be in post not less than 3 months prior to the first occupation of any of the buildings on the site to which the TP's relate (Residential or Commercial) and whom shall be employed for a period of up to 1 year beyond the occupation of the last commercial or residential unit on Phase A2.
- e. provisions of monitoring and reporting arrangements related to stages of the development and in terms of monitoring shall include the provision of automatic traffic counters in locations to be agreed by the LPA;
- f. surveys of staff travel patterns to be compliant with monitoring systems operated by the LPA such as 'i-Trace'.

The TP shall be fully complied with from the date of first occupation of the building/s to which the TP relates.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

TRAVEL PLAN COORDINATOR

(42) Three months prior to first occupation of any residential unit on Phase A1, a Residential Travel Plan Coordinator shall be appointed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, and shall remain in post until one year following the last occupation of any residential unit on Phase A2.

Three months prior to first occupation of the commercial floor space on Phase A1, an Employment Travel Plan Coordinator shall be appointed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, and

shall remain in post until 1 year following the last occupation of any commercial/business unit on Phase A2.

Reason:

To ensure that both the Residential and Employment Travel Plans are properly managed and administered in accordance with the documents approved under Condition 40 (Travel Plan) in order to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

HIGHWAY PHASING PLAN

(43) No development shall take place on any phase of the development hereby permitted until a detailed phasing plan of the highway infrastructure has been submitted to and approved in writing by the Local Planning Authority. The said plan shall detail which sections of highway infrastructure are due to come forward and at what time within the overall development programme.

Reason:

To ensure that an appropriate and safe means of access is provided for all users of the highway in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

PHASE 2 HIGHWAY WORKS

(44) No works shall commence on the residential development on land adjoining and to the North of Poole Farm within Phase A2 until the Highway works (including the provision of a dedicated right turn lane and localised road widening on Forder Valley Road) have been constructed in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Such approved details shall be strictly adhered to during the course of development and thereafter so retained and maintained in order to provide a suitable means of access to the area of residential development adjacent to and to the north of Poole Farm.

Reason:

In order to ensure a suitable and safe means of access is provided to the area of residential development adjacent to, and to the north of, Poole Farm in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

GRAMPIAN CONDITION - FORDER VALLEY LINK ROAD

(45) No works shall commence on the second phase of the development (identified as A2 on the submitted phasing plan) until the remainder of the Forder Valley Link Road has been constructed so that there is a continuous route for use by all modes of transport from the High Street section of the Link Road (being provided as part of phase A1 of the development) through to Forder Valley Road as indicated on the approved phasing plan Illustrative Masterplan SK-I30710 Rev C.

Reason:

In order to improve accessibility of the site by non-car modes and avoid conditions which would lead to increased queuing and congestion at a number of key junctions on the A386 Northern Corridor which would lead to increased public transport journey times and therefore be contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the provisions of the NPPF.

SURFACE WATER DISPOSAL

(46) Any subsequent Reserved Matters planning application shall be supported by a detailed surface water drainage design. This design shall be submitted to and agreed in writing by the Local Planning Authority and shall incorporate measures to manage flood risk to the appropriate standard and manage water quality utilising sustainable drainage techniques. The approved details shall be implemented before the buildings hereby permitted are first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features, to ensure that the proposed surface water drainage scheme is adequate to serve the proposed development and not increasing flood risk or degrading water quality in the receiving watercourse. in accordance with Policies CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

EXTERNAL MATERIALS

(47) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

SURFACING MATERIALS

(48) No development shall take place until details of all materials to be used to surface external areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

FOUL DRAINAGE

(49) No development of any phase shall commence until the details of a foul drainage strategy for each and every phase has been submitted to and agreed in writing by the

LPA. The approved details shall be strictly adhered to during the course of development of each phase and thereafter maintained and retained.

Reason:

To ensure adequate foul drainage infrastructure to accommodate the new development is provided in accordance with Policies CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

CONSTRUCTION STAGE DRAINAGE

(50) Prior to the commencement of development, or each phase of development a scheme to dispose of surface water run-off during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To prevent flooding by ensuring the satisfactory management of surface water from the site during construction and to prevent pollution of controlled waters in accordance with Policies CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

FINAL DRAINAGE SCHEME DESIGN

(51) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management for the whole site has been submitted to and approved in writing by the LPA. The details shall include:-

- (i) details of the drainage during the construction phase;
- (ii) details of the final drainage scheme;
- (iii) provision for exceedance pathways and overland flow routes;
- (iv) a timetable of construction;
- (v) a construction quality control procedure;
- (vi) a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the LPA that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal in accordance with Policies CS21 and CS34 of the Plymouth

Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

BUILDING NEAR WATERCOURSE AND WATERCOURSE CROSSINGS

(52) Any subsequent Reserved Matters planning application which involves development within 10m of a watercourse shall be supported by clear plans that detail the construction and foundation details of the proposed development. This design shall be submitted to and agreed in writing by the Local Planning Authority. The approved design shall be strictly adhered to during the course of development.

Reason:

To ensure that the proposed development will not impact on the floodplain of the watercourse or its nature corridor in accordance with Policies CS21 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

ARCHAEOLOGICAL INVESTIGATION

(53) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme and in accordance with other such details as may subsequently be agreed in writing by the Planning Authority.

Reason:

To ensure the adequate investigation and recording of any archaeological remains and that the proposed works do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

NOISE

(54) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB Laeq for living rooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Details of the sound insulation verification methodology including the identification of the appropriate test properties and subsequent sound insulation verification results for each phase or part of a phase of the development shall be submitted to and approved in writing by the LPA before any dwelling or building is occupied in that phase or part of that phase of development. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply

with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF.

LIFETIME HOMES

(55) Applications for Reserved Matters approval within any Reserved Matters Areas shall be accompanied by full details demonstrating how the proposed development will deliver 20% of residential units to Lifetime Homes criteria and showing how each of these dwellings meets all of the criteria for Lifetime Homes.

Reason:

To ensure that 20% of the dwellings on site are built to Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF.

RETAIL FLOORSPACE PROVISION

(56) Unless otherwise previously agreed in writing with the Local Planning Authority, prior to occupation of the 200th residential unit within phase A1, the commercial uses within Phase I (A1, A2, A3, A4, A5 and BI Uses) shown on illustrative Masterplan SK-130710 Rev C shall be completed in locations fronting onto William Prance Road to be submitted within the Reserved Matters submission.

Unless otherwise previously agreed in writing with the Local Planning Authority, prior to occupation of the 300th residential unit within phase A2, the commercial uses within Phase A2 (A1, A2, A3, A4, A5 and BI Uses) shown on illustrative Masterplan SK-130710 Rev C shall be completed in locations to be previously submitted within the Reserved Matters submission for the respective phase.

Reason:

In order to provide an acceptable form of sustainable development of an appropriate scale and function, to comply with policies CS01, CS06, CS07, CS08, CS12 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and policies and provisions of the NPPF.

RETAIL FLOORSPACE RESTRICTION

(57) Unless otherwise agreed previously in writing with the Local Planning Authority, the gross internal floor area of any commercial unit within Use Class A1, A2, A3, A4 or A5 of either phase I or II including any mezzanine levels shall not exceed 500m² and the commercial units shall comprise a mix of Class A1, A2, A3, A4, A5, and BI uses the details of which shall be provided through Reserved Matters submission and shall be located in accordance with illustrative drawing number Masterplan SK-130710 Rev C.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that order with or without modification), the gross retail floorspace of any unit hereby approved shall not be physically enlarged, extended, or reduced in any way within the envelope of the buildings in which they are located, at any time, unless prior approval for any such change has been obtained in writing from the Council.

For the avoidance of doubt, the gross commercial floorspace of any unit shall not be reduced or subdivided in any way nor shall any additional floorspace be created by the addition of additional floors or additional mezzanine levels

Reason:

To ensure that the development is appropriate in scale and function and without detriment to the vitality and viability of district and local centres in the locality in accordance with CS08 and CS34 of the adopted City of Plymouth Core Strategy 2006-2021 and provisions of the NPPF.

RESTRICTION ON PERMITTED CHANGES OF USE

(58) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no change of use of the proposed BI or AI units to a use falling within Classes C3 (Dwelling Houses) shall be carried out without the prior consent in writing of the Local Planning Authority.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate, but that a proposal to use the premises for any other purpose would need to be made the subject of a separate application to be considered on its merits in accordance with Policies CS01 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and provisions of the NPPF.

OPENING HOURS

(59) Unless otherwise agreed previously in writing with the Local Planning Authority, the AI and A2 uses hereby permitted shall not be open to customers outside the following times: 0800 hours to 2000 hours Mondays to Saturdays inclusive and 1000 hours to 1700 hours on Sundays and Bank or Public Holidays.

Unless otherwise agreed previously in writing with the Local Planning Authority, the A3, A4 and A5 uses hereby permitted shall not be open to customers outside the following times: 0800 hours to 2300 hours Mondays to Saturdays inclusive and 1000 hours to 2200 hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HOURS OF DELIVERY AND COLLECTION

(60) Unless otherwise agreed previously in writing with the Local Planning Authority, deliveries and collections to and from any commercial unit (Class A1, A2, A3, A4, A5 or BI) shall be restricted to the following times:

Monday to Saturday - 08:00 to 18:00hrs

Sundays and Bank Holidays - No deliveries or refuse collections.

Reason:

To protect the residential and general amenity of the area from disturbance from noise related to the commercial units at unreasonable hours and avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the policies and provisions of the NPPF.

INFORMATIVE: CONDITIONAL APPROVAL

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

INFORMATIVE: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(3) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: ROADWORKS

(4) Any of the road works included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: TRAVEL PLAN

(5) The document required in connection with the Travel Plan should be based upon the Council's guidance for Travel Plans published on the Council's website and should, where possible, be created using iTRACE, an online travel plan management tool available through Plymouth Transport and Infrastructure. The applicant is advised to contact Plymouth Transport and Infrastructure prior to preparation of this document for site-specific advice on the requirements for the Travel Plan, which are likely to include:

- (a) appointment and contact details of a Travel Plan Coordinator
- (b) recommendation of the use of iTRACE
- (c) site specific targets, measures and management/monitoring plan.

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PLANNING APPLICATION REPORT



ITEM: 06

Application Number: 13/01103/FUL

Applicant: ALDI Stores Limited

Description of Application: Demolition of former laundry building and repair and conversion of former Greenbank Prison (and Annexe) to provide 65 self contained student flats, construction of 1,410m² foodstore (A1 use) with associated access off Greenbank Road, parking and landscaping

Type of Application: Full Application

Site Address: LONGFIELD HOUSE, GREENBANK ROAD PLYMOUTH

Ward: Efford & Lipson

Valid Date of Application: 19/07/2013

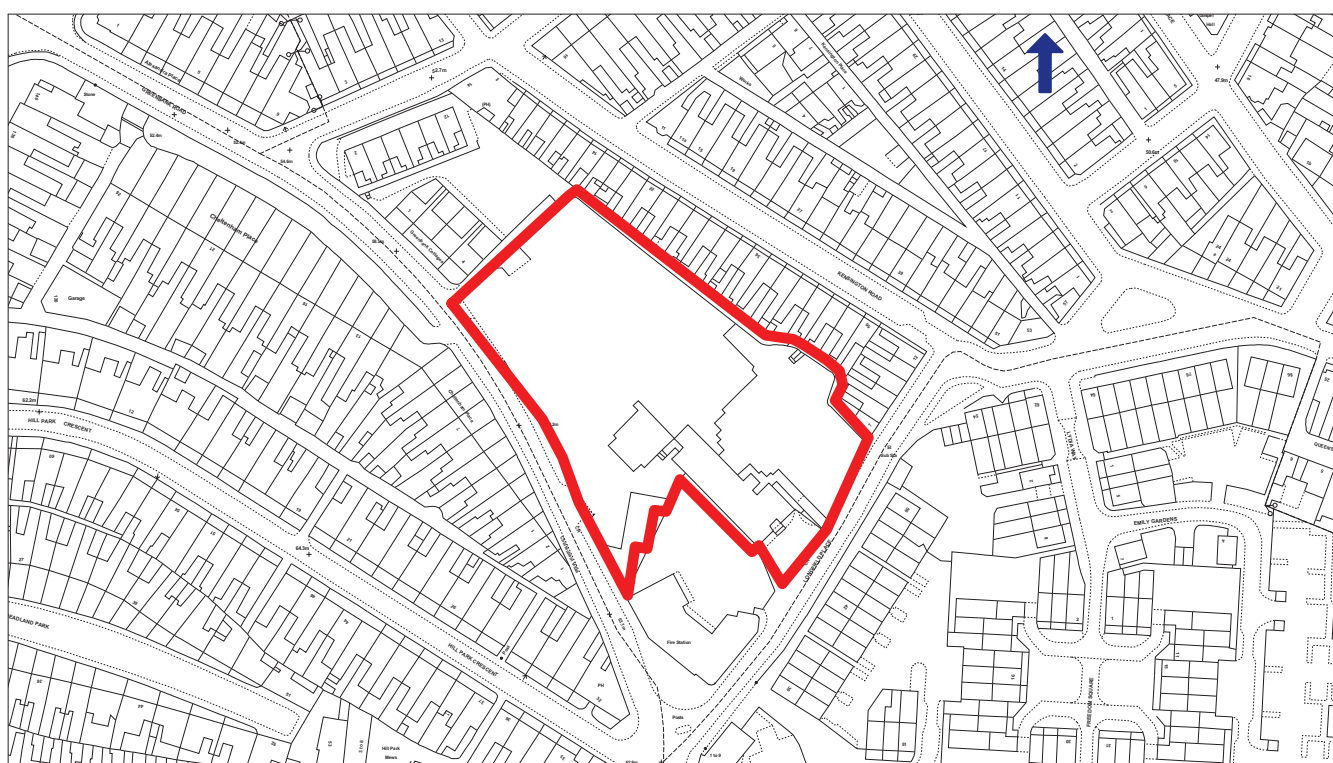
8/13 Week Date: **15/11/2013**

Decision Category: Major - more than 5 Letters of Representation received

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



OFFICER'S REPORT

Site Description

The former Greenbank Prison is a Grade II listed building dating from 1849, designed by Fuller and Gingell. The building historically had a crucifix plan form, consisting of a central block with three projecting wings. The north and east wings have since been demolished, but the external appearance of the building has retained much of its original character. The south wing was originally used as cells for women prisoners. The interior was extensively remodelled in the 1930s as part of the conversion to a police station. At the same time changes were made to the exterior of the building with a new entrance created on the Longfield Place elevation.

Having lain empty and been partially demolished prior to listing in 2007, it has been subject to vandalism, arson, extensive damage by water, and it is now full of dead vermin and guano as well as broken glass and rubbish. Its condition is now so bad that there has been a significant internal collapse within the tower area due to the level of rot caused by water ingress. It has been identified as a building at risk because of the poor condition it has deteriorated into.

The building is positioned facing, but set back from, Greenbank Road, with a secondary entrance off Longfield Place. The site borders Greenbank Road to the south, Longfield Place to the east, the rear of Kensington Road to the north and Greenbank Cottages to the west. The fire station lies adjacent to the site in the south-east corner. A large former laundry building occupies the north-east corner of the site. The north-west side of the site is empty and has become derelict and overgrown. The former prison wall remains intact for large parts of the site boundary. The owner (Aldi) also owns a section of land to the north-west of the site to the rear of Greenbank Cottages, but this does not form part of the development site. There is a considerable difference in ground levels between the site and the residential properties that back onto it from Kensington Road, which are set down.

The site is located adjacent to the Mutley Plain District Centre (about 200m to the north-west), although it is surrounded by residential properties. It is approximately a 15 minute walk to the University and 20 minutes to the City Centre. The site sits on the crest of the hill that rises up from the junction of Mutley Plain and Greenbank Road.

Proposal Description

Demolition of former laundry building and repair and conversion of former Greenbank Prison (and Annexe) to provide 65 self contained student flats, construction of 1,410m² foodstore (A1 use) with associated access off Greenbank Road, parking and landscaping.

Pre-Application Enquiry

The Council provided pre-application advice (MA/403/PRE). The Council advised that the proposal for a retail unit would require a sequential site assessment that is based on the site as an out of town location. The Council also advised that a retail impact assessment should be carried out. The proposal to convert the prison into student accommodation would be acceptable in principle in this location, being close to the University and local amenities. Feedback was given on the conversion of the

building and on the demolition of the laundry building. Subject to a Heritage Statement and full recording, it was agreed in principle to the demolition. It was noted that archaeological works would need to be undertaken across the site prior to any development as this area may contain the remains of Civil War fortifications. In relation to the design of the retail unit and boundary treatment, it was advised that as much of the original stone prison wall as possible should be kept and restored. It would be unlikely that a standard design for an Aldi store would be acceptable in this location. The elevation facing Greenbank Road should be entirely glazed in order to provide an acceptable relationship with the street. Pedestrian access from Longfield Place through the site could be formed by using an existing access point. Pedestrian crossing improvements at the junction of Mutley Plain/Alexandra Road and Greenbank Road would be required. Adequate car parking and cycle parking for the student flats would be required (11 car parking spaces) plus car parking for the food store, and turning provision for HGVs. A noise assessment will be required to protect the amenity of residents of Kensington Avenue and a management plan for the student flats would also be required. The laundry building should be fully recorded prior to demolition.

Relevant Planning History

99/01121/OUT – Residential development to include the conversion and lateration of the former laundry building into flats and houses – permitted.

99/01122/FUL – Erection of retail food store, alterations and conversion of clock tower to form offices with associated vehicle and pedestrian access, car parking and servicing areas – refused (on the grounds of unsatisfactory pedestrian links between the site and Mutley Plain).

00/01348/FUL – Erection of retail food store, alterations and conversion of clock tower to form offices with associated vehicle and pedestrian accesses, car parking and servicing areas – refused.

02/00819/FUL – Erection of retail food store, alterations and conversion of clock tower to form offices with associated vehicle and pedestrian access, car parking and servicing areas – refused (on retail and highway grounds). The appeal (N1160/A/03/1121679) was dismissed. (The Inspector found that the site did not represent a good edge of centre site as it had poor linkages to the district centre. He was also concerned that the store would negatively impact on the viability of Mutley Plain).

