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#plymplanning

## **PLANNING COMMITTEE**

Thursday 25 September 2014

5 pm

Council House, Plymouth (Next to the Civic Centre)

### **Members:**

Councillor Stevens, Chair

Councillor Tuohy, Vice Chair

Councillors Mrs Bowyer, Darcy, K Foster, Mrs Foster, Jarvis, Morris, Nicholson, Stark, Jon Taylor, Kate Taylor and Wheeler.

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

This meeting will be broadcast live to the internet and will be capable of subsequent repeated viewing. By entering the Council Chamber and during the course of the meeting, Councillors are consenting to being filmed and to the use of those recordings for webcasting.

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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 - 6)**

The Committee will be asked to confirm the minutes of the meeting held on 11 September 2014.

#### 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 Strategic Planning and Infrastructure 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.

##### 6.1 133 COMPTON AVENUE, PLYMOUTH 14/01524/FUL

**(Pages 7 - 12)**

Applicant: Mr David Freeman  
Ward: Compton  
Recommendation: Grant Conditionally

**6.2 CRESCENT POINT, THE CRESCENT, PLYMOUTH 14/01264/FUL (Pages 13 - 36)**

Applicant: Concierge 35 Ltd  
Ward: St Peter & the Waterfront  
Recommendation: Grant Conditionally subject to S106  
Obligation, with delegated authority to refuse  
in the event that the S106 Obligation is not  
completed by 16 October 2014

**7. PLANNING APPLICATION DECISIONS ISSUED (Pages 37 - 54)**

The Assistant Director for Strategic Planning and Infrastructure acting under powers delegated to him by the Council will submit a schedule outlining all decisions issued from 1 September 2014 to 14 September 2014 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 55 - 56)**

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.

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## Planning Committee

Thursday 11 September 2014

### PRESENT:

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice-Chair.

Councillors Mrs Bowyer, Sam Davey (substitute for Councillor Jarvis), K Foster, Mrs Foster, Fry (substitute for Councillor Darcy), Morris, Nicholson, Stark, Jon Taylor, Kate Taylor and Wheeler.

Apologies for absence: Councillors Darcy and Jarvis.

Also in attendance: Peter Ford, Lead Planning Officer, Julie Rundle, Senior Lawyer, and Katey Johns, Democratic Support Officer.

The meeting started at 4.03 pm and finished at 7.02 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.*

### 34. DECLARATIONS OF INTEREST

The following declaration of interest was made in accordance with the code of conduct –

Name	Minute Number & Item	Reason	Interest
Councillor Stark	38.1 - Land off Aberdeen Avenue, Plymouth 14/00152/OUT	Residence is accessed via St Peter's Road	Personal non-pecuniary

### 35. MINUTES

Agreed the minutes of the meeting held on 14 August 2014.

### 36. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

### 37. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

38. **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 Conservations Areas) Act, 1990.

**38.1 LAND OFF ABERDEEN AVENUE PLYMOUTH I4/00152/OUT**

Beavertail Ltd.

Decision:

Application **GRANTED** conditionally, subject to –

- (1) acceptance of Option I of the Agronomist's report, and deletion of Condition 25, as set out in the addendum report;
- (2) a S106 Obligation;
- (3) delegated authority to refuse in the event that the S106 Obligation is not completed by 13 October 2014.

(The Committee heard from Councillor Ian Bowyer, ward member, speaking against the application).

(Councillor Nicholson's proposal to accept Option I of the Agronomist's report, having been seconded by Councillor Mrs Bowyer, was put to the vote and declared carried).

**38.2 26 LONGBROOK STREET PLYMOUTH I4/01144/FUL**

Mr Steve Vitali

Decision:

Application **GRANTED** conditionally, subject to the addition of an extra condition relating to Landscaping and the retention of the existing hedge for screening purposes.

(The Committee heard from Councillor Mrs Beer, ward member, speaking against the application).

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

(Councillor Steven's proposal for an extra condition relating to Landscaping, having been seconded by Councillor Nicholson, was put to the vote and declared carried).

(A Planning Committee site visit was held on 9 September 2014 in respect of this application).

(This item was considered with the application below - minute 38.3 refers).

**38.3 26 LONGBROOK STREET PLYMOUTH 14/01145/LBC**

Mr Steve Vitali

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Mrs Beer, ward member, speaking against the application).