10/01538/LBC – Retention of works to secure building including steel sheeting to ground-floor openings and wooden boarding to first-floor openings – permitted.

13/01104/LBC - Demolition of former laundry building and repairs, internal alterations and conversion of former Greenbank Prison (and annexe) to provide 66 self-contained student flats – under consideration.

Consultation Responses

The Public Protection Service notes that the proposed development is located close to existing residential properties and are likely to be disturbed during site construction works. A condition is required for a Code of Construction Practice to

control any nuisance arising from the works. It also recommends a condition requiring a management plan be submitted for the management of the student flats. Land quality conditions are also recommended to require further ground investigations to be undertaken before construction starts on site. A noise condition is recommended for the mechanical equipment at the rear of the store. A condition regarding delivery hours is also recommended.

The Victorian Society has been consulted because the application involves the proposed demolition of a listed building. It supports the principle of development but is of the view that there are elements that would cause harm to the setting of the listed building. The position of the supermarket would encroach on views from the west. It would prefer to see the supermarket set back further from the street. The free-standing sign proposed would have a detrimental effect and should also be set back or re-sited. The historic building would benefit from a clearer division between it and the store and parking area.

English Heritage has been consulted because of the proposed demolition of the laundry building. It accepts the principle of demolition of the laundry building but would like to see the original perimeter wall to be retained in-situ. Where the laundry is attached to the main listed building, the methodology for its removal and making good the walls of the prison building should be agreed with the Council's Historic Environment officer. English Heritage would like to see the original scale and height of the perimeter wall restored in front of the central block of the prison. They recommend that the subdivision of the Magistrate's Court should be carried out carefully with the advice of the Council's Historic Environment officer. They recommend that the application be determined in accordance with national and local policy guidance.

The Highway Authority has no objection to the application, subject to conditions. The site has a long planning history. In relation to previous applications the Council has considered that the provision of a safe pedestrian crossing facility at the southern end of Mutley Plain is necessary to ensure that pedestrians travelling between the proposed store and Mutley Plain would have a safe means of access. This location has a high level of pedestrian injury accidents and is considered a priority site in terms of highway safety. A previous application for an Aldi supermarket on the site (ref 02/00819/FUL) was refused planning permission for a number of reasons including a transport reason relating to the requirement of the development to provide safe pedestrian crossing facilities at Mutley Plain/Greenbank Road junction. During the course of that appeal a suitable scheme for providing safe crossing at this point was agreed with the applicant and PCC withdraw its highway reason for refusal.

In relation to this application it is considered that crossing facilities to connect the store to Mutley Plain and North Hill are required and the applicant has undertaken to provide such crossing facilities if planning permission is granted. Officers have sought information to demonstrate that the traffic impact of the store can be accommodated on the surrounding highway network through the supporting documentation and Transport Assessment. In addition, considerable work has been submitted by the applicant to demonstrate that the provision of pedestrian facilities at the junction of Mutley Plain/ Greenbank Road / Alexandra Road will not

compromise the operation of that junction which carries significant volumes of traffic and is an important bus corridor. It is considered that a scheme can be provided which would allow pedestrians leaving the store to cross Greenbank Road and Alexandra Road to access Mutley Plain as well as provide considerable benefit to existing pedestrian movements between Mutley and North Hill. It is not feasible to provide controlled pedestrian crossings on the North Hill arm of the junction while a crossing point for the Mutley Plain arm could impact on the overall operation of the junction. However, the applicant has also agreed to provide a pedestrian refuge on North Hill and a controlled crossing of Greenbank Road in the vicinity of the store entrance.

The site includes the provision of 84 car parking spaces for use by supermarket staff and customers. This accords with the Council's parking standards for A1 retail. In relation to the student accommodation, 8 parking spaces and drop off area are proposed including 6 spaces accessed off Longfield Place. It has been requested by PCC that given the pressures on on-street car parking in the Greenbank area that further spaces be provided in the supermarket car park which would be largely empty during off peak periods when the demand for on street car parking would be highest. The applicant has stated that this is unacceptable to Aldi but has agreed to provide a further 5 car parking spaces within their car park for students to use. This would require a modification to the proposed car park management scheme proposed by the applicant. Residents at the site would be excluded from the Residents Car parking scheme which is in operation in the adjacent streets. A covenant restricting vehicle ownership by students at the site would also be in operation It has also been requested that the applicant provide two charging points for electric vehicles in accordance with NPPF policies aimed at encouraging use of electric vehicles. The applicant has stated that he cannot agree to such a request on viability grounds. Such a Condition has therefore been omitted. Cycle parking, and suitable loading facilities will be provided within the site. It is suggested that the redundant vehicle access points particularly at the western end of the scheme on Greenbank Road, be reinstated as footway and barriers removed, a Condition is suggested.

The Private Sector Housing Service has no objection to this application. It notes that the design and layout is reflective of much modern student accommodation. All of the room sizes exceed the minimum standards for a self-contained unit under the Housing Act (13 sq m excluding bathrooms and corridors) and therefore is not considered to be a licensable HMO.

Representations

18 letters from local residents have been received.

Three letters offer full support for the scheme. One is in support of the student accommodation and one is in support of the retail unit.

The other letters raise the following concerns:

- The area will be overrun with students
- The students will add to parking and noise problems
- Mutley Plain already has 5 supermarkets and doesn't need another store

- Aldi has made no effort in recent years to maintain the land within their ownership adjacent to the site. It has become overgrown and caused damage to the retaining wall at the rear of Kensington Road.
- The students will add to the parking pressures in the area.
- The site is not suitable for student accommodation.
- There will be a detrimental impact on the residents of Greenbank Cottages who use the adjacent driveway for parking.
- The Aldi store is out of character with the listed building
- Concerns over the structural stability of the retaining wall at the rear of Kensington Road, the design of the lighting in the car park, site security, noise from the external mechanical plant and delivery lorries.

Analysis

1. A Planning Committee site visit has been conducted for this application.
2. The following planning considerations are relevant for this application: principle of retail use, principle of student accommodation, highways and parking, standard of accommodation, landscaping and biodiversity, renewable energy, impact on residential amenity, loss of employment land and creation of employment. The following policies are relevant to these considerations: CS08, CS22, CS34, CS05, CS15, CS20, CS18 and CS19 as well as the NPPF. Guidance in the Development Guidelines SPD and Shopping Centres SPD is also relevant. The impact of the proposals on the character and fabric of the listed building and the setting of the listed building are considered in the accompanying application for listed building consent (13/01104/LBC). The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.
3. The proposed site plan shows the demolition of the laundry building to the rear of the prison. This opens up the rear of the site for provision of an 84 space car park including 4 disabled spaces. The proposed new store is positioned in the western corner of the site, with the front elevation roughly in line with the front of the prison entrance. It is set slightly forward of the adjacent Greenbank Cottages.
4. The south-eastern end of the site is occupied by the prison and a detached annexe. The proposal is to convert the prison and the annexe to self-contained student accommodation with a total of 65 self-contained studio flats. The student block will be demarcated from the Aldi store by means of a pedestrian path and low fence to the rear, and contrasting concrete paving stones to the front and side. A cycle store is located adjacent to the student residence annex and a turning circle and drop-off area is shown at the front of the building. The main proposed access to the site runs between the store and the prison.
5. A consultation exercise was carried out by the applicant prior to submitting the application. A one-day stakeholder event and public exhibition was held on the 9th February 2013. A questionnaire was

distributed and 23 were filled out, with a further 16 responses received later. Invited stakeholders included local councillors, neighbouring businesses, local residents and local community groups. Several comments were received in support of the conversion of the listed building and the redevelopment of the derelict site. There was support for the retention of the listed boundary wall and the principle of the Aldi store.

6. The following issues of concern were raised: the impact of the store on local businesses; the need for an improved pedestrian crossing at the junction; concern over pressure on parking; concerns over noise and disturbance from the student accommodation; a preference for market and social housing as opposed to student housing; and further clarification needed concerning noise, security, delivery hours, ecology and air quality.
7. The following amendments to the proposals have been made following discussions with officers and representations by the public: the reduction of number of student flats by one to create a laundry and improve communal space; minor amendments to the layout of some studio flats to improve amenity; redesign of the access and landscaping in front of the prison main entrance to improve the setting and amenity of the student flats; relocation of bin storage to the Longfield Place entrance to improve refuse collection and visual amenity; changes to landscaping of the car park to introduce greenery and trees; changes to works to the listed wall to achieve a better recreation of the former wall height and enclosure; an increase in the number of student car parking spaces from 6 to 11; introduction of solar panels on the roof of the Aldi; and minor changes to the design of the Aldi store.

Principle of retail use

8. Policy CS08 states that new retail development will be supported where it is appropriate in scale and function to its location, complies with the sequential approach to site selection and will not have an unacceptable adverse impact on the vitality and viability of the City Centre and surrounding district and local centres.
9. The proposed store has a gross floor area of 1410 sq m and a retail floorspace of 990 sq m.
10. A Sequential Site and Summary Impact Assessment has been submitted for the Aldi store because the site is outside the designated District Centre. The Aldi store format is to sell a limited range of branded goods. Unlike the larger supermarkets, Aldi does not offer a 'one-stop-shop' meaning that there is an expectation that Aldi customers will have to visit other shops and services to complete their shopping trip. Stores contain a limited amount of non-food floorspace (15 – 20%). The store is therefore likely to generate spin-off trips.
11. Paragraph 24 of the NPPF states that Local Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre. Paragraph 26 requires an impact assessment to be

carried out if the proposed development is over 2,500 sq m or a locally set threshold. Currently Plymouth does not have a local threshold in adopted policy. Therefore, technically the Aldi store does not require an impact assessment; however, the applicant has prepared a summary assessment so that the impact on Mutley Plain and the City Centre can be understood.

12. A further policy consideration is the Shopping Centres SPD (adopted July 2012). This identifies Mutley Plain as a district centre within the city with a viable retail sector with a mix of multiples and independents and a range of commercial uses. There are relatively few vacant units. Growth in Mutley Plain is limited due to the urban landscape of the area, with limited capacity for additional car parking. It benefits from a large walking catchment with many student properties nearby. It is also served by a number of bus routes.
13. The Sequential Site Assessment concludes that there are no suitable alternative sites in the City Centre or Mutley Plain for a store of this type that is of a sufficient size with car parking availability. It notes that Aldi already operates a store at Union Street which serves the central area.
14. The Summary Retail Impact Assessment finds that the impact would be in sale of convenience goods only, however, the level of impact on the vitality and viability of both Mutley Plain and City Centre would be minimal. The main impacts would be on the Morrisons on Outland Road and the Lidl at Wolseley Road, but in both cases this would be a low percentage of their turnover. It concludes that the Aldi proposal has the potential to enhance Mutley Plain as a retail destination due to the potential to generate linked shopping trips.
15. Officers consider that the site can be considered as edge of centre due to the relative proximity to the District Centre. It is accepted that there are no alternative suitable sites in Mutley Plain for a store of this type. Officers consider that there will be some loss of trade to other convenience stores in Mutley, but consider that this is not significant enough to have a detrimental effect on the viability of the District Centre. It is also acknowledged that there may be some benefits to the centre from linked shopping trips. The principle of retail use is therefore accepted, although a condition should be attached to limit sales of comparison goods.

Principle of student accommodation

16. The site is located close to Mutley Plain and within easy walking distance of the City Centre and University. Officers note that concerns have been raised about the increase in student accommodation in the Mutley Plain area. However, officers consider that there is no policy objection in principle to student use in this location, subject to other amenity concerns being considered to be satisfactory.

Impact on the character of the area and the street-scene

17. The south-east elevation of the retail unit (facing towards the prison) has a largely glazed frontage with the entrance to the store and a canopy and

trolley racks. The frames to the windows and doors are powder coated aluminium. As the site slopes gently downwards towards the rear of the site, the building is raised on a stone rubble wall plinth. The height of the store is 5.5m.

18. The north-west elevation (facing towards Greenbank Cottages) sits on the boundary of the site. It is a blank elevation with the prison wall at either end and a plinth of grey brick along the base.
19. The south elevation (facing towards Greenbank Road) sits on a brick plinth as the ground slopes away towards Mutley Plain. The bulk of the frontage is of rendered blockwork with high level windows and floor to ceiling glazing at the northern end adjacent to the entrance. A grey canopy runs for 15m along the frontage.
20. The north elevation (facing the rear of the site) is a blank elevation of rendered blockwork with a dark brick plinth. There is a delivery bay for lorries as well as plant and bin store areas. These will sit below the height of the rear boundary wall to screen them from adjacent residential properties.
21. Officers consider that the store, while functional in design, has responded to the site context to respect the adjacent listed building and the boundary wall. An informative can be added to highlight that this decision does not include advertisement consent for signage. A separate application will be required.
22. A new three-storey extension to the building will be constructed at the rear of the courthouse block on the footprint of the former north wing. It will replace the missing link between the courthouse and the south wing, where earlier demolition has left internal walls exposed to the weather. It is designed to match the appearance of the south wing and to be assimilated into the original fabric of the building. Officers consider that this extension is in character with the rest of the building and will replicate the character of the former north wing.

Highways and parking

23. Policy CS28 states that new commercial development should be provided in locations well served by a variety of modes of travel, including public transport. New developments should also comply with the Council's car parking standards and cycle parking.
24. The application proposes junction improvements at the junction of Greenbank Road, Alexandra Road and North Hill to facilitate links between the store and the District Centre. A pedestrian crossing is also proposed on Greenbank Road adjacent to the site. Within the site, an 84 space car park is proposed. Of these, 5 spaces will be allocated for student use. In addition, 6 dedicated spaces are provided for student parking on the Longfield House elevation.

25. The site has a long planning history. In relation to previous applications the Council has considered that the provision of a safe pedestrian crossing facility at the southern end of Mutley Plain is necessary to ensure that pedestrians travelling between the proposed store and Mutley Plain would have a safe means of access. This location has a high level of pedestrian injury accidents and is considered a priority site in terms of highway safety. A previous application for an Aldi supermarket on the site (ref 02/00819/FUL) was refused planning permission for a number of reasons including a transport reason relating to the requirement of the development to provide safe pedestrian crossing facilities at Mutley Plain/Greenbank Road junction. During the course of that appeal a suitable scheme for providing safe crossing at this point was agreed with the applicant and PCC withdraw its highway reason for refusal.
26. In relation to this application it is considered that crossing facilities to connect the store to Mutley Plain and North Hill are required and the applicant has undertaken to provide such crossing facilities if planning permission is granted. Officers have sought information to demonstrate that the traffic impact of the store can be accommodated on the surrounding highway network through the supporting documentation and Transport Assessment. In addition, considerable work has been submitted by the applicant to demonstrate that the provision of pedestrian facilities at the junction of Mutley Plain/ Greenbank Road / Alexandra Road will not compromise the operation of that junction which carries significant volumes of traffic and is an important bus corridor. It is considered that a scheme can be provided which would allow pedestrians leaving the store to cross Greenbank Road and Alexandra Road to access Mutley Plain as well as provide considerable benefit to existing pedestrian movements between Mutley and North Hill. It is not feasible to provide controlled pedestrian crossings on the North Hill arm of the junction while a crossing point for the Mutley Plain arm could impact on the overall operation of the junction. However, the applicant has also agreed to provide a pedestrian refuge on North Hill and a controlled crossing of Greenbank Road in the vicinity of the store entrance.
27. The site includes the provision of 84 car parking spaces for use by supermarket staff and customers. This accords with the Council's parking standards for A1 retail. In relation to the student accommodation, 8 parking spaces and drop off area are proposed including 6 spaces accessed off Longfield Place. It has been requested by PCC that given the pressures on on-street car parking in the Greenbank area that further spaces be provided in the supermarket car park which would be largely empty during off peak periods when the demand for on street car parking would be highest. The applicant has stated that this is unacceptable to Aldi but has agreed to provide a further 5 car parking spaces within their car park for students to use. This would require a modification to the proposed car park management scheme proposed by the applicant. Residents at the site would be excluded from the Residents Car parking scheme which is in operation in the adjacent streets. A covenant restricting vehicle ownership

by students at the site would also be in operation. It has also been requested that the applicant provide two charging points for electric vehicles in accordance with NPPF policies aimed at encouraging use of electric vehicles. The applicant has stated that he cannot agree to such a request on viability grounds. Such a Condition has therefore been omitted. Cycle parking, and suitable loading facilities will be provided within the site. It is suggested that the redundant vehicle access points particularly at the western end of the scheme on Greenbank Road, be reinstated as footway and barriers removed, a Condition is suggested.

28. Officers consider that the car parking provision and off-site highways improvements proposed are sufficient to meet the needs of the development and enhance pedestrian access to the site from Mutley Plain and surrounding areas, subject to conditions.

Standard of accommodation

29. CS15 states that conversions of properties into flats must provide accommodation of a decent standard and must be of a sufficient size to provide satisfactory levels of amenity to occupiers. The proposal is for create 65 self-contained studio flats: 58 within the prison building and 7 within the Annexe.
30. The proposed conversion of the prison building is as follows:
 31. Basement: south-east end: provide communal area with a communal lounge running the whole width of the wing with two windows in the south side and one in the north. There will be a separate weights room adjacent to the stairs. The north-east end will be accessed from external stairs and will provide five studio flats: three in the new extension (rooms 54, 55 and 56) and two in the original building (rooms 57 and 58). A third room will be converted into a communal laundry. In order to achieve minimum room sizes as required by the Housing Act, part of the original wall within Studio 58 will be removed. The rooms will be accessed off a corridor.
 32. Ground floor: the main entrance will be on the Greenbank Road elevation. The main building will retain the central corridor which will lead to the new extension at the rear. There will be four rooms off either side of the corridor: a stairwell, management office and two studios (13 and 14) off the north-west side and three studios off the south-east side (12, 11 and 10). The corridor will lead into the south wing, and will extend the full length of the building to the Longfield Place entrance. The new extension will contain three studios (15, 16 and 17) while the old wing will contain 16 studios (18, 19, 20, 21, 22, 23, 24 on the northern side and 1, 2, 3, 4, 5, 6, 7, 8, and 9 on the southern side). An exercise room is also provided to the right of the Longfield Place entrance.
 33. First floor: this is accessed from the stairwell at the front as well as the internal stairs at the other end of the south wing. A corridor leads from the top of the front stairs through the court room to give access to the rear extension, which in turn leads to a corridor that runs down the centre

of the south wing to mirror the ground floor. There will be one studio at the front adjacent to the stairwell (37). The courtroom will be subdivided into eight studios (33, 34, 35, 36, 38, 39, 40 and 41). There will be three studios in the new extension (42, 43 and 44) and then a further 17 studios in the old wing (45, 46, 47, 48, 49, 50, 51, 52, 53 on the north side and 25, 26, 27, 28, 29, 30, 31 and 32 on the south side).

34. The courtroom studios are double height with a mezzanine level accessed via spiral stairs. The bedroom and bathroom are at the lower level while the kitchen/living room area is upstairs.
35. The Annexe is a single-storey building dating from the 1930s with an unusual triangular wing and high level windows. It will be converted into 7 studios. Four will be accessed via separate entrance doors (4, 5, 6 and 7) while 1, 2 and 3 have a single entrance door and lobby area. 1, 2 and 3 front directly onto Greenbank Road and have high level windows. Studios 4, 5, 6 and 7 will have level entrances to allow for disabled access.
36. Officers consider that the proposed studios are similar to other student studio flats that have been approved in recent applications. While officers are concerned about the small size of the units, being between 13 sq m and 15 sq m excluding bathrooms, the plans have been revised to increase the amount of communal space (at basement and ground floor level) and to provide a communal laundry. This has resulted in the loss of one unit from the scheme. The studio flats would not be adequate in terms of size or daylight to be occupied as normal flats. A condition can be included to limit occupation of the units to full time students only.
37. The majority of the units will be single-aspect flats. Officers have concerns about two of the units (No. 23 and 51) which will have restricted light and outlook but consider that these should be considered against the wider benefits of the whole scheme.
38. A condition can be included to require a management plan to be submitted for the management of the units in order to protect residents from undue noise and disturbance.

Landscaping and biodiversity

39. CS18 requires development to provide soft landscaping where appropriate. Policy CS19 requires development to give appropriate protection for protected species and seeks to produce a net gain in biodiversity.
40. Landscaping of the site takes the form of small grassed areas and trees. Five trees are proposed along the street frontage and four trees at the rear of the student block. Seven trees are shown in the car park. The existing boundary wall along the rear of the site (at the back of the properties along Kensington Road) will be retained. A service strip of land runs along the back of the wall and the rear of the properties. There is no through access, and a sharp drop in land levels between the site and the adjoining properties. Currently, the strip is poorly managed and overgrown.

Concerns have been raised about the lack of management of this strip of land. There are no proposals shown for this strip, but maintenance can be required by condition. Lighting is shown around the boundary of the site but no details are given of the type of lighting proposed.

41. As the building has been vacant for some years and has fallen into a derelict state there is the potential for nesting birds and bats to be present in the building. A bat and reptile survey has been submitted with the application. The bat survey has identified the presence of bats which will require works to be carried out under a Natural England license.
42. Conditions can request details of landscaping and biodiversity. Details of surface water drainage have not been submitted but can be requested by condition.

Renewable energy

43. CS20 requires developments to promote sustainable use of natural resources, including promoting the use of SUDs and renewable energy.
44. The scheme has been revised to include photo-voltaic panels on the roof of the Aldi building. This now complies with policy CS20, and can be requested by condition. In addition, it is noted that the store is designed with a heat-exchange pump that improves the store's energy efficiency.
45. The external walls of the prison will be lined internally with plasterboard backed insulation to improve the thermal performance of the building. A condition can be attached to require details of works to be submitted.

Residential amenity

46. Policy CS22 protects residents against pollution and nuisance. Policy CS34 also seeks to protect neighbouring residential amenity. The main concerns with this proposal are: impact on on-street parking (this has been dealt with above under highways and parking), noise from the store and deliveries and student use, maintenance of the service strip of land behind the wall, and site security.
47. Officers consider that conditions can be attached to control noise levels. Delivery hours should be restricted to one hour before store opening. An acoustic screen will be constructed around the external plant to reduce any noise from machinery.
48. It is noted that the height of the boundary wall around the majority of the site serves as a visual screen between the site and surrounding area for privacy.
49. Officers consider that site security will be improved through bringing it into use. The student residence will provide natural surveillance over the car park

50. Conditions can be attached to require details of lighting to be submitted to avoid detriment to residents.

Loss of Employment Land and Employment creation

51. Policy CS05 relates to development of existing sites. This states that development for alternative uses will be permitted where there are clear regeneration and sustainable community benefits. Developments that continue to provide for a good range of employment opportunities will be supported.

52. In this proposal the site has been vacant for a number of years and therefore loss of this site is considered acceptable, especially as the new store will create employment on the site.

53. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Local Finance Considerations

A S106 obligation has not been pursued in this instance because Officers consider that the scheme would not be viable if financial obligations were required in addition to the CIL and the junction improvement works. Officers are also mindful that the restoration of the listed building is a community benefit. It should be noted that this scheme is liable to a CIL payment on both the residential and retail elements.

The provisional Community Infrastructure Levy liability (CIL) for this development is £246,540. This information is based on the CIL information form submitted with the application and the submitted breakdown of floorspace.

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. You should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance.

It is noted that the applicant has indicated that they do not intend to apply for social housing relief on the CIL form.

New Homes Bonus.

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £374,140 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Equalities and Diversities

This proposal will provide student accommodation.

Conclusions

For the reasons outlined in this report, being principle of retail use, principle of student accommodation, highways and parking, standard of accommodation, landscaping and biodiversity, renewable energy, impact on residential amenity, loss of employment land and creation of employment, it is recommended to grant conditional approval.

Recommendation

In respect of the application dated **19/07/2013** and the submitted drawings Amendments to site layout including landscaping, bin storage, design of the Aldi store and layout of studio flats

P(1)10 Site location plan; 100295 P(1)21 A Proposed site sections/ elevations (Aldi); P(1)26 A (Prison elevations); P(1)23 A; P(1)22 A; P(1)20 A; P(1)19 A; 100295 P(1)11 Existing site plan; P(1)18 A Proposed site plan; 2354-02-07 Elevations (south-east and north-west); 2354-02-11A Alterations and remedial ground and basement (LBC only); 2354-02-12 Alterations and remedial first floor and roof; 100295 P(1)12 Existing basement plan; 100295 P(1) 13 Existing Ground Floor Plan; 100295 P(1) 14 Existing First Floor Plan; 100295 P(1)15 Existing roof plan; P(1)16 Existing elevations (SW and NE); P(1)17 Existing NW and SE elevations, sections; 2354-02-09 Annexe Existing; 2354-02-07 Elevations (SE and NW); 2354-02-04B Cellar/ Basement floor plan; 2354-02-01 Ground floor plan; 2354-02-02 First floor plan; 2354-02-03 Second floor plan; 2354-02-10 Rev A Annexe proposed; P(1) 24 Aldi store proposed floor plan; P(1) 25 A Aldi store proposed roof plan (with solar panels); DAS; Heritage Statement, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: P(1)10 Site location plan; 100295 P(1)21 A Proposed site sections/ elevations (Aldi); P(1)26 A (Prison elevations); P(1)23 A; P(1)22 A; P(1)20 A; P(1)19 A; 100295 P(1)11 Existing site plan; P(1)18 A Proposed site plan; 2354-02-

07 Elevations (south-east and north-west); 2354-02-11A Alterations and remedial ground and basement (LBC only); 2354-02-12 Alterations and remedial first floor and roof; 100295 P(1)12 Existing basement plan; 100295 P(1) 13 Existing Ground Floor Plan; 100295 P(1) 14 Existing First Floor Plan; 100295 P(1)15 Existing roof plan; P(1)16 Existing elevations (SW and NE); P(1)17 Existing NW and SE elevations, sections; 2354-02-09 Annexe Existing; 2354-02-07 Elevations (SE and NW); 2354-02-04B Cellar/ Basement floor plan; 2354-02-01 Ground floor plan; 2354-02-02 First floor plan; 2354-02-03 Second floor plan; 2354-02-10 Rev A Annexe proposed; P(1) 24 Aldi store proposed floor plan; P(1) 25 A Aldi store proposed roof plan (with solar panels); DAS; Heritage Statement.

Reason:

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

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(2) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CONTAMINATED LAND

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(4) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning

Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(5) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACE WATER DISPOSAL

(6) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning

Authority. The approved details shall be implemented before the buildings hereby permitted are first brought into use.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIGHTING DETAILS

(7) No development shall take place until details of any external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before any building is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

HOURS OF OPERATION

(8) No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times: 07:00 hours to 21:00 hours Mondays to Saturdays inclusive; and 09:00 and 17:00 hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(9) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: hard surfacing materials and planting plans, including the location of all proposed plants their species, numbers, and densities.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MAINTENANCE SCHEDULE

(10) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF TREE PLANTING

(11) The plans and particulars of the landscaping works submitted in accordance with condition 9 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE REPLACEMENT

(12) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and are subsequently properly maintained, if necessary by replacement.

OPENING HOURS

(13) The retail use hereby permitted shall not be open to customers outside the following times: 08:00 hours to 21:00 hours Mondays to Saturdays inclusive and 10:00 hours to 17:00 hours on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MANAGEMENT OF STUDENT ACCOMMODATION

(14) Within one month of the occupation of the accommodation hereby approved, a management plan for the operation of the accommodation, which shall include contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the building or its curtilage and shall include a commitment to keep this information up to date, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall thereafter be adhered to strictly at all times.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETION OF SPECIFIC WORKS

(15) Before the retail unit hereby permitted is first brought into use, the restoration and conversion of the listed building and wall shall be completed in accordance with the approved plans.

Reason:

To ensure that this essential part of the development is provided before the building is brought into use, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW JUNCTION

(16) No development shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the buildings shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MINIMUM CAR PARKING PROVISION

(17) The buildings shall not be occupied until space has been laid out within the site in accordance with the approved plan for a minimum of 84 cars to be parked in association with the A1 element and a further 8 spaces in association with the residential element and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LOADING AND UNLOADING PROVISION

(18) Before the retail unit hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies

CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(19) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 48 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

USE OF LOADING AREAS

(20) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SPECIFIED USE RESTRICTION

(21) No more than 20% of the total floor area of the retail use hereby approved shall be used for the sale of comparison goods or other goods other than food and drink.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ARCHAEOLOGICAL RECORDING

(22) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, to include a buildings recording programme, in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme and in accordance with other such details as may subsequently be agreed in writing by the Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

TRAVEL PLAN

(23) The uses hereby permitted shall not commence until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of the commencement of the use the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

REINSTATEMENT OF FOOTWAY

(24) No building shall be brought into use until the existing footway crossing (to become redundant) has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING MANAGEMENT STRATEGY

(25) Prior to the occupation of the proposed development a car parking management strategy shall be submitted to and agreed in writing by the Local Planning Authority to restrict maximum stay at the car park, to enable 5 car parking spaces to be used and be made available to the occupants of the residential element of the approved development including appropriate signage, and provide details of the restrictive covenant restricting vehicle ownership by students. The development will not be brought into use until such time that the agreed car parking management strategy has been implemented.

Reason:

To prevent long stay and commuter car parking and to provide additional student car parking in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GRAMPIAN OFF SITE HIGHWAY WORKS

(26) No part of the development shall be occupied until the following highway works have been provided at the following locations:

1. Controlled pedestrian crossing facilities at the junction of North Hill/ Mutley Plain/Greenbank Road/ Alexandra Road
2. Pedestrian refuge island on North Hill
3. Pedestrian crossing on Greenbank Road in the vicinity of the store entrance

No part of the development hereby approved shall be occupied until the approved works on the public highway are complete, are operational and have been confirmed in writing as being so by the Local Planning Authority.

Reason:

In the interests of the safe and efficient operation of the local highway networks, and to ensure that appropriate and safe access is provided in accordance with Policy CS28 and CS34 of the City of Plymouth Local Development Framework Core Strategy adopted April 2007.

PRESERVATION OF SIGHT LINES

(27) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STUDENT ACCOMMODATION

(28) The occupation of the accommodation hereby approved shall be limited to students in full-time education only.

Reason:

The accommodation is considered to be suitable for students in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, but its occupation by any other persons would need to be the subject of a further planning application for consideration on its merits.

ACOUSTIC SCREEN

(29) An acoustic screen shall be constructed around the plant area in accordance with the recommendations made in the noise assessment submitted in support of the planning application.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

MECHANICAL PLANT NOISE

(30) The noise producing plant for the foodstore specified in the application shall be installed as described in the application and before commissioning shall be tested and shall not exceed the level of 36dB as prescribed in the submitted noise assessment report. The fixed plant and machinery shall be maintained in a condition so that it does not exceed the emission limits as described above, whenever it is operating. After installation of the approved fixed plant and machinery no new plant or machinery shall be installed without the written consent of the local planning authority.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

INFORMATIVE: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

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

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(3) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: TRAVEL PLAN

(4) The document required in connection with the Travel Plan should be based upon the Council's guidance for Travel Plans published on the Council's website and should, where possible, be created using iTRACE, an online travel plan management tool available through Plymouth Transport and Infrastructure. The applicant is advised to contact Plymouth Transport and Infrastructure prior to preparation of this document for site-specific advice on the requirements for the Travel Plan, which are likely to include:

- (a) appointment and contact details of a Travel Plan Coordinator
- (b) recommendation of the use of iTRACE
- (c) site specific targets, measures and management/monitoring plan.

INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

(5) The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

INFORMATIVE: ADVERTISING

(6) This permission does not give or imply any consent for the advertising material shown on the approved plans. Such advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.

INFORMATIVE: BATS

(7) The proposed works may take place on a building (s) with suitability for bats. Under the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations (2010), bats are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building (s) on which works are taking place, a licence from Natural England may be required. For further information please contact Plymouth City Council's Green Infrastructure Officer on 01752 304229.

PLANNING APPLICATION REPORT



ITEM: 07

Application Number: 13/01104/LBC

Applicant: ALDI Stores Limited

Description of Application: Demolition of former laundry building and repairs, internal alterations and conversion of former Greenbank Prison (and annexe) to provide 65 self-contained student flats

Type of Application: Listed Building

Site Address: LONGFIELD HOUSE, GREENBANK ROAD PLYMOUTH

Ward: Efford & Lipson

Valid Date of Application: 19/07/2013

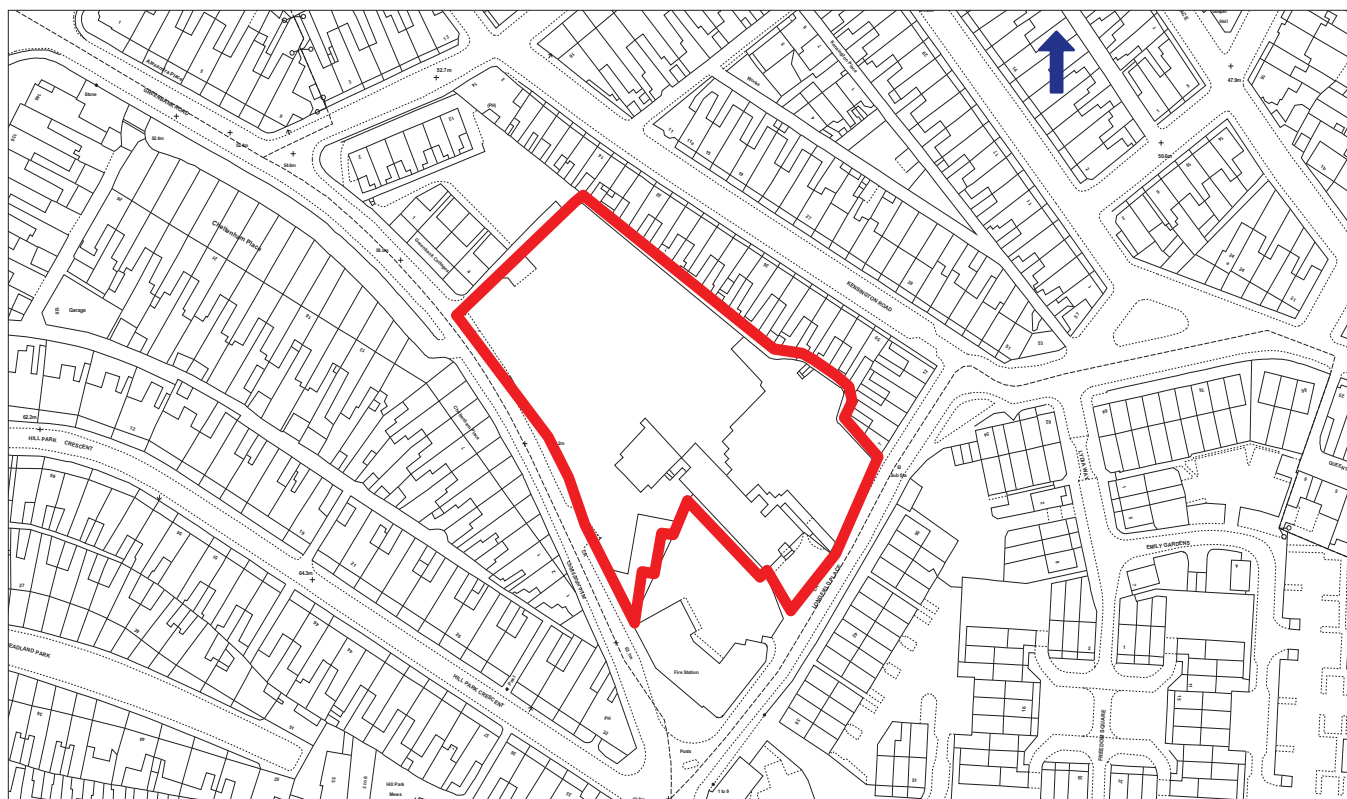
8/13 Week Date: **13/09/2013**

Decision Category: Major - more than 5 Letters of Representation received

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



OFFICER'S REPORT

Site Description

The former Greenbank Prison is a Grade II listed building dating from 1849, designed by Fuller and Gingell. The building historically had a crucifix plan form, consisting of a central block with three projecting wings. The north and east wings have since been demolished, but the external appearance of the building has retained much of its original character. The south wing was originally used as cells for women prisoners. The interior was extensively remodelled in the 1930s as part of the conversion to a police station. At the same time changes were made to the exterior of the building with a new entrance created on the Longfield Place elevation.