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

(A Planning Committee site visit was held on 9 September 2014 in respect of this application).

(This item was considered with the application above - minute 38.2 refers).

**38.4 BEDFORD VILLA AMITY PLACE PLYMOUTH 14/01095/FUL**

BT Developments Ltd

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Ricketts, ward member, speaking against the application).

(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 September 2014 in respect of this application).

(Councillor Wheeler left the meeting after consideration of this item).

**38.5 LAND ADJACENT YARDLEY GARDENS ESTOVER PLYMOUTH 14/01317/FUL**

Mr Andrew Mitchelmore

Members, having considered the report and debated the application, were generally of the opinion that the following changes were required to the report -

- (a) Pre-Occupation Condition 8 : Pedestrian Crossing – deletion of words “approved in writing by the Local Planning Authority” and replacement with “ approval by the Assistant Director for Strategic Planning and Infrastructure in consultation with the Planning Committee Chair, Vice-Chair and opposition lead member;
- (b) an additional informative relating to the protection of the hedge bank and mature trees.

Decision:  
Application **GRANTED** conditionally.

(The Committee heard from Councillors Casey and Bridgeman, ward members, speaking against the application).

(The Committee heard representations against the application).

(A Planning Committee site visit was held on 9 September 2014 in respect of this application).

(Councillor Stark left the meeting during consideration of this item).

(Councillor Wheeler was not present for this item).

39. **OBJECTIONS FROM MR HULCOOP TO TREE PRESERVATION ORDER NO. 500 - 242 ST PANCRAS AVENUE**

The Committee considered the report of the Strategic Director for Place regarding objections to Tree Preservation Order No. 500 at 242 St Pancras Avenue.

Agreed that Tree Preservation Order No. 500 is confirmed without modification.

(Councillors Stark and Wheeler were not present for this item).

40. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 4 to 31 August 2014.

41. **APPEAL DECISIONS**

The Committee noted the schedule of appeal decisions made by the Planning Inspectorate.

42. **EXEMPT BUSINESS**

There were no items of exempt business.

**SCHEDULE OF VOTING**

\*\*\*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
38.1	Land off Aberdeen Avenue Plymouth 14/00152/OUT  Vote 1 – To accept Option 1 of the Agronomist’s Report  Vote 2 – Officer Recommendation	Unanimous  Councillors Jon Taylor, Morris, Kate Taylor, Sam Davey, Wheeler, Stevens and Tuohy	Councillors Wendy Foster, Stark, Ken Foster, Nicholson, Mrs Bowyer and Fry			
38.2	26 Longbrook Street, Plymouth, 14/01144/FUL	Councillors Jon Taylor, Morris, Kate Taylor, Sam Davey, Wheeler, Stevens and Tuohy	Councillors Wendy Foster, Stark, Ken Foster, Nicholson and Mrs Bowyer	Councillor Fry		
38.3	26 Longbrook Street, Plymouth, 14/01145/LBC	Councillors Jon Taylor, Morris, Kate Taylor, Sam Davey, Wheeler, Stevens and Tuohy	Councillors Wendy Foster, Stark, Ken Foster, Nicholson and Mrs Bowyer	Councillor Fry		
38.4	Bedford Villa, Amity Place, Plymouth, 14/01095/FUL	Councillors Jon Taylor, Morris, Kate Taylor, Sam Davey, Wheeler, Stevens, Tuohy and Fry	Councillors Wendy Foster and Ken Foster	Councillors Stark, Nicholson and Mrs Bowyer		
38.5	Land adjacent Yardley Gardens, Estover, Plymouth, 14/01317/FUL	Councillors Jon Taylor, Morris, Kate Taylor, Sam Davey, Stevens, Tuohy and Fry	Councillors Wendy Foster, Ken Foster, Nicholson and Mrs Bowyer			Councillors Stark and Wheeler
39	Objections from Mr Hulcoop to Tree Preservation Order No 500 – 242 St Pancras Avenue	Unanimous				Councillors Stark and Wheeler

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# PLANNING APPLICATION REPORT