Having lain empty and been partially demolished prior to listing in 2007, it has been subject to vandalism, arson, extensive damage by water, and it is now full of dead vermin and guano as well as broken glass and rubbish. Its condition is now so bad that there has been a significant internal collapse within the tower area due to the level of rot caused by water ingress. It has been identified as a building at risk because of the poor condition it has deteriorated into.

The building is positioned facing, but set back from, Greenbank Road, with a secondary entrance off Longfield Place. The site borders Greenbank Road to the south, Longfield Place to the east, the rear of Kensington Road to the north and Greenbank Cottages to the west. The fire station lies adjacent to the site in the south-east corner. A large former laundry building occupies the north-east corner of the site. The north-west side of the site is empty and has become derelict and overgrown. The former prison wall remains intact for large parts of the site boundary. The owner (Aldi) also owns a section of land to the north-west of the site to the rear of Greenbank Cottages, but this does not form part of the development site. There is a considerable difference in ground levels between the site and the residential properties that back onto it from Kensington Road, which are set down.

The site is located adjacent to the Mutley Plain District Centre (about 200m to the north-west), although it is surrounded by residential properties. It is approximately a 15 minute walk to the University and 20 minutes to the City Centre. The site sits on the crest of the hill that rises up from the junction of Mutley Plain and Greenbank Road.

Proposal Description

Demolition of former laundry building and repairs, internal alterations and conversion of former Greenbank Prison (and annexe) to provide 65 self-contained student flats.

Pre-Application Enquiry

The Council provided pre-application advice (MA/403/PRE). The Council advised that the proposal for a retail unit would require a sequential site assessment that is based on the site as an out of town location. The Council also advised that a retail impact assessment should be carried out. The proposal to convert the prison into student accommodation would be acceptable in principle in this location, being close to the University and local amenities. Feedback was given on the conversion of the building and on the demolition of the laundry building. Subject to a Heritage

Statement and full recording, it was agreed in principle to the demolition. It was noted that archaeological works would need to be undertaken across the site prior to any development as this area may contain the remains of Civil War fortifications. In relation to the design of the retail unit and boundary treatment, it was advised that as much of the original stone prison wall as possible should be kept and restored. It would be unlikely that a standard design for an Aldi store would be acceptable in this location. The elevation facing Greenbank Road should be entirely glazed in order to provide an acceptable relationship with the street. Pedestrian access from Longfield Place through the site could be formed by using an existing access point. Pedestrian crossing improvements at the junction of Mutley Plain/Alexandra Road and Greenbank Road would be required. Adequate car parking and cycle parking for the student flats would be required (11 car parking spaces) plus car parking for the food store, and turning provision for HGVs. A noise assessment will be required to protect the amenity of residents of Kensington Avenue and a management plan for the student flats would also be required. The laundry building should be fully recorded prior to demolition.

Relevant Planning History

99/01121/OUT – Residential development to include the conversion and lateration of the former laundry building into flats and houses – permitted.

99/01122/FUL – Erection of retail food store, alterations and conversion of clock tower to form offices with associated vehicle and pedestrian access, car parking and servicing areas – refused (on the grounds of unsatisfactory pedestrian links between the site and Mutley Plain).

00/01348/FUL – Erection of retail food store, alterations and conversion of clock tower to form offices with associated vehicle and pedestrian accesses, car parking and servicing areas – refused.

02/00819/FUL – Erection of retail food store, alterations and conversion of clock tower to form offices with associated vehicle and pedestrian access, car parking and servicing areas – refused (on retail and highway grounds). The appeal (N1160/A/03/1121679) was dismissed. (The Inspector found that the site did not represent a good edge of centre site as it had poor linkages to the district centre. He was also concerned that the store would negatively impact on the viability of Mutley Plain).

10/01538/LBC – Retention of works to secure building including steel sheeting to ground-floor openings and wooden boarding to first-floor openings – permitted.

13/01103/FUL - Demolition of former laundry building and repairs, internal alterations and conversion of former Greenbank Prison (and annexe) to provide 66 self-contained student flats, construction of 1,410 sq m foodstore (A1 use) with associated access off Greenbank Road, parking and landscaping – under consideration.

Consultation Responses

The Victorian Society has been consulted because the application involves the proposed demolition of a listed building. It supports the principle of development but

is of the view that there are elements that would cause harm to the setting of the listed building. The position of the supermarket would encroach on views from the west. It would prefer to see the supermarket set back further from the street. The free-standing sign proposed would have a detrimental effect and should also be set back or re-sited. The historic building would benefit from a clearer division between it and the store and parking area.

English Heritage has been consulted because of the proposed demolition of the laundry building. It accepts the principle of demolition of the laundry building but would like to see the original perimeter wall to be retained in-situ. Where the laundry is attached to the main listed building, the methodology for its removal and making good the walls of the prison building should be agreed with the Council's Historic Environment officer. English Heritage would like to see the original scale and height of the perimeter wall restored in front of the central block of the prison. They recommend that the subdivision of the Magistrate's Court should be carried out carefully with the advice of the Council's Historic Environment officer. They recommend that the application be determined in accordance with national and local policy guidance.

Representations

18 letters from local residents have been received.

Three letters offer full support for the scheme. One is in support of the student accommodation and one is in support of the retail unit.

The other letters raise the following concerns:

- The area will be overrun with students
- The students will add to parking and noise problems
- Mutley Plain already has 5 supermarkets and doesn't need another store
- Aldi has made no effort in recent years to maintain the land within their ownership adjacent to the site. It has become overgrown and caused damage to the retaining wall at the rear of Kensington Road.
- The students will add to the parking pressures in the area.
- The site is not suitable for student accommodation.
- There will be a detrimental impact on the residents of Greenbank Cottages who use the adjacent driveway for parking.
- The Aldi store is out of character with the listed building
- Concerns over the structural stability of the retaining wall at the rear of Kensington Road, the design of the lighting in the car park, site security, noise from the external mechanical plant and delivery lorries.

Analysis

1. This application accompanies a full planning application (13/01103/FUL).
2. The main considerations with this application for listed building consent are the impact on the fabric and character of the listed building and the setting of the listed building, in accordance with Policy CS03 and the NPPF. In addition, the principle of enabling development to secure the viable use of a listed building is a key consideration. The National Planning Policy Framework

seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

3. The following amendments to the proposals have been made following discussions with officers and representations by the public: the reduction of number of student flats by one to create a laundry and improve communal space; minor amendments to the layout of some studio flats to improve amenity; redesign of the access and landscaping in front of the prison main entrance to improve the setting and amenity of the student flats; relocation of bin storage to the Longfield Place entrance to improve refuse collection and visual amenity; changes to landscaping of the car park to introduce greenery and trees; changes to works to the listed wall to achieve a better recreation of the former wall height and enclosure; an increase in the number of student car parking spaces from 6 to 11; introduction of solar panels on the roof of the Aldi; and minor changes to the design of the Aldi store.

Impact on the fabric and character of the listed building

4. The proposal is to restore and convert the former prison to form 65 self-contained studio student flats: 58 within the prison building and 7 within the Annexe. In addition, an Aldi store is proposed adjacent to the prison as an enabling development.
5. The former east wing has been demolished, leaving a scar on the north-east elevation of the courtroom. The proposal is to partially rebuild this wing, to align with the rear elevation of the south wing. This will extend to all three floors of the building, with three window openings on each floor. This will be designed to match the character and fabric of the remainder of the building. Officers consider that this new extension is essential in order to protect the central courthouse and to provide access through the building. It will replace the missing link between the courthouse and the south wing, where earlier demolition has left internal walls exposed to the weather. Officers consider that this extension is in character with the rest of the building and will replicate the character of the former north wing.
6. The existing south contextual elevation shows the existing position of the prison wall along Greenbank Road. It is discontinuous with a large section towards the southern end lost. Part of the street elevation is formed of the Annexe. The proposal is for the wall to be retained and restored, with some alterations to the layout for the purposes of access. The listed prison wall to the rear of the site will be retained and repaired, and the side facing Longfield Place will also be repaired and restored following demolition of the laundry. Former openings in the wall will be blocked in, although their position will still be readable. A new site entrance will be created to the south of the prison on Greenbank Road to provide access to the prison and the store. The stone from the removed section of wall will be used to rebuild the wall in front of the tower to its full height, although the alignment will be slightly set back for visibility. The limestone wall (to match the original), will continue on its original alignment in front of the proposed new Aldi's and will be full height at the end closest to Greenbank Cottages, reducing in height towards

the site entrance. The retention/ repair of the boundary wall is considered to be a positive aspect of the scheme as it will retain and restore the enclosed character of the site. Conditions can be attached to request details of works to the wall to be submitted. A landscape management plan can be required by condition to include the on-going long-term maintenance of the wall.

7. The former Laundry was built in the 1900s (possibly rebuilt post war), and is of little architectural significance although it does incorporate part of the original boundary wall. Officers consider that it is of no special architectural merit and its demolition will open up the site and improve the setting of the restored prison. It will also allow for pedestrian access from Longfield Place to improve the permeability of the site. The wall of the building along the Longfield Place street frontage will be retained to its original height and existing openings in the wall will be in-filled. Conditions will be attached to cover the recording and archaeological investigations that will need to take place on the site, prior to any development, and a method statement for demolition works to be agreed.
8. The central courtroom block consists of a ground floor and first floor, but has the height of a two-storey building because of the high ceiling on the first floor (6.5m). At one time the central block housed the surgery and the Governor's office, but was later used as a Magistrate's Court. At the front is a bell tower which forms a prominent landmark in the area.
9. Externally the central block appears to be reasonably sound, but the majority of the roof is in a very poor state, particularly where it joins on to the wing. The rooms on the ground floor appear to retain some original fittings (although access is very difficult), including partition walls, but the main area of interest is the first floor court room, which retains a number of original features (wooden floor, some timber wall panelling, judges dias, coffered ceiling). The court room is one of the few parts of the building whose original use can clearly be read. In recent months the ceiling and floor of the double height court room has collapsed, making access to the court room impossible at present and dangerous. There is a high likelihood of future collapses, in which case the majority of the remaining features may be lost. The stairs at the front of the tower are a more recent addition but will be retained, although some minor reconfiguration may be necessary (to be conditioned).
10. The south wing is generally in a less perilous state than the courtroom block, although one section to the rear which was adjacent to the demolished wing is now in a poor condition. The south wing contains almost no original internal features and the partition walls are largely modern, so it is felt that this section can be reconfigured to suit the layout required, although some original sections of dividing walls will remain.
11. The proposed internal alterations to the building require considerable re-modelling of the internal space, with removal of internal partitions and lengths of original internal walls. In particular, the remains of a staircase to the former east wing will be removed, and cells within the basement of the former west wing will be removed. A staircase within the main building to

provide access to the courtroom will be reconfigured to allow internal access. Five new window openings will be created in the north elevation of the south wing at ground floor level, which was previously blocked by the laundry building. These will align with the windows above. Two new window openings will be created at basement level to align with windows above, as well as an existing door opening being altered to form a window.

12. The proposed conversion and restoration of the building to student flats is as follows:
13. Basement of the south wing: A separate staircase to the right of the main entrance led down to the basement which contained the cells. The basement area is discontinuous with the south wing containing cells on the western end (accessed via external stairs) and then three rooms on the eastern end (accessed via internal stairs at the eastern end). The eastern end will be converted into a communal area with a communal lounge running the whole width of the wing with two windows in the south side and one in the north. There will be a separate weights room adjacent to the stairs. The western end will be accessed from external stairs and will provide five studio flats: three in the new extension (rooms 54, 55 and 56) and two in the original building (rooms 57 and 58). A third room will be converted into a communal laundry. In order to achieve minimum room sizes as required by the Housing Act, part of the original wall within Studio 58 will be removed. The rooms will be accessed off a corridor.
14. Ground floor: the original layout had a corridor along the northern elevation with offices along the south side. There was no access through to the courtroom building. The access to this floor was from Longfield Place. The main entrance to the student flats will be on the Greenbank Road elevation. The main building will retain the central corridor which will lead to the new extension at the rear. There will be four rooms off either side of the corridor: a stairwell, management office and two studios (13 and 14) off the north-west side and three studios off the south-east side (12, 11 and 10). The corridor will lead into the south wing, and will extend the full length of the building to the Longfield Place entrance. The new extension will contain three studios (15, 16 and 17) while the old wing will contain 16 studios (18, 19, 20, 21, 22, 23, 24 on the northern side and 1, 2, 3, 4, 5, 6, 7, 8, and 9 on the southern side). An exercise room is also provided to the right of the Longfield Place entrance.
15. First floor: this is accessed from the stairwell at the front as well as the internal stairs at the other end of the south wing. A corridor leads from the top of the front stairs through the court room to give access to the rear extension, which in turn leads to a corridor that runs down the centre of the south wing to mirror the ground floor. There will be one studio at the front adjacent to the stairwell (37). The courtroom will be subdivided into eight studios (33, 34, 35, 36, 38, 39, 40 and 41). There will be three studios in the new extension (42, 43 and 44) and then a further 17 studios in the old wing (45, 46, 47, 48, 49, 50, 51, 52, 53 on the north side and 25, 26, 27, 28, 29, 30, 31 and 32 on the south side).

16. The courtroom studios are double height with a mezzanine level accessed via spiral stairs. The bedroom and bathroom are at the lower level while the kitchen/living room area is upstairs. Ideally the courtroom would be retained as a single large open space, allowing its previous use to be clearly understood. It has eight double height windows, although the base of the cills are over 2m above floor level. However, it seems that this would render the scheme unviable, and so it has been agreed that this space will be split into eight small flats with mezzanine floors, accessed by stairs which will largely sit in the space below the window cills. The ground floor area of each will not have a view but the upper level will and the mezzanine will set back from the window and edged with a glass screen. The panelling around the outer walls of the room will be reinstated, and the coffered ceiling will have as much of the original plaster retained as possible and the rest will be reinstated to match. a corridor will link through the lower level of the court room to join the new rooms to the rear and the rest of the wing.
17. The poor state of the building means that it is difficult to access parts of the building and it is therefore difficult to assess how much of the original internal fabric can be restored. Few details of the method of restoring the courtroom have been submitted. Officers therefore recommend that conditions are included to cover works involved in the conversion, including details of doors and windows and staircases to ensure that original features are retained and refurbished where possible or replaced on a like-for-like basis.
18. The Annexe is a single-storey building dating from the 1930s with an unusual triangular wing fronting onto Greenbank Road with high level windows. It will be converted into 7 studios. Four will be accessed via separate entrance doors (4, 5, 6 and 7) while 1, 2 and 3 have a single entrance door and lobby area. 1, 2 and 3 front directly onto Greenbank Road and have high level windows. Studios 4, 5, 6 and 7 will have level entrances to allow for disabled access. Although within the curtilage of the listed building, Officers consider that the Annexe retains few features of interest. It is welcomed that this building, although heavily sub-divided, will provide accommodation with disabled access.

Impact on the setting of the listed building

19. Although enabling developments such as this proposal for an adjacent retail unit are far from ideal, they do offer a chance for the listed building to see a new lease of life, and Officers consider that this is probably the last chance for the prison to have a viable, long-term use. The NPPF (Para. 140) states that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
20. Concerns have been raised about the setting of the listed building and the visual relationship with the Aldi store. The north contextual elevation plan shows the prison in relationship to the Aldi store and the car park. The distance between the end elevation of the prison and the Aldi store is 10m.

Officers consider that the Aldi store has been positioned on the same alignment as the front elevation of the prison so as to minimise its visual impact while creating a strong street frontage. While the car park extends behind the prison, the landscaping and pedestrian path helps to create a visual separation between the two uses.

21. The plans show a free-standing sign on the Greenbank Road frontage. This would require advertisement consent, and therefore is not approved in this application. Any application for signage would be considered on its merits in relation to the listed building.
22. With regard to advice in the NPPF, Officers consider that the benefits of the scheme outweigh the disbenefits and that the enabling development is essential to secure the future of the listed building. A phasing condition can be attached to require the works to the listed building and wall to be completed prior to bringing the retail unit back into use.

Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Local Finance Considerations

These are considered with the accompanying application 13/01103/FUL.

Equalities and Diversities

These are considered in relation to the full planning application.

Conclusions

This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance. Having regard to the impact of the proposals on the character and fabric of the listed building and the setting of the listed building, It is recommended to grant conditional approval.