**Application Number** 14/01524/FUL

**Date Valid** 15/08/2014

**Item** 01

**Ward** Compton

**Site Address** 133 COMPTON AVENUE PLYMOUTH

**Proposal** Single storey side and rear extension

**Applicant** Mr David Freeman

**Application Type** Full Application

**Target Date**

**10/10/2014**

**Committee Date**

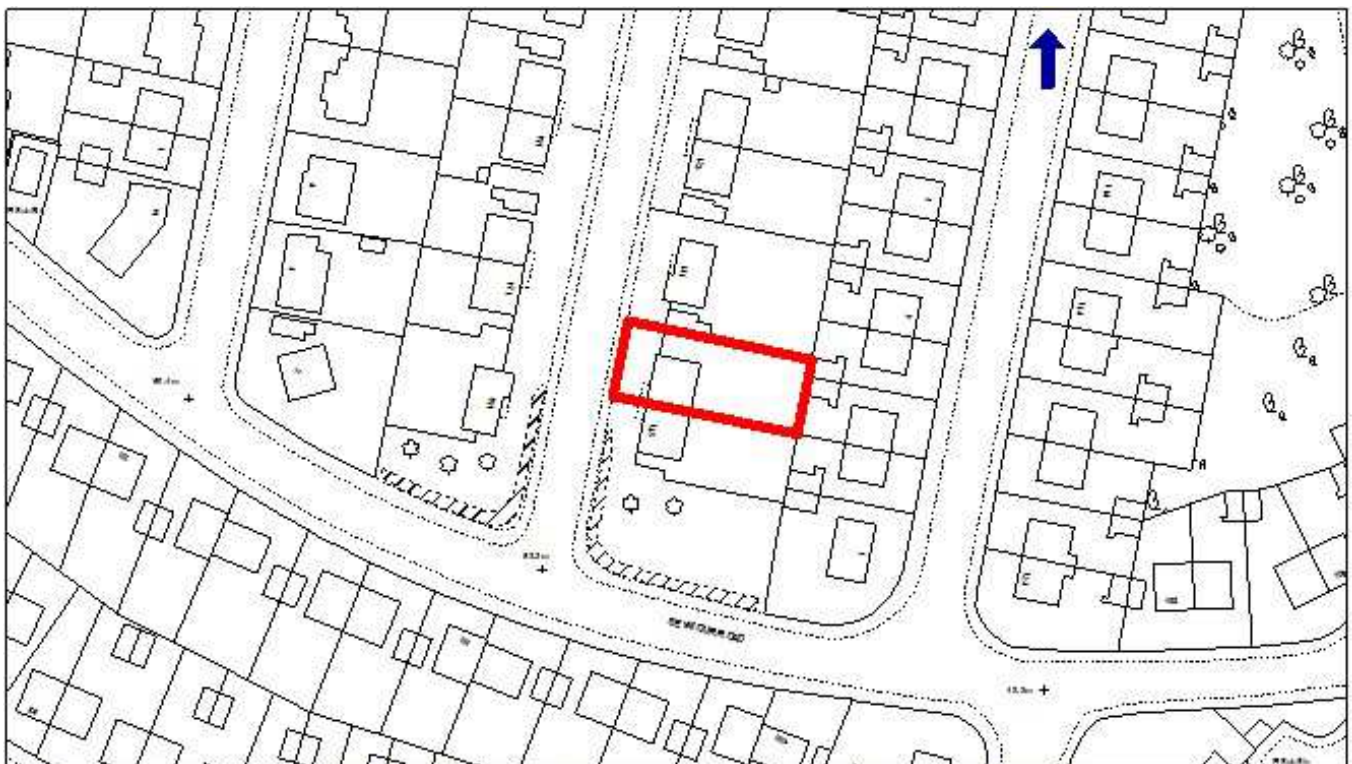
**Planning Committee: 25  
September 2014**

**Decision Category** Member/PCC Employee

**Case Officer** Liz Wells

**Recommendation** Grant Conditionally

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The application has been referred to Planning Committee because the applicant's wife is an employee of the Council.

## 1. Description of site

133 Compton Avenue is a semi-detached house in the Compton area of the city.

## 2. Proposal description

Single storey side and rear extension.

The proposal is to form additional living/dining accommodation to the rear and a potential bedroom to the side. The design wraps around the side and rear of the house, with a chamfered corner, with a low pitched roof. The proposal projects approximately 3.85m from the rear elevation and 3.3m from the side, is 2.3m to the eaves and 5m at the highest point, measured from the floor level.

The proposed materials are rendered walls and grey, standing seam roof.

## 3. Pre-application enquiry

None.

## 4. Relevant planning history

No planning history for this property.

## 5. Consultation responses

No consultation responses requested or received for this proposal.

## 6. Representations

No letters of representation received to date – **still in the consultation period at time of writing.**

## 7. Relevant Policy Framework

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

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

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

In addition to the Framework, the following Adopted Supplementary Planning Documents (SPD) are also material considerations to the determination of the application:

- Development Guidelines SPD First Review 2013

## 8. Analysis

### 1. Main considerations

1.1 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, Development Guidelines SPD and is considered to be compliant with National Planning Policy Framework guidance.

1.2 The main considerations in assessing this application this proposal is the impact on the neighbouring properties amenities and the visual impact on the street.

### 2. Impact on neighbours

2.1 The proposal comes close to the boundary with the attached neighbour, no. 135. Both houses share the same floor level and no. 135 has a raised patio to the rear with a boundary fence dividing the properties. The proposal lies to the north of that neighbour and by virtue of the modest height and low pitch roof, officers do not considered the property will unreasonable impact the light or outlook to this neighbour.

2.2 The detached neighbour to the north, no. 131, is at a higher ground level and has recently completed a two storey side extension with no windows in the side wall. The proposal will be adequately screened by existing boundary fencing and officers do not considered it will result in any unreasonable impact on the amenity of this neighbour.

2.3 Neighbouring properties to the rear (east) are at a lower ground level. The proposal will come closer to that property but the separation main rear windows and the proposal of over 21m will be maintained in line with the Development Guidelines SPD. Officers do not consider there to be any unreasonable loss of privacy in this instance.

### 3. Impact on streetscene

3.1 In terms of size and position, the proposal complies with the Development Guidelines SPD, is subordinate and well set back from the front (by 2.5m) and set off the boundary with no. 131 by approximately 1m. It will contrast in style and materials to the existing house to form a contemporary extension but given its position, it will not be dominant viewed from the street and officers do not consider it will result in any harm to this streetscene.

### 4. Other considerations

4.1 Officers note that the proposal includes a door to the front, however, given the close relationship with the existing dwelling, it is unlikely that this would give rise to an independent unit of accommodation in the future.

## **9. Human Rights**

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

## **10. Local Finance Considerations**

- No Community Infrastructure Levy (CIL) triggered under the current charging schedule.
- No New Homes Bonus applicable to this proposal.

## **11. Planning Obligations**

- No Planning Obligations sought or considered applicable to this residential extension proposal.

## **12. Equalities and Diversities**

None.

## **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically is not considered to result in unreasonable harm to neighbouring properties amenities and is in keeping with the streetscene. The proposal is therefore recommended for approval as submitted.

## **13. Recommendation**

In respect of the application dated **15/08/2014** and the submitted drawings Winch/DF/LP01/2014, Winch/DF/SP01/2014, Winch/DF/PL01/2014, Winch/DF/PL02/2014, Winch/DF/EL01/2014, Winch/DF/EL02/2014, Winch/DF/EL03/2014, Winch/DF/EL04/2014, Winch/DF/EL05/2014 and Winch/DF/EL06/2014, it is recommended to: **Grant Conditionally**

## 14. Conditions

### CONDITION: 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.

### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Winch/DF/LP01/2014, Winch/DF/SP01/2014, Winch/DF/PL01/2014, Winch/DF/PL02/2014, Winch/DF/EL01/2014, Winch/DF/EL02/2014, Winch/DF/EL03/2014, Winch/DF/EL04/2014, Winch/DF/EL05/2014 and Winch/DF/EL06/2014.

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 paragraphs 61-66 of the National Planning Policy Framework 2012.

## Informatives

### INFORMATIVE: UNCONDITIONAL APPROVAL APART FROM TIME LIMIT AND APPROVED PLANS

(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 granted planning permission.