Recommendation

In respect of the application dated **19/07/2013** and the submitted drawings Amendments to site layout including landscaping, bin storage, design of the Aldi store and layout of studio flats

P(1)10 Site location plan; 100295 P(1)21 A Proposed site sections/ elevations (Aldi); P(1)26 A (Prison elevations); P(1)23 A; P(1)22 A; P(1)20 A; P(1)19 A; 100295 P(1)11 Existing site plan; P(1)18 A Proposed site plan; 2354-02-07 Elevations (south-east and

north-west); 2354-02-11A Alterations and remedial ground and basement (LBC only); 2354-02-12 Alterations and remedial first floor and roof; 100295 P(1)12 Existing basement plan; 100295 P(1) 13 Existing Ground Floor Plan; 100295 P(1) 14 Existing First Floor Plan; 100295 P(1)15 Existing roof plan; P(1)16 Existing elevations (SW and NE); P(1)17 Existing NW and SE elevations, sections; 2354-02-09 Annexe Existing; 2354-02-07 Elevations (SE and NW); 2354-02-04B Cellar/ Basement floor plan; 2354-02-01 Ground floor plan; 2354-02-02 First floor plan; 2354-02-03 Second floor plan; 2354-02-10 Rev A Annexe proposed; P(1) 24 Aldi store proposed floor plan; P(1) 25 A Aldi store proposed roof plan (with solar panels); DAS; Heritage Statement, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) The works hereby permitted shall be carried out in accordance with the following approved plans: P(1)10 Site location plan; 100295 P(1)21 A Proposed site sections/ elevations (Aldi); P(1)26 A (Prison elevations); P(1)23 A; P(1)22 A; P(1)20 A; P(1)19 A; 100295 P(1)11 Existing site plan; P(1)18 A Proposed site plan; 2354-02-07 Elevations (south-east and north-west); 2354-02-11A Alterations and remedial ground and basement (LBC only); 2354-02-12 Alterations and remedial first floor and roof; 100295 P(1)12 Existing basement plan; 100295 P(1) 13 Existing Ground Floor Plan; 100295 P(1) 14 Existing First Floor Plan; 100295 P(1)15 Existing roof plan; P(1)16 Existing elevations (SW and NE); P(1)17 Existing NW and SE elevations, sections; 2354-02-09 Annexe Existing; 2354-02-07 Elevations (SE and NW); 2354-02-04B Cellar/ Basement floor plan; 2354-02-01 Ground floor plan; 2354-02-02 First floor plan; 2354-02-03 Second floor plan; 2354-02-10 Rev A Annexe proposed; P(1) 24 Aldi store proposed floor plan; P(1) 25 A Aldi store proposed roof plan (with solar panels); DAS; Heritage Statement.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TIME LIMIT FOR COMMENCEMENT

(2) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

PROGRAMME OF ARCHAEOLOGICAL WORK

(3) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, to include a buildings recording programme, in accordance with a written scheme of investigation (WSI) which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance

with the approved scheme and in accordance with other such details as may subsequently be agreed in writing by the Planning Authority

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

WINDOW DETAILS

(4) No works shall take place to the listed building until details of the treatment of windows within the central block, rear extension, south wing and annexe have been submitted to and approved in writing by the Local Planning Authority. These details should include a specification of which windows are to be repaired or replaced, details of new windows, and of any secondary glazing required. The details shall include: dimensions of frames, details of glazing and methods of fixing. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DOOR DETAILS

(5) No works shall take place to the listed building until details of the treatment of doors and door surrounds within the central block, rear extension, south wing and annexe have been submitted to and approved in writing by the Local Planning Authority. These details should include a specification of which doors and surrounds are to be repaired or replaced and new doors. The details shall include: materials, colour, openings and door furniture.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The works shall be carried out strictly in accordance with the approved details.

ROOFING DETAILS

(6) No works to the listed building shall take place until a specification of repairs to the roof of the central block, rear extension and south wing and details of the new roof on the rear extension have been submitted to and approved in writing by the Local Planning Authority. These details should include a specification of the extent of repairs required to the roof structure, reuse of existing slates and details of proposed replacement slate, and method of fixing. The slates shall be fixed with nails, not clips. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MORTAR AND PLASTER DETAILS

(7) No works to the listed building shall take place until a schedule of mixes for all mortars and plasters to be used, both internally and externally, has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

METHODOLOGY FOR DEMOLITION

(8) Before works to the listed building commence, a methodology for the demolition of the laundry building and for making good the walls of the south wing shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(9) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: hard surfacing materials and planting plans, including the location of all proposed plants their species, numbers, densities.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS: WORKS TO THE COURT ROOM

(10) No works to the listed building shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: works to the court room including new timber floor, timber panelling to cill height around the external walls, new partition walls, mezzanine floors and stairs and the coffered ceiling. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS: SUBDIVISION OF CORRIDORS IN THE SOUTH WING AND SMOKE EXTRACTION SYSTEM

(11) No works to the listed building shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: installation of internal fire doors and smoke extraction

system including details of external vents and flues. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF RAINWATER GOODS

(12) No works to the listed building shall take place until a specification of rainwater goods to be fixed to the outside of the central block, rear extension, south wing and annexe have been submitted to and approved in writing by the Local Planning Authority. These details should include a specification of materials, fixings and colour. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS: MECHANICAL VENTILATION SYSTEM

(13) No works to the listed building shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: details of mechanical ventilation systems to the kitchen and bathroom areas including details of external vents and flues. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS: RE-WIRING

(14) No works to the listed building shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: rewiring including details of cabling routes, meter boxes and emergency lighting. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS: PLUMBING/ DRAINAGE AND HEATING

(15) No works to the listed building shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: details of pipework, installation of boilers, location of external vents/ flues. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF WORKS TO THE STAIRCASE WITHIN THE CENTRAL TOWER

(16) No works to the listed building shall take place until a specification of works to the staircase within the central block leading to the courtroom have been submitted to and approved in writing by the Local Planning Authority. These details should include a specification of the reconfiguration of the stairs including materials and finishes. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS: DAMP-PROOFING

(17) No works to the listed building shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: proposed treatments to address damp within the walls and floors of the listed building and full details of method and materials. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS; BOUNDARY WALL TREATMENTS

(18) No works to the listed wall shall take place until a specification of repairs and works to the boundary wall have been submitted to and approved in writing by the Local Planning Authority. These details should include a specification of the extent of repairs required to the wall, method of demolition and rebuilding of parts of the wall, proposed mortar mix, details of capping and details of stone to be used in reconstruction of the wall where new stone is required. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETION OF SPECIFIC WORKS

(19) Before the retail unit hereby permitted is first brought into use, the restoration and conversion of the listed building and wall shall be completed in accordance with the approved plans.

Reason:

To ensure that this essential part of the development is provided before the building is brought into use, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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PLANNING APPLICATION REPORT



ITEM: 08

Application Number: 13/01363/FUL

Applicant: Leander Developments Ltd

Description of Application: Demolition of existing dwelling and erection of seven detached houses with new access off Hill Lane and associated landscaping

Type of Application: Full Application

Site Address: 5 HILL LANE PLYMOUTH

Ward: Compton

Valid Date of Application: 29/08/2013

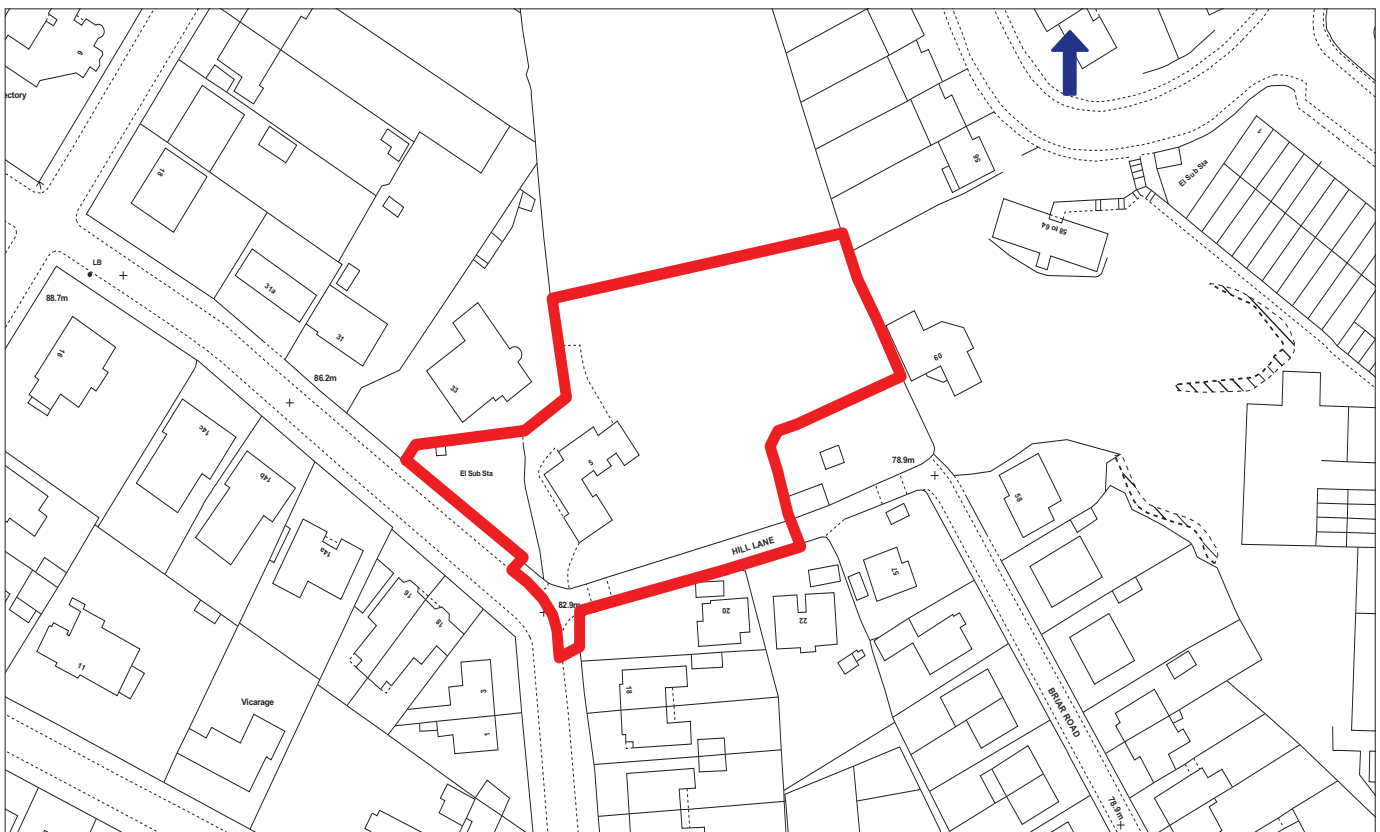
8/13 Week Date: **24/10/2013**

Decision Category: Member Referral

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

Click for Application Documents: www.plymouth.gov.uk



OFFICER'S REPORT

This application has been called to Planning Committee by Councillor Ted Fry

Site Description

The site comprises the open space adjacent to 5 Hill Lane, formerly the garden of 5 Hill Lane in the Hartley and Mannamead area of the city. It is bounded by the un-made Hill Lane to the south; the large garden of 32 Lockington Avenue to the north; 33 Russell Avenue to the west; and 60 Briar Road and 56 Lockington Avenue to the east. The site contains many mature attractive trees including eight that are protected by TPOs. In addition, there are hedges, water features, beds and lawns, including a spring that runs through the site. The land falls from the southwest to the northeast with a maximum drop of approximately 10 metres. It has an area of 0.33 ha.

Proposal Description

Demolition of existing dwelling and erection of seven detached houses with new access off Hill Lane and associated landscaping.

Pre-Application Enquiry

Pre-application advice was sought. The Council's advice was that the proposal would be acceptable in principle subject to adequate protection of trees, landscaping, access, design and residential amenity.

Relevant Planning History

87/01750/FUL - Change of use and conversion of outbuilding to dwelling - permitted.

06/00744/OUT - Outline application to redevelop site by erection of 11 detached dwellings and garages, with associated access road – refused.

08/01634/FUL – (Part of garden of 5 Hill Lane) Develop part of garden by change of use, conversion, two-storey extension and single-storey extension of store to form dwelling – permitted.

09/01906/FUL - Develop site by erection of five detached dwellings with associated works, including access road – refused (sub-standard access, neighbouring amenity, positioning of access road, nature conservation impact, lifetime homes and insufficient information).

10/01049/FUL- Erection of five detached houses in the garden and conversion of 5 Hill Lane into four flats, associated access, access road and parking – refused (visual and residential amenity, sub-standard access, insufficient information, community benefits).

12/01734/FUL - Erection of four detached, 2-storey dwellings and associated development including formation of new access road, landscaping and removal of part of boundary hedge and wall – withdrawn.

Consultation Responses

South West Water has no objection because there is sufficient capacity to serve the development proposal. It notes that the use of soakaways will require satisfactory percolation tests to be undertaken.

The Public Protection Service has no objection but requests that a code of practice for construction is applied to protect neighbours during construction, a condition requiring the houses to be built to good room criteria standard and also land quality conditions requiring further ground investigation prior to construction.

The Highway Authority has no objection to this application. It notes that earlier applications met with objections as insufficient details were provided in relation to access. The applicant has now demonstrated that a suitable access can be achieved. Hill Lane will be widened and upgraded to meet adoptable public highway standards from the point of access to the site to the junction with Russell Avenue, with provision for pedestrians in the form of a footpath alongside the upgraded road. The existing access to 5 Hill Lane will be removed. Widening the lane will enable two vehicles to pass. The emerging visibility to Russell Avenue meets the required standards.

Concerns have been raised about road safety on this junction. In association with the upgrade of the junction the applicant will be required to seek to provide a Traffic Order (subject to consultation) to prevent on-street parking in the vicinity of the junction by provision of double yellow lines to ensure that cars do not park near to the junction. A private drive is proposed from the access to the site to serve the dwellings. This is acceptable for this number of dwellings. The development is considered to provide sufficient car parking spaces to cater for the needs of residents as well as visitors. The garages are also large enough to cater for cycle storage.

Devon and Cornwall Police Architectural Officer – no objection to this application.

Representations

31 letters of representation have been received from residents of Hill Lane, Briar Road, Lockington Avenue, and Russell Avenue.

These raise the following concerns:

- The increase in traffic as a result of this development will add to already busy traffic on Russell Avenue and Hill Lane. The proposed access would constitute a considerable pedestrian and traffic hazard. As well as residential traffic there will be service vehicle traffic. Hill Lane and Russell Avenue are primary routes for children walking to school, so any additional traffic will be hazardous. Photos have been sent in to show the problem of on-street parking near to the junction.
- Local schools are already full, but there is likely to be demand generated by the new properties.

- The planned soakaway drainage system could lead to flooding of Hill Lane and Briar Road properties. Photos have been sent in to show recent flooding at the end of Hill Lane.
- The existing sewer in Russell Avenue is already over-loaded. Failure in the system would lead to significant contamination of the surface water drainage system.
- The site supports considerable wildlife and protected trees. There will be a loss of a prominent tree on the street frontage.
- The application contains a number of inaccuracies related to the development and the site.
- The proposed dwellings would be overbearing and lead to a loss of privacy of neighbouring dwellings.
- The site is not 'previously developed land' and should not be built upon.
- The proposal is worse than previous applications that were refused. It does not address concerns and objections previously raised.
- The standard of upkeep of the lane has been poor with poor drainage and uneven surfaces. The lane is used as a rat run by lots of vehicles as well as by pedestrians.
- No 22 Hill Lane has to reverse into the lane out of their property, and fears that the new development will make it harder for them to access and exit from their property. The refuse lorry does not serve their property because of the narrowness of the lane.
- No. 33 Russell Avenue is concerned about the proximity of plot 3 to their boundary and the impact on their boundary wall, and the loss of a prominent tree near the boundary and loss of privacy.
- The original house is historic and its loss will be detrimental to the character of the area.
- There will be disruption to residents during construction from heavy vehicles going in and out of the site. There will also be noise and dust.
- Development of the garden will be in contravention of the Gardens Protection Act 2010.
- Refuse vehicles and emergency service vehicles would be unable to turn within the site and would have to reverse out which would be hazardous.
- Will the Council be upgrading the un-adopted Hill Lane to adoptable standard at cost to the tax-payer?

- The removal of natural ponds and an increase in paved surface area will add to surface water run-off.
- Tree health could be damaged by potential removal of ground water to tree roots.
- Loss of wildlife would devalue the quality of life for all residents.
- Russell Avenue is a rat run with drivers avoiding the Manamead traffic lights.
- The habitat survey is inadequate as it only covers one day.
- The sloping site is unsuitable for disability access as stated in the proposal.
- The junction is already dangerous with poor visibility. It gets heavily parked and cars drive too fast.
- The plans show the removal of trees and the remaining trees are likely to be harmed. It will be detrimental to the streetscene of the area. Photos are enclosed to illustrate their visual importance on Russell Avenue.
- The area is very built up. The only local green space is Hartley Park. Will there be any money to upgrade park facilities?
- The adjoining property (32 Lockington Avenue) may also develop its garden for housing.
- Need more information on lighting of the development.
- Properties below the site should be compensated for any damage caused if the sewage system fails and sewage runs onto their properties. There are also concerns about flooding.

Four letters have been received in response to the amended plans. These are of the view that the amended plans are not an improvement and do not overcome the objections raised.

Analysis

1. A Planning Committee site visit has been conducted for this proposal.
2. The main planning considerations in this case are: the principle of residential development; impact on the character and appearance of the area; impact on neighbouring amenity; highway and transport matters; effect on the trees and nature conservation; standard of accommodation; and flood risk. The key policies that are relevant are: CS18, CS19, CS02, CS22, CS15, CS16, CS34, CS28, the Development Guidelines SPD, the Design SPD and the NPPF.
3. The following revisions to the plans have been made in response to consultation with officers and comments made by local residents: modifications to the design and layout of the dwellings to improve the amenity of neighbouring dwellings and

improve landscaping including change in the position of the garage on plot 6 and change of house type on plot 7 from A to D; and modifications to the position of the soakaway to move it away from a protected tree.

Principle of residential development

4. The letters of representation have raised concerns about development in a private garden and loss of green space.
5. The proposal relates to an existing dwelling and a substantial private garden within a residential neighbourhood. The NPPF (Para. 53) states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. Currently, Plymouth City Council does not have any policy objections to the principle of development of private gardens, and the site is not a designated 'greenscape' area.
6. The NPPF also defines previously developed land as excluding land in built-up areas such as private residential gardens. This would exclude this site from being a 'brownfield site' in planning terms. Policy CS16 (Spatial Distribution of Housing Sites) states that greenfield development will only be permitted where this is acceptable in terms of its impact on the city's green space resource and the proposal can demonstrate that it makes a significant contribution to building sustainable communities.
7. As already stated, the site is not a designated greenscape area and therefore its loss will not reduce the city's protected green space, although it is important to protect the protected trees on site and the green character of the site.
8. The Sustainable Neighbourhood Assessment for Hartley and Mannamead states that the existing housing stock provides a range of different tenures and types, with a good mix of social and private housing. The site is close to Compton Primary School, Hartley Park and the main bus routes along Mannamead Road and is therefore a relatively sustainable location. The Assessment also identifies this area as having a low density of residential development with a high level of home ownership.
9. Officers consider that the development proposed will be in character with other residential development in the area, and will be built at a similar density. While it will reduce the openness of the area, officers do not believe that there is a policy objection to residential development.

Character and Appearance of Area

10. Concerns have been raised about the detrimental impact that the proposed development will have on the character of the area with the loss of the original dwelling and mature trees.
11. This residential area is characterised by large detached and semi-detached properties set back from the street and built at a low density. The area is also characterised by established gardens with mature trees and hedgerows.

12. While officers acknowledge that the proposal is an intensification of what is there currently, the design and layout of the houses is considered to be in keeping with the established residential pattern. Officers consider that this proposal is an improvement on the previous application (12/01734/FUL) in that it encompasses 5 Hill Lane and therefore proposes a comprehensive redesign of the site. The original dwelling is not listed and Officers do not consider that there are any policy grounds to retain it.
13. Officers consider that it would be important to retain a green boundary to the development to provide visual screening. The revised layout plans show a green boundary in the form of a hedgerow along the frontage with Russell Avenue, along the frontage with Hill Lane on Plot 7 and along the boundary with 60 Briar Road. A landscaping condition can be included to require details of boundary planting to be submitted. A condition is also included to require details of new tree planting.
14. The design of the dwellings has also been revised to remove the 'parapet' feature from the frontages, and to propose a render finish. The external finishes, as well as details of roof tiles and windows, can be conditioned to ensure high quality development.

Neighbouring and Residential Amenity

15. The site is surrounded by No. 33 Russell Avenue to the North West, No. 60 Briar Road to the East and Nos. 20, 22 and 57 Hill Lane to the South on the other side of Hill Lane. There is also a property on the South East corner of the site that is screened from the site by a high hedge and trees. The site borders the garden of No. 32 Lockington Avenue on the north side. The sloping nature of the site means that the new dwellings will appear most dominant when viewed from the east (No. 60 Briar Road).
16. In relation to No. 60 Briar Road, the dwelling on Plot 5 will most directly affect No. 60. It is positioned 9m from No 60's garden boundary, and because of the elevation of the plot will appear higher from No. 60. The side elevation of Plot 5 has been designed to have ground floor windows but only a small, high level window at first floor level to prevent overlooking of No. 60's garden. The plans have been revised to reposition the garage away from the boundary. A green boundary is now shown to the rear of the plot. Officers consider that it is important to secure proper screening of this boundary to protect the amenity of occupiers of No. 60. It is also important that the stone wall along the boundary is properly maintained. Conditions can be attached to require the repair and maintenance of the stone wall and the planting of a green boundary.
17. The relationship to No. 33 Russell Avenue is unlikely to be significantly different to the current situation. Plots 1 and 2 are positioned in the general footprint of the existing No. 5 Hill Lane. While one protected oak tree will be lost, there is still screening with the retention of two mature protected sweet chestnut trees. Officers consider that tree No. 562 that is shown as being felled in the garden of plot 3 should be replaced by a new tree within this garden.

18. The properties on Hill Lane (No. 22 Hill Lane and the converted barn), plus the properties at the junction with Briar Road, will be affected by the new access into the site and this is dealt with under transport issues below. It is important that the site is well screened from Hill Lane with trees and hedgerows, and this is shown on the revised layout plan.
19. The converted property on the South East corner of the site would be most affected by Plots 6 and 7. The plans have been revised to change the house type on this plot from Type B to Type D to reduce the footprint. The rear elevation will be positioned 7.8m from the boundary, while Plot 6 will have the rear elevation 12m from the side elevation. While these distances are close, officers consider that there would not be a detrimental level of overlooking.

Standard of accommodation for occupiers

20. The Development Guidelines SPD states that the following size guidelines should be applied: a minimum of 106 sq m internal floorspace for a 4 bedroom house and 100 sq m outdoor amenity space for a detached dwelling. Dwellings should also be designed to maximize sunlight on the south elevations. The houses proposed and plot sizes are generously laid out to meet these standards.
21. The dimensions of the proposed dwellings are as follows:
 - Plot 1 (4-bed 'Type A' property with single garage and two parking spaces on the drive): 162 sq m floorspace with 150 sq m garden area. This will face towards Hill Lane with the side elevation facing Russell Avenue. It is well screened from 33 Russell Avenue. This is identified as being built to lifetime homes standard.
 - Plot 2: (Type B 4-bed with double garage and 2 parking spaces on the driveway). This will be 120 sq m plus 40 sq m garage and 150 sq m garden.
 - Plot 3: ('Type C' 5-bed with double garage and 2 parking spaces on driveway). This will be 140 sq m floorspace plus 60 sq m garage and 180 sq m garden.
 - Plot 4: this has the same layout as Plot 3 but with a smaller garden area (about 100 sq m).
 - Plot 5: the same layout as Plots 3 and 4 with a garden area of about 150 sq m.
 - Plot 6: (Type D 4-bed with detached single garage and 2 parking spaces on the drive).
 - Plot 7: (Type D 4-bed with detached single garage and 2 parking spaces on the drive).
22. As the scheme is over 5 dwellings, it needs to reflect policy CS15 (Overall Housing Provision) in relation to point 4 'lifetime homes'. 20% of the homes must be built to lifetime homes standard. Two dwellings are proposed to meet lifetimes homes standards: plot 1 and plot 6. This can be requested by condition.

Highways and transport

23. Concerns have been raised about additional traffic movements into Hill Lane with regard to the forward visibility for right turning vehicles and also the use of the lane by pedestrians as a short-cut.
24. Hill Lane will be widened and upgraded to meet adoptable public highway standards from the point of access to the site to the junction, with provision for pedestrians. The existing access will be removed. Widening the lane will enable two vehicles to pass. The emerging visibility to Russell Avenue meets the required standards. Concerns have been raised about road safety on this junction. In association with the upgrade of the junction the applicant will be required to seek to provide a Traffic Order (subject to consultation) to prevent on-street parking in the vicinity of the junction. The provision of double yellow lines will ensure that cars do not park near to the junction. A private drive is proposed from the access to the site to serve the dwellings. This is acceptable for this number of dwellings. The development is considered to provide sufficient car parking spaces to cater for the needs of residents as well as visitors. The garages are large enough to cater for cycle storage.
25. The submitted S38 plan shows the location of the new access into the development off Hill Lane. The proposal is to close up the existing access for 5 Hill Lane, and to improve the section of Hill Lane from the junction to just past the entrance to the private drive (in line with plots 2 and 7). This section of lane will be widened so that two cars can pass and will include a footpath for pedestrians from the development to Russell Avenue. While there is no turning space within the site, the plan shows that a refuse vehicle could enter the site in forward gear, reverse out around the lower bend so that it could leave Hill Lane in forward gear. The remainder of the driveway serving the development would be built as a private driveway with no footpath. These improvement works would be carried out by the developer and then adopted by the Council.
26. Conditions can be attached to secure the highways improvements and parking provision.

Trees

27. There are a number of protected trees on site as well as other trees. The proposal is to keep five protected trees and remove three protected trees. Altogether, 14 trees will be lost and 5 new trees planted.
28. It is accepted that three protected trees can be lost: the Monkey Puzzle tree, the Tulip Tree and the oak tree to enable development, as long as semi-mature replacement trees are planted elsewhere. The trees around the boundary of the site, however, should be protected as far as possible.
29. The plans have been revised with plot 4, plot 6 and plot 7 repositioned to enable a better relationship to the holm oak (T6), copper beech (T4), and the beech (T8). A condition can be attached to remove householder permitted development rights to prevent extensions in future that might conflict with the trees.

30. Conditions can be attached to ensure that suitable new trees are planted and that protected trees are adequately protected during construction.

Nature conservation

31. The submitted ecological survey contains a conservation action statement that proposes the following biodiversity measures: Boundary planting with native hedgerow species; Incorporation of bird-nesting bricks into the houses (7 in total) and 4 bat tubes.
32. A condition can be attached to require biodiversity measures to be incorporated into the scheme as mitigation for loss of the garden.

Flood risk/ drainage

33. The site has a culvert that runs down slope from a natural spring and this was previously incorporated into water features within the garden. The previous application proposed to install soak-aways to the dwellings to prevent surface water run-off to properties below the site.
34. Some of the residents, particularly those lower than the application site, are concerned about surface and foul water drainage and how the applicant/developer would deal with the springs. The site does not fall within a 'problem drainage area' or flood zone as identified by the Environment Agency (EA). The application states that surface water will be disposed of by soakaways; this is supported by South West Water. The use of soakaways will require satisfactory percolation tests to have been undertaken. If these tests are not positive the developer/applicant would need to contact SWW. Residents are also concerned that the pumping system for the foul water drainage could fail. These are understandable concerns. Officers have discussed the matter with the Building Surveyors. The foul and surface water drainage would be covered at the Building Regulations stage. A condition can also be attached to require details of surface water drainage and management to be submitted.
35. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Local Finance Considerations

This proposal does not give rise to S106 planning obligations.

The provisional Community Infrastructure Levy liability (CIL) for this development is £21,300. This information is based on the CIL information form submitted with the application.

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. You should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance.

It is noted that the applicant has indicated that they do not intend to apply for social housing relief on the CIL form.

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £78,665 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Equalities and Diversities

Two lifetime homes standard dwellings will be included as part of this development.

Conclusions

Officers consider that the proposal is acceptable in planning policy terms for the reasons set out in this report (principle of residential development; impact on the character and appearance of the area; impact on neighbouring amenity; highway and transport matters; effect on the trees and nature conservation; standard of accommodation; and flood risk) and is compatible with the NPPF. It is therefore recommended to grant conditional approval.

Recommendation

In respect of the application dated **29/08/2013** and the submitted drawings 891-01 Site location plan, site layout and site sections; 891-02 Proposed floor plans and elevations House Types A&B; 891-03 Proposed floor plans and elevations House Type C; 891-04 Proposed floor plans and elevations House Type D; 12.199/001 S38 General arrangement; 12.199/350 Drainage Layout Plan.

Revisions to site layout and design, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 891-01 Site location plan, site layout and site sections Rev

A; 891-02 Proposed floor plans and elevations House Types A&B Rev A; 891-03 Proposed floor plans and elevations House Type C Rev A; 891-04 Proposed floor plans and elevations House Type D Rev A; 12.199/001 S38 General arrangement Rev A; 12.199/350 Drainage Layout Plan Rev A.

Reason:

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

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(2) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATED LAND

(4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in

accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(5) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STREET DETAILS

(6) No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

COMPLETION OF ROADS AND FOOTWAYS

(7) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 6 above before the first occupation of the penultimate dwelling.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ACCESS

(8) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW JUNCTION

(9) No development shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and no dwelling hereby approved shall be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF SIGHT LINES

(10) No development shall take place until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided prior to the occupation of the first dwelling.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(11) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(12) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwellings hereby approved.

Reason:

In order to ensure that protected trees are not damaged and to protect the privacy of neighbouring properties, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAFFIC REGULATION ORDER

(13) Prior to any occupation of the development hereby permitted the developer shall begin the process and seek to implement a Traffic Regulation Order in a timely manner to provide on-street parking restrictions in the form of double yellow lines, to an extent to be agreed between the developer and the Highway Authority, in the vicinity of the junction to Russell Ave and Hill Lane. All associated costs, with regard to design, consultation and implementation are to be borne by the applicant.

Reason:

To preserve the function and safety of the Local highway Network and convenience to the public in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning

Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

Reason:

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

ARBORICULTURAL METHOD STATEMENT

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

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACE WATER DISPOSAL

(16) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. These details shall include arrangements for the management of surface water drainage. The approved details shall be implemented before the first dwelling hereby permitted is first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(17) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and

approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: hard surfacing materials; and planting plans including the location of all proposed plants their species, numbers, and densities.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

MAINTENANCE SCHEDULE

(18) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF TREE PLANTING

(19) The plans and particulars of the landscaping works submitted in accordance with condition 17 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF DRAINAGE WORKS

(20) No development shall take place until details of drainage works, including details of the management and maintenance of the soakaway and the sewage pumping system, have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIGHTING DETAILS

(21) No development shall take place until details of any external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before any building is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site [and that it does not interfere with navigation], in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIODIVERSITY

(22) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Survey Report (Appendix 3) dated xxxx for the site.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

FURTHER DETAILS: BOUNDARY WALL

(23) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz. repairs and maintenance of the boundary wall along the eastern boundary of the site. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(24) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. These details shall include window frames, doors, roof slates and render. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES

(25) Plots 1 and 6 shall be built to lifetime homes standard.

Reason

To provide adaptable accommodation in accordance with Lifetime Homes standard to enable the homes to be adapted for the needs of elderly or disabled persons in accordance with Policy CS15 of the Plymouth Local Development Framework Core Strategy 2007 (2006 - 2021).

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

(1) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

INFORMATIVE: ROADWORKS

(2) Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: CODE OF PRACTICE

(3) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(4) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

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

PLANNING COMMITTEE

Decisions issued for the following period: 1 October 2013 to 28 October 2013

Note - This list includes:

- Committee Decisions
- Delegated Decisions
- Withdrawn Applications
- Returned Applications

Item No 1

Application Number: 06/02036/OUT **Applicant:** Red Tree (2004) LLP

Application Type: Outline Application

Description of Development: Outline planning permission for part of the proposed 'Sherford' settlement comprising residential development (320 new dwellings); a community sports hub; recreation and open space facilities and detailed approval for highway improvements to Stanborough Cross; the construction of a new junction with Haye Road and the construction of part of a Main Street link road to serve 'Sherford'

Site Address "SHERFORD NEW COMMUNITY" LAND
SOUTH/SOUTHWEST OF A38 DEEP LANE AND EAST OF
HAYE ROAD ELBURTON PLYMOUTH

Case Officer: Alan Hartridge

Decision Date: 11/10/2013

Decision: Grant Subject to S106 Obligation - Outline

Item No 2

Application Number: 13/00900/FUL **Applicant:** Fulcrum Power Generation Limit

Application Type: Full Application

Description of Development: Change of use including installation of up to 52 diesel powered generators and 13 transformers for generation of Short Term Operating Reserve (STOR) electricity of up to 20MW to the Local Distribution Network and associated works

Site Address FORMER TOSHIBA FACTORY SITE, ERNESETTLE LANE
PLYMOUTH

Case Officer: Simon Osborne

Decision Date: 15/10/2013

Decision: Grant Conditionally

Item No 3

Application Number: 13/01025/FUL **Applicant:** Eliot Design & Build Limited
Application Type: Full Application
Description of Development: Demolition of existing dwelling and erection of 22 no affordable/local needs dwellings with new access road and parking and external works
Site Address 273 TAVISTOCK ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 24/10/2013
Decision: Grant Subject to S106 Obligation - Full

Item No 4

Application Number: 13/01155/FUL **Applicant:** Buddies Childcare CIC
Application Type: Full Application
Description of Development: Construction of supported timber decking and associated fencing and erection of mono-pitched polycarbonate canopy
Site Address GLEN PARK PRIMARY SCHOOL, GLEN ROAD PLYMPTON PLYMOUTH
Case Officer: Jon Fox
Decision Date: 01/10/2013
Decision: Grant Conditionally

Item No 5

Application Number: 13/01177/FUL **Applicant:** Mr Andy Tibbs
Application Type: Full Application
Description of Development: Retrospective application for two storey side and rear extension and front porch- amendment to approved application 12/00505/FUL with front gable roof turned through 90 degrees
Site Address 317 HEMERDON HEIGHTS PLYMOUTH
Case Officer: Mike Stone
Decision Date: 16/10/2013
Decision: Refuse

Item No 9

Application Number: 13/01301/FUL **Applicant:** Mr Andrew Mitchelmore
Application Type: Full Application
Description of Development: Re-development of site by erection of 12 code level 5 affordable flats with associated parking and access
Site Address THE ASTOR COMMUNITY CENTRE, DARTMOOR VIEW
PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 14/10/2013
Decision: Grant Subject to S106 Obligation - Full

Item No 10

Application Number: 13/01322/FUL **Applicant:** Mr John McConnell
Application Type: Full Application
Description of Development: Erection of 3m high mesh fence along boundary with Edgcumbe Avenue
Site Address DEVONPORT HIGH SCHOOL FOR BOYS, PARADISE
ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 17/10/2013
Decision: Grant Conditionally

Item No 11

Application Number: 13/01324/FUL **Applicant:** Plympton St. Maurice Child Car
Application Type: Full Application
Description of Development: New office building on redundant car parking space and new entrance feature
Site Address PLYMPTON ST MAURICE PRIMARY SCHOOL,
LONGBROOK STREET PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/10/2013
Decision: Grant Conditionally

Item No 12

Application Number: 13/01333/FUL **Applicant:** Pilgrim Primary School
Application Type: Full Application
Description of Development: Creation of 24 space car park with access off Hastings Terrace, and associated landscaping
Site Address PILGRIM PRIMARY SCHOOL, OXFORD STREET
PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 17/10/2013
Decision: Grant Conditionally

Item No 13

Application Number: 13/01339/FUL **Applicant:** Old Priory Junior School
Application Type: Full Application
Description of Development: Removal of temporary storage container and construction of new storage shed
Site Address OLD PRIORY JUNIOR SCHOOL, RIDGEWAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 14

Application Number: 13/01340/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Construction of a new 1.4m high and 100m long tidal flood defence
Site Address LONGBRIDGE ROAD, MARSH MILLS PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 15/10/2013
Decision: Grant Conditionally

Item No 15

Application Number: 13/01367/FUL **Applicant:** Mr B May
Application Type: Full Application
Description of Development: Demolition of existing block of 3 garages and erection of new block of larger size
Site Address LAND ADJ. TO 1 GARDS LANE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 09/10/2013
Decision: Grant Conditionally

Item No 16

Application Number: 13/01379/FUL **Applicant:** Mrs Jane Amberly
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 16 RYDAL CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 17

Application Number: 13/01393/LBC **Applicant:** IDH
Application Type: Listed Building
Description of Development: Installation of 3 no. ventilation ducts in rear elevation, and alterations to internal partition walls
Site Address THE CRESCENT SPECIALIST DENTAL CENTRE, 2 THE CRESCENT PLYMOUTH
Case Officer: Liz Wells
Decision Date: 09/10/2013
Decision: Refuse

Item No 18

Application Number: 13/01404/FUL **Applicant:** Mr Charles Ingram
Application Type: Full Application
Description of Development: Single storey front and rear extensions and pitched roof over porch
Site Address 47 HUXHAM CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 22/10/2013
Decision: Grant Conditionally

Item No 19

Application Number: 13/01425/FUL **Applicant:** Mr Christopher Curtis
Application Type: Full Application
Description of Development: Proposed double garage and demolition of existing single garage
Site Address 166 BILLACOMBE ROAD PLYMSTOCK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 20

Application Number: 13/01448/FUL **Applicant:** Mr Richard Cameron
Application Type: Full Application
Description of Development: Alterations to existing raised decking at rear
Site Address 3 ROSECLAVE CLOSE PLYMOUTH
Case Officer: Niamh Boyle
Decision Date: 02/10/2013
Decision: Grant Conditionally

Item No 21

Application Number: 13/01449/FUL **Applicant:** Cromwell Residential Limited
Application Type: Full Application
Description of Development: Change of use, and conversion including side extension to form four studio flats at lower ground floor, two flats at ground floor, two flats at first floor and one flat at second floor to provide a total of 30 student bedspaces
Site Address 22 to 24 MUTLEY PLAIN PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 14/10/2013
Decision: Grant Conditionally

Item No 22

Application Number: 13/01451/FUL **Applicant:** Plymouth Audi
Application Type: Full Application
Description of Development: Change of use of workshop to additional showroom use, erection of a single storey side extension and extension of hardstanding
Site Address 1 EAGLE ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 14/10/2013
Decision: Grant Conditionally

Item No 23

Application Number: 13/01453/ADV **Applicant:** Plymouth Audi
Application Type: Advertisement
Description of Development: Installation of 4 new/replacement pylon advertisements and 8 new/replacement fascia advertisements
Site Address 1 EAGLE ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 14/10/2013
Decision: Grant Conditionally

Item No 24

Application Number: 13/01469/FUL **Applicant:** Mr and Mrs Roberts
Application Type: Full Application
Description of Development: Conversion of property to 3 flats
Site Address 235 EMBANKMENT ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 02/10/2013
Decision: Refuse

Item No 25

Application Number: 13/01474/FUL **Applicant:** Mr B Bignell
Application Type: Full Application
Description of Development: Single storey rear extension with raised decking
Site Address 72 MILEHOUSE ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 01/10/2013
Decision: Refuse

Item No 26

Application Number: 13/01477/FUL **Applicant:** Mr Paul Rainford
Application Type: Full Application
Description of Development: Change of use of care home to 10-bed house in multiple occupation
Site Address 63 HADDINGTON ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 11/10/2013
Decision: Application Withdrawn

Item No 27

Application Number: 13/01483/FUL **Applicant:** Quay Café Ltd
Application Type: Full Application
Description of Development: Use of ground floor unit, approved for shop (Class A1), as restaurant/café (use Class A3) with variation of condition 3 of planning permission 05/01440/FUL to extend hours of opening.
Site Address QUAY CAFÉ, UNIT 2, 6 HARBOUR AVENUE SUTTON PLYMOUTH
Case Officer: Jessica Vaughan
Decision Date: 09/10/2013
Decision: Grant Conditionally

Item No 28

Application Number: 13/01485/TPO **Applicant:** Plymouth Tree Services
Application Type: Tree Preservation
Description of Development: Pine - remove 1 limb near neighbours property
Site Address 12 POWISLAND DRIVE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 14/10/2013
Decision: Refuse

Item No 29

Application Number: 13/01500/FUL **Applicant:** Mr Potter
Application Type: Full Application
Description of Development: Erection of 14 roof mounted solar panels
Site Address 29 GREEN PARK ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 11/10/2013
Decision: Grant Conditionally

Item No 30

Application Number: 13/01502/FUL **Applicant:** Mr Ridley Errington
Application Type: Full Application
Description of Development: Demolition of outside toilet together with rebuilding of tenement
Site Address 3 HOTHAM PLACE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 31

Application Number: 13/01503/LBC **Applicant:** Mr Ridley Errington
Application Type: Listed Building
Description of Development: Demolition of outside toilet together with rebuilding of tenement
Site Address 3 HOTHAM PLACE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 32

Application Number: 13/01508/FUL **Applicant:** Multistates Ltd
Application Type: Full Application
Description of Development: Variation of condition 2 (plans condition) of 12/01019/FUL (Change of use, conversion and alteration from offices to three self-contained flats including replacement windows, rooflights and sun pipes) to amend the appearance by changing window positions and cill heights
Site Address 5 TO 9 (ODDS) DEAN HILL PLYMOUTH
Case Officer: Mike Stone
Decision Date: 25/10/2013
Decision: Grant Conditionally

Item No 33

Application Number: 13/01516/FUL **Applicant:** Mr G Richards
Application Type: Full Application
Description of Development: Loft conversion and rear dormer
Site Address 272 AUSTIN CRESCENT PLYMOUTH
Case Officer: Mike Stone
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 34

Application Number: 13/01518/TPO **Applicant:** Mr Paul Mather
Application Type: Tree Preservation
Description of Development: 1 Holm Oak, decayed at base - Remove
Site Address 6 MORLEY CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 01/10/2013
Decision: Grant Conditionally

Item No 35

Application Number: 13/01522/FUL **Applicant:** The United Reform Church Inc
Application Type: Full Application
Description of Development: Replace existing aluminium framed windows with UPV framed windows
Site Address PILGRIM UNITED REFORM CHURCH, ST LEVAN ROAD
PLYMOUTH
Case Officer: Mike Stone
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 36

Application Number: 13/01541/ADV **Applicant:** J D Wetherspoon PLC
Application Type: Advertisement
Description of Development: Externally illuminated brass lettering fascia signage, hanging sign; internally illuminated sign and other non-illuminated signage
Site Address 95 TO 99 RIDGEWAY PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 25/10/2013
Decision: Grant Conditionally

Item No 37

Application Number: 13/01542/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Proposed change of use from boat storage to bicycle hire facility, including external alterations and installation of railings to access ramp to Commercial Wharf
Site Address 13-14 COMMERCIAL WHARF, MADEIRA ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/10/2013
Decision: Grant Conditionally

Item No 38

Application Number: 13/01543/FUL **Applicant:** Mr P Ryland
Application Type: Full Application
Description of Development: Single storey side extension - Resubmission of 12/02224/FUL with smaller extension and addition of patio doors to rear tenement
Site Address 21 HIGHER COMPTON ROAD HARTLEY PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 39

Application Number: 13/01546/TPO **Applicant:** Mr Nicholas West
Application Type: Tree Preservation
Description of Development: 8 holm oak - raise crowns to approximately 4m above ground level
Site Address 6 ROBERT ADAMS CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 01/10/2013
Decision: Grant Conditionally

Item No 40

Application Number: 13/01556/FUL **Applicant:** Mr Graham Quigley
Application Type: Full Application
Description of Development: Proposed side and rear single storey extension, rear dormer and formation of roof terrace with external staircase, entrance porch and alterations to windows. Erection of boathouse
Site Address SALTIMORE, HOLLY PARK CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 41

Application Number: 13/01563/FUL **Applicant:** Saunton Estates Ltd
Application Type: Full Application
Description of Development: Erection of dwelling (existing work shop to be demolished)
Site Address 67 RIDGEWAY PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 42

Application Number: 13/01567/EXUS **Applicant:** Mr John James Cooksley
Application Type: LDC Existing Use
Description of Development: Certificate of Lawful Development - Storing, maintaining and servicing motor vehicles
Site Address 1A WARLEIGH AVENUE PLYMOUTH
Case Officer: Kate Price
Decision Date: 17/10/2013
Decision: Issue Certificate - Lawful Use

Item No 43

Application Number: 13/01568/TPO **Applicant:** Mr D Elbrow
Application Type: Tree Preservation
Description of Development: 1 Sycamore - remove
4 Larch - reduce by 1/3
Site Address 7 WOODLANDS LANE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 09/10/2013
Decision: Refuse

Item No 44

Application Number: 13/01572/FUL **Applicant:** Mr & Mrs Tossell
Application Type: Full Application
Description of Development: Retrospective application, new garage on site of former garage
Site Address 4 VICARAGE GARDENS PLYMOUTH
Case Officer: Kate Price
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 45

Application Number: 13/01573/FUL **Applicant:** Debut Services Ltd
Application Type: Full Application
Description of Development: Continued siting of four portacabin modular buildings for a further temporary period
Site Address MINISTRY OF DEFENCE, ROYAL CITADEL PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 46

Application Number: 13/01575/FUL **Applicant:** Easylet
Application Type: Full Application
Description of Development: Change of use from 13 bed student accommodation to a 14 bed House of Multiple Occupancy (HMO)
Site Address OAKLAND MANSION, 203 OUTLAND ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 11/10/2013
Decision: Grant Conditionally

Item No 47

Application Number: 13/01578/TPO **Applicant:** Mr Keith Woodgate
Application Type: Tree Preservation
Description of Development: Crown lift 4 Hornbeam trees, removing lowest 3-4 branches
Site Address 4 COACH HOUSE MEWS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 48

Application Number: 13/01580/FUL **Applicant:** Mrs Sarah Chiswell
Application Type: Full Application
Description of Development: Fencing and patio to rear of dwelling
Site Address 27 RUSSELL AVENUE PLYMOUTH
Case Officer: Jody Leigh
Decision Date: 02/10/2013
Decision: Grant Conditionally

Item No 49

Application Number: 13/01581/FUL **Applicant:** Mr Robert Lester
Application Type: Full Application
Description of Development: Proposal to alter the current parking layout
Site Address 29 AND 31 WYNDHAM MEWS PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 16/10/2013
Decision: Grant Conditionally

Item No 50

Application Number: 13/01585/TPO **Applicant:** Mr Alan Millar
Application Type: Tree Preservation
Description of Development: T1 Sycamore - fell
T2 Sycamore - Reduce by 2m
T3 Lime - Remove limb nearest deck and reduce by 4-5m
Site Address 28 ALBION DRIVE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/10/2013
Decision: Refuse

Item No 51

Application Number: 13/01589/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Removal of metal windows and panels to staircases and replacement with UPVC white windows and panels
Site Address 1 TO 31 ARTILLERY PLACE COXSIDE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 17/10/2013
Decision: Grant Conditionally

Item No 52

Application Number: 13/01592/FUL **Applicant:** Mr & Mrs Wright
Application Type: Full Application
Description of Development: First floor side extension over existing garage/kitchen and single storey front extension under existing canopy roof
Site Address 31 ROWLAND CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 01/10/2013
Decision: Grant Conditionally

Item No 53

Application Number: 13/01593/FUL **Applicant:** Marine Academy Plymouth
Application Type: Full Application
Description of Development: Substitution of two grass football pitches with one artificial multi-purpose pitch, floodlighting and fencing
Site Address MARINE ACADEMY PLYMOUTH, TREVITHICK ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 16/10/2013
Decision: Refuse

Item No 54

Application Number: 13/01605/FUL **Applicant:** Colin Tinker
Application Type: Full Application
Description of Development: Erection of car port to front of dwelling
Site Address 8 BELLE VUE ROAD PLYMOUTH
Case Officer: Jessica Vaughan
Decision Date: 09/10/2013
Decision: Grant Conditionally

Item No 55

Application Number: 13/01612/TPO **Applicant:** Taylor Wimpey
Application Type: Tree Preservation
Description of Development: Various pruning and reduction of 12 ash trees
Site Address REAR OF 26 TO 32 TILLARD CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/10/2013
Decision: Grant Conditionally

Item No 56

Application Number: 13/01614/PRDE **Applicant:** Mr & Mrs Nolan Smith
Application Type: LDC Proposed Develop
Description of Development: Certificate of proposed development - new rear dormer
Site Address 57 RHEOLA GARDENS PLYMOUTH
Case Officer: Kate Price
Decision Date: 09/10/2013
Decision: Application Withdrawn

Item No 57

Application Number: 13/01617/FUL **Applicant:** Mrs Jaqueline West
Application Type: Full Application
Description of Development: Detached double garage with studio above
Site Address MARGROVE, COLESDOWN HILL PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 58

Application Number: 13/01618/TPO **Applicant:** Mr Adam Felgate
Application Type: Tree Preservation
Description of Development: 1 oak and 4 sycamore - Reduce branches overhanging garden by approx 15 feet
Site Address 43 BOUNDARY PLACE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/10/2013
Decision: Grant Conditionally

Item No 59

Application Number: 13/01620/FUL **Applicant:** St Lukes Hospice
Application Type: Full Application
Description of Development: Alterations and extensions to: 1) Entrance lobby and re-roofing conservatory; 2) Existing chapel; 3) Existing laundry store; and 4) To provide covered housing to existing generator equipment
Site Address ST LUKES HOSPICE, STAMFORD ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 60

Application Number: 13/01621/FUL **Applicant:** Ash Properties
Application Type: Full Application
Description of Development: External alterations including new entrance and exits on east and west elevations
Site Address 10 to 12 WESTERN APPROACH PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 61

Application Number: 13/01623/ADV **Applicant:** Puttin' on the Ritz Plymouth
Application Type: Advertisement
Description of Development: Installation of signage to front elevation
Site Address 16 KAY CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 02/10/2013
Decision: Grant Conditionally

Item No 62

Application Number: 13/01624/FUL **Applicant:** Puttin' on the Ritz Plymouth Limi
Application Type: Full Application
Description of Development: Change of use to D2 for Ballroom Classes
Site Address 16 KAY CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 63

Application Number: 13/01625/FUL **Applicant:** Mr Nigel White
Application Type: Full Application
Description of Development: Proposed single storey rear extension
Site Address 21 HOOE ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 64

Application Number: 13/01626/FUL **Applicant:** Mr Richard Harding
Application Type: Full Application
Description of Development: Alterations to previously approved 13/01189/FUL to provide a steeper roof pitch
Site Address 204 PLYMOUTH ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 65

Application Number: 13/01632/FUL **Applicant:** Curtis Ball
Application Type: Full Application
Description of Development: Installation of new window
Site Address 10-13 MANOR STREET PLYMOUTH
Case Officer: Jessica Vaughan
Decision Date: 16/10/2013
Decision: Grant Conditionally

Item No 66

Application Number: 13/01633/FUL **Applicant:** Mr Chris Newton
Application Type: Full Application
Description of Development: Erect outbuilding (garden room)in rear garden; amendment to 13/00432/FUL to change size of windows
Site Address 103 HOOE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 11/10/2013
Decision: Grant Conditionally

Item No 67

Application Number: 13/01641/FUL **Applicant:** Mrs S Murray
Application Type: Full Application
Description of Development: Single storey side extension
Site Address 2 COLSTON CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 04/10/2013
Decision: Grant Conditionally

Item No 68

Application Number: 13/01651/TCO **Applicant:** Mr Kieran Earley
Application Type: Trees in Cons Area
Description of Development: Silver Birch - remove
Site Address 1 ALBEMARLE VILLAS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 08/10/2013
Decision: Grant Conditionally

Item No 69

Application Number: 13/01652/FUL **Applicant:** Mr Peter Wheeler
Application Type: Full Application
Description of Development: Single storey rear/side extension
Site Address 63 LOWER COMPTON ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 22/10/2013
Decision: Grant Conditionally

Item No 70

Application Number: 13/01653/FUL **Applicant:** Mrs Debbie Buse
Application Type: Full Application
Description of Development: Conversion of garage to bedroom, and addition of front extension to sun room
Site Address 1 LIPPELL DRIVE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 71

Application Number: 13/01656/FUL **Applicant:** Mrs Carole Durston
Application Type: Full Application
Description of Development: Formation of 3 flats, 1 bedsit and 3 studio flats
Site Address 19 WALKER TERRACE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 72

Application Number: 13/01664/LBC **Applicant:** Urban Splash
Application Type: Listed Building
Description of Development: Reconfiguration of entrance lobby to north end
Site Address NEW COOPERAGE ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 73

Application Number: 13/01666/ADV **Applicant:** Theatre Royal Plymouth
Application Type: Advertisement
Description of Development: Projected logos and images to north and south elevation of fly tower
Site Address THEATRE ROYAL, ROYAL PARADE PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 74

Application Number: 13/01667/FUL **Applicant:** Mr and Mrs Richard Riordan
Application Type: Full Application
Description of Development: Erection of two storey rear extension
Site Address 37 FURZEHATT ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 11/10/2013
Decision: Grant Conditionally

Item No 75

Application Number: 13/01669/FUL **Applicant:** Mr and Mrs Stones
Application Type: Full Application
Description of Development: Two storey rear extension
Site Address 5 BROOM PARK PLYMOUTH
Case Officer: Liz Wells
Decision Date: 16/10/2013
Decision: Grant Conditionally

Item No 76

Application Number: 13/01670/PRUS **Applicant:** Plymouth Ford Spares
Application Type: LDC Proposed Use
Description of Development: Breaking cars on site
Site Address 10 HAXTER CLOSE PLYMOUTH
Case Officer: Jody Leigh
Decision Date: 25/10/2013
Decision: Application Withdrawn

Item No 77

Application Number: 13/01683/FUL **Applicant:** Anchor Trust
Application Type: Full Application
Description of Development: Removal of soft wood windows and doors and replacement with PVC-U windows and doors with rosewood foiled external finish
Site Address SELKIRK HOUSE, CHURCH ROAD PLYMSTOCK PLYMOUTH
Case Officer: Jessica Vaughan
Decision Date: 25/10/2013
Decision: Grant Conditionally

Item No 78

Application Number: 13/01686/FUL **Applicant:** Mr Terry Fitzpatrick
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 6 CASTLE BANK GARDENS PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 17/10/2013
Decision: Grant Conditionally

Item No 79

Application Number: 13/01687/GPD **Applicant:**
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 5m, has a maximum height of 4m, and has an eaves height of 3m
Site Address 7 DOIDGES FARM CLOSE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 08/10/2013
Decision: Prior approval required

Item No 80

Application Number: 13/01689/TCO **Applicant:** Mr Dave Smith
Application Type: Trees in Cons Area
Description of Development: Fig - fell
Site Address 48 MOLESWORTH ROAD STOKE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/10/2013
Decision: Grant Conditionally

Item No 81

Application Number: 13/01691/TPO **Applicant:** Mr Steve Giles
Application Type: Tree Preservation
Description of Development: Oak - overall crown reduction of 4-5m
Site Address 5 LYNMOUTH CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/10/2013
Decision: Grant Conditionally

Item No 82

Application Number: 13/01697/FUL **Applicant:** Mr Neal Phillips
Application Type: Full Application
Description of Development: Conversion of garage to gamesroom and additional bedroom
Site Address 19 HAROLDSLEIGH AVENUE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 23/10/2013
Decision: Grant Conditionally

Item No 83

Application Number: 13/01699/ADV **Applicant:** Mr Vikesh Panchal
Application Type: Advertisement
Description of Development: Replacement internally illuminated advertisements (3 no. on fascia, 1 no. on forecourt)
Site Address PC WORLD MARSH MILLS BUSINESS PARK,
LONGBRIDGE ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 11/10/2013
Decision: Grant Conditionally

Item No 84

Application Number: 13/01700/TCO **Applicant:** Plymouth Community Homes
Application Type: Trees in Cons Area
Description of Development: 4 Plane trees - pollard back to previous points
Site Address CAR PARKING AREA ON LAND TO REAR OF 1-6
CLOWANCE CLOSE, 31-55 GEORGE STREET AND 55-58
PEMBROKE STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 16/10/2013
Decision: Grant Conditionally

Item No 85

Application Number: 13/01705/FUL **Applicant:** Mr Frank Bramall
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 10 MORETON AVENUE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 11/10/2013
Decision: Grant Conditionally

Item No 86

Application Number: 13/01709/TCO **Applicant:** Rimmer Marine
Application Type: Trees in Cons Area
Description of Development: Removal of: 1 Alder, 2 Field Maple, 3 Rowan
Site Address LAND TO NORTH OF RIMMER'S BOATYARD, 39
CREMYLL STREET PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 87

Application Number: 13/01710/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Creation of 4 no. car park spaces
Site Address MORWELL GARDENS NORTH PROSPECT PLYMOUTH
Case Officer: Jessica Vaughan
Decision Date: 25/10/2013
Decision: Grant Conditionally

Item No 88

Application Number: 13/01718/TCO **Applicant:** OCS Group UK
Application Type: Trees in Cons Area
Description of Development: Various tree management works
Site Address MINISTRY OF DEFENCE, DURNFORD STREET
PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 07/10/2013
Decision: Grant Conditionally

Item No 89

Application Number: 13/01722/FUL **Applicant:** National Marine Aquarium
Application Type: Full Application
Description of Development: Installation of temporary sun fish sculpture
Site Address NATIONAL MARINE AQUARIUM ROPE WALK PLYMOUTH
Case Officer: Katherine Graham
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 90

Application Number: 13/01724/GPD **Applicant:**
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 3.6m, has a maximum height of 3.19m, and has an eaves height of 2.2m
Site Address 63 SEGRAVE ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 08/10/2013
Decision: Prior approval not req

Item No 91

Application Number: 13/01726/TCO **Applicant:** Mr Timothy Lambie
Application Type: Trees in Cons Area
Description of Development: Yew, Pine and Bay - trim as high as possible
Site Address 18 THORN PARK PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 08/10/2013
Decision: Grant Conditionally

Item No 92

Application Number: 13/01727/FUL **Applicant:** Mr & Mrs Thorpe
Application Type: Full Application
Description of Development: Erection of front porch and rear extension
Site Address 19 PORTWAY CLOSE PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 11/10/2013
Decision: Grant Conditionally

Item No 93

Application Number: 13/01729/TCO **Applicant:** Diocese of Exeter
Application Type: Trees in Cons Area
Description of Development: Row of leylandii - remove
Site Address THE VICARAGE, 23 WYNDHAM SQUARE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/10/2013
Decision: Grant Conditionally

Item No 94

Application Number: 13/01731/TPO **Applicant:** Mr Duncan Westlake
Application Type: Tree Preservation
Description of Development: Mulberry - remove 2 branches growing into boundary wall
Site Address LAND TO REAR OF 54 BLUNTS LANE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 03/10/2013
Decision: Grant Conditionally

Item No 95

Application Number: 13/01732/FUL **Applicant:** Mr & Mrs Westbrook
Application Type: Full Application
Description of Development: Creation of vehicle access off Crownhill Road
Site Address 235 CROWNHILL ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 22/10/2013
Decision: Grant Conditionally

Item No 96

Application Number: 13/01737/TCO **Applicant:** St Pauls Church
Application Type: Trees in Cons Area
Description of Development: Various tree management works
Site Address ST PAULS CHURCH, DURNFORD STREET
STONEHOUSE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 97

Application Number: 13/01738/GPD **Applicant:** Mr & Mrs Steve & Susan Bates
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.1m, has a maximum height of 2.9m, and has an eaves height of 2.9m
Site Address 107 HEMERDON HEIGHTS PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 17/10/2013
Decision: Prior approval not req

Item No 98

Application Number: 13/01739/31 **Applicant:** DH Plymouth Ltd
Application Type: GPDO PT31
Description of Development: Notification of proposed demolition and enquiring whether prior approval required for method of demolition and treatment of site
Site Address FORMER MEGABOWL, COT HILL PLYMOUTH
Case Officer: Thomas Westrope
Decision Date: 08/10/2013
Decision: Prior approval required

Item No 99

Application Number: 13/01741/ADV **Applicant:** St Mary & All Saints DCC
Application Type: Advertisement
Description of Development: Replacement church sign to incorporate notice board (non-illuminated)
Site Address ST MARY & ALL SAINTS CHURCH 88 CHURCH ROAD
PLYMSTOCK PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 100

Application Number: 13/01742/TPO **Applicant:** Mr Mark Wildman
Application Type: Tree Preservation
Description of Development: Sycamore - remove 5 branches over garage roof
Horse Chestnut - crownlift over garage to give 2-3m clearance
Site Address 141 HOOE ROAD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 25/10/2013
Decision: Grant Conditionally

Item No 101

Application Number: 13/01744/ADV **Applicant:** Murray Volkswagen
Application Type: Advertisement
Description of Development: Erection of 6 flagpoles
Site Address MURRAY LIMITED, 44 MILLBAY ROAD PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 16/10/2013
Decision: Grant Conditionally

Item No 102

Application Number: 13/01758/TPO **Applicant:** Treverbyn Management Compa
Application Type: Tree Preservation
Description of Development: Red Buckeye - Fell
Cedar - Fell
Site Address TREVERBYN HOUSE ACORN GARDENS PLYMPTON
PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 103

Application Number: 13/01760/FUL **Applicant:** Mrs Claudine Sanford
Application Type: Full Application
Description of Development: Proposed detached garage
Site Address 49 TORR LANE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 23/10/2013
Decision: Grant Conditionally

Item No 104

Application Number: 13/01761/FUL **Applicant:** Mr Paul Smith
Application Type: Full Application
Description of Development: Proposed two storey rear extension
Site Address 13 SKARDON PLACE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 105

Application Number: 13/01763/FUL **Applicant:** AMS SW Limited
Application Type: Full Application
Description of Development: Change of use of existing C3 dwellinghouse to C4 house of multiple occupancy providing 7 bedrooms
Site Address 8 DERRY AVENUE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 17/10/2013
Decision: Application Withdrawn

Item No 106

Application Number: 13/01769/GPD **Applicant:**
Application Type: GPDO Request
Description of Development: Change of use from B1 office(s) to C3 residential – (4 flats)
Site Address 3 WOODLAND TERRACE, GREENBANK ROAD
PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 15/10/2013
Decision: Prior approval required

Item No 107

Application Number: 13/01771/FUL **Applicant:** Hindhead Property Management
Application Type: Full Application
Description of Development: Change of use to 12 bed (non-student) house in multiple occupation
Site Address HOTEL ROYAL, 11 ELLIOT STREET PLYMOUTH
Case Officer: Rebecca Exell
Decision Date: 21/10/2013
Decision: Grant Conditionally

Item No 108

Application Number: 13/01784/GPD **Applicant:** Mr P Fox
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.4m, has a maximum height of 2.95m, and has an eaves height of 2.95m
Site Address 48 MOLESWORTH ROAD PLYMPTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/10/2013
Decision: Prior approval not req

Item No 109

Application Number: 13/01790/PRDE **Applicant:** Mr David Gaylard
Application Type: LDC Proposed Develop
Description of Development: Hip to gable roof alterations with rear dormer
Site Address 57 DEAN PARK ROAD PLYMOUTH
Case Officer: Jody Leigh
Decision Date: 23/10/2013
Decision: Issue Certificate - Lawful Use

Item No 110

Application Number: 13/01792/FUL **Applicant:** Mrs Esther Hopkins
Application Type: Full Application
Description of Development: Raised access across flat roof and insertion of door to side at first floor level to provide disabled access from existing hardstanding
Site Address 176 SHERIDAN ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 25/10/2013
Decision: Grant Conditionally

Item No 111

Application Number: 13/01800/ADV **Applicant:** Ocean BMW
Application Type: Advertisement
Description of Development: Proposed internally illuminated fascia sign
Site Address OCEAN BMW, LONGBRIDGE ROAD MARSH MILLS
PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 112

Application Number: 13/01810/FUL **Applicant:** mr Jonny Fraser
Application Type: Full Application
Description of Development: Proposed rear dormer window and 3 no rooflights
Site Address 3 WOODLAND TERRACE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 23/10/2013
Decision: Grant Conditionally

Item No 113

Application Number: 13/01818/FUL **Applicant:** Mr M Clarke
Application Type: Full Application
Description of Development: Enlargement of existing porch, pitch roof to garage and permeable paving
Site Address 3 CORINGDEAN CLOSE PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 23/10/2013
Decision: Grant Conditionally

Item No 114

Application Number: 13/01824/FUL **Applicant:** Mr Lee Coventry
Application Type: Full Application
Description of Development: Conservatory to side
Site Address 69 FAIRVIEW AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 24/10/2013
Decision: Grant Conditionally

Item No 115

Application Number: 13/01834/TCO **Applicant:** Mrs Charmain Evans
Application Type: Trees in Cons Area
Description of Development: 4 Sycamore Trees Crown Thin by 20%
Site Address THE OLD RECTORY, 9FORE STREET PLYMPTON
PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 09/10/2013
Decision: Application Withdrawn

Item No 116

Application Number: 13/01837/TPO **Applicant:** Mrs Christine Marmoit
Application Type: Tree Preservation
Description of Development: Tree Works
Site Address 31 ALBION DRIVE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 09/10/2013
Decision: Application Withdrawn

Item No 117

Application Number: 13/01857/FUL **Applicant:** Plymouth Judo Club
Application Type: Full Application
Description of Development: NOT YET VALIDATED
Site Address ROCKY PARK ROAD PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 08/10/2013
Decision: Application Withdrawn

Item No 118

Application Number: 13/01864/GPD **Applicant:**
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.05m, has a maximum height of 3.34m, and has an eaves height of 2.05m
Site Address 164 SPRINGFIELD ROAD PLYMOUTH
Case Officer: Louis Dulling
Decision Date: 28/10/2013
Decision: Prior approval not req

Item No 119

Application Number: 13/01880/GPD **Applicant:** Mr Phillip Weeks
Application Type: GPDO Request
Description of Development: A Single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 6m, has a maximum height 2.7, and has an eaves height of 2.7m
Site Address 36 MEDLAND CRESCENT PLYMOUTH
Case Officer: Mike Stone
Decision Date: 28/10/2013
Decision: Prior approval not req

The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City Council:-

Application Number **09/01899/OUT**
Appeal Site **NORTH WEST QUADRANT, DERRIFORD ROAD PLYMOUTH**
Appeal Proposal Outline application for a mixed use development including: 356 dwellings, D1 non residential institutions including healthcare, C2 residential institutions, A1 retail foodstore, smaller A1 shops, A2 financial and professional services, A3 restaurants and cafes, A4 bars, A5 hot food takeaways, B1 offices, C1 hotel, car parking, highways and accesses, public open space, landscaping, transport infrastructure and pedestrian links and cycle provision
Case Officer Robert McMillan

Appeal Category
Appeal Type
Appeal Decision Dismissed
Appeal Decision Date 05/08/2013
Condition
Award of Costs Awarded To

Appeal Synopsis

The Secretary of State for Communities and Local Government (SoS) has dismissed the appeal by Wharfside Regeneration (Devon) Ltd (Wharfside) against the refusal of planning permission by Plymouth City Council for a mixed use development including shops at land to the west of Derriford Hospital known as the North West Quadrant (NWQ). The SoS made a partial award of costs against Wharfside for unreasonable behaviour during the inquiry.

A public local inquiry was held over 15 days last autumn. The Planning Inspector recommended that the appeal should be dismissed. The SoS agreed with the Inspector's overall conclusions.

Main considerations

The SoS considered that the main considerations were:

- Whether the proposals would accord with the development plan, that is the Core Strategy (CS);
- Retail policy;
- Prematurity in relation to the Derriford and Seaton Area Action Plan (DSAAP);
- Traffic on the strategic road network (SRN);
- Highway safety;
- Car parking/sustainable transport;
- Travel plans;
- Affordable housing;
- Design and layout;
- Community impacts;
- Potential benefits: economic development and growth;
- Viability and deliverability; and
- The restrictive covenant.

All the issues are important but the critical ones in the outcome of this appeal were:

1. whether the scheme conflicted with the CS;
2. the potential benefits in terms of economic development and growth of the development completed, either in full or substantially, within the foreseeable future; and
3. the viability and deliverability of the overall development which was crucial and affected the weight to be attached to some of the other key issues.

The SoS agreed with the Inspector that: "... Taken as a whole the scheme would not accord with the development plan. The Inspector said that development would 'offend'

Proposals DS16: A new District Centre for Derriford and DS18: Transport Infrastructure Improvements of the DSAAP but the SoS gave the DSAAP limited weight .

Overall conclusions

The mixed used scheme including several uses that complied with the CS and DSAAP that weighed in its favour. But it would not deliver the CS requirement for a new district centre and '... That this weighs heavily against the proposals'. It would be contrary to CS policies for Derriford and fail the sequential test in the CS and the National Planning Policy Framework (the Framework). (The sequential test is that for larger shopping developments the developer should first look to locate them in town centres, then edge of centres and finally out of centre. For this appeal the NWQ was considered to be an out of centre location.)

The SoS attached little weight to the matter of the prematurity in relation to the DSAAP in weighing against the development. But he agreed with the Inspector that if the scheme went ahead it would be likely to deter investment in another site in Derriford and Seaton.

The SoS agrees that it is likely that only the profitable parts of the scheme would be built comprising the supermarket, multi-storey car parks and larger houses so that the developer would not be able to provide sufficient funds to carry out the junction improvements at the Derriford roundabout. This could lead to significant congestion for many years.

The proposals would not amount to sustainable development (in terms of sustainable travel) and so conflict with relevant CS policies and the Framework.

Little if any affordable housing would be provided and the mix of housing is poor with too many small flats.

In design terms the amount of underground parking 'is a major design flaw in terms of viability'. Other design concerns over inactive street frontages and overshadowing might be acceptable with a thriving High Street. But with the doubts on the deliverability of much of the scheme these concerns should be given some weight.

The proposals are contrary to the CS. The potential benefits that the scheme could theoretically boost economic growth but the poor prospects for its delivery, either in full or substantially, mean that they should be given little weight as a material consideration. Furthermore '... By potentially stifling investment in a new district centre elsewhere the scheme might well suppress economic growth.'

The SoS concluded that: '... The proposal conflicts with the development plan and that there are no material considerations of sufficient weight which would justify allowing the appeal.' As such he dismissed the appeal.

Partial award of costs against the developer

The SoS made a partial award of costs against Wharfside on the ground of unreasonable behaviour because of the unnecessary or wasted expense incurred by Plymouth City

Council (PCC) because Wharfside submitted late evidence on viability and highways, after the exchange of proofs of evidence.

The SoS did not make any award of costs against PCC.

Application Number	12/01672/FUL
Appeal Site	47 MUTLEY PLAIN PLYMOUTH
Appeal Proposal	Change of use of first and second floors to student house in multiple occupation (6 persons), change of use of basement to one bedroom self-contained flat and demolition of existing garage to form parking area for 3 vehicles
Case Officer	Jon Fox
Appeal Category	
Appeal Type	Written Representations
Appeal Decision	Dismissed
Appeal Decision Date	10/10/2013
Conditions	
Award of Costs	Awarded To

Appeal Synopsis

The Inspector agreed that the proposed basement flat would suffer from poor levels of daylight and outlook due to being at a low level, hemmed in by retained high walls, and further constrained by the parking of cars and the bin store and screen

Application Number **12/01850/FUL**
Appeal Site **41 STATION ROAD KEYHAM PLYMOUTH**
Appeal Proposal Change of use and conversion from a flat and maisonette to 3 flats
Case Officer Jon Fox

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 14/10/2013
Conditions
Award of Costs Awarded To

Appeal Synopsis

The Inspector agreed that on-street parking is the issue, but disagreed with the Council that further on-street parking arising from the proposals would result in a risk to highway or public safety, and that local residents would not be inconvenienced to any material extent. The Inspector also considered that the single bus service nearby would be reasonable for this one-bedroom property and that the topography of the area would not necessarily put people off from cycling, especially as ample cycle parking is proposed.

Application Number **13/00227/FUL**
Appeal Site **8 CLIFTON STREET PLYMOUTH**
Appeal Proposal Change of use from single dwelling house (use class C3) to 5 bed house in multiple occupancy (use class C4)
Case Officer Mike Stone

Appeal Category
Appeal Type Written Representations
Appeal Decision Dismissed
Appeal Decision Date 16/10/2013
Conditions
Award of Costs Awarded To

Appeal Synopsis

This appeal was one of the first against a refusal stemming from the Article 4 Direction that removed permitted development rights to convert single dwellings into HMOS. The inspector accepted the Council's view that, although data suggested almost 85% of properties within 100 metres of the house were in some form of multiple occupation, the street had not reached a tipping point. The inspector said that the absence of any HMOS in Clifton Street meant that properties here remained attractive and viable family homes. The introduction of a HMO would be harmful to the character of the area and prejudice the Council's objective of creating sustainable, well-balanced communities. He added that he did not feel that the introduction of a management plan condition would be sufficient to out-weigh the harm caused by the loss of a family home.

Note:

Copies of the full decision letters are available to Members in the Ark Royal Room and Plymouth Rooms. Copies are also available to the press and public at the First Stop Reception.

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