### INFORMATIVE: (2) 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).

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# PLANNING APPLICATION REPORT



**Application Number** 14/01264/FUL

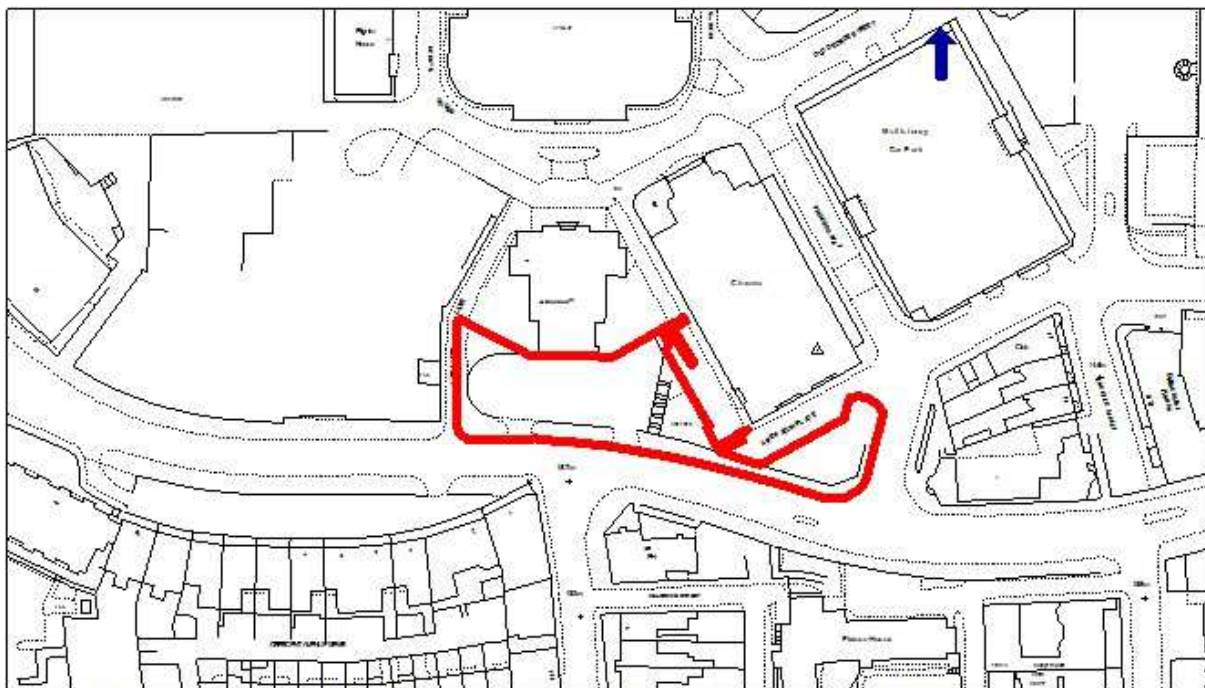
**Date Valid** 18/07/2014

**Item** 02

**Ward** St Peter & The Waterfront

<b>Site Address</b>	CRESCENT POINT, THE CRESCENT PLYMOUTH	
<b>Proposal</b>	Erection of two development blocks, comprising 348 student bedrooms and up to 4 ground floor units (to include use class A1, A2 and A3) plus associated infrastructure, site access, car park and landscaping	
<b>Applicant</b>	Concierge 35 Ltd	
<b>Application Type</b>	Full Application	
<b>Target Date</b>	<b>17/10/2014</b>	<b>Committee Date</b> <b>Planning Committee: 25 September 2014</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received	
<b>Case Officer</b>	Karen Gallacher	
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 16 October 2014	

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## 1. Description of site

The application site is an irregular shape and comprises 0.14ha. The site has two component parts: the extent of the former Crescent Cars Garage which comprises the western part of the site and an existing, car park which forms the eastern part of the site

The site falls within the within the Leisure and Civic District of the Plymouth City Centre and University Area Action Plan. It is also within the Tall Building Zone as defined by the Design Supplementary Planning Document. The Hoe Conservation Area lies immediately to the south.

To the north of the site is the three storey Plymouth Athenaeum Theatre and the Reel Cinema. To the east, beyond Princess Way, is a three and a half storey office block.

Immediately to the south are the buildings of The Crescent, number 1 The Crescent is a Grade 2\* listed building and the remainder of the terrace is Grade 2. Immediately to the west of the site land is the former Television South West vacant site.

Land drops away from The Crescent / Notte Street and the current site level is lower than that of the street. The topography of the Plymouth is such that the site is located on the downward slope from The Hoe to the south towards the Royal Parade to the north.

## 2. Proposal description

The development proposal comprises two blocks of accommodation for 348 students in total, with mixed retail (A1 shop, A2 office and A3 café and restaurant) use at ground floor. The scheme has been amended to remove A4 public house/bar and A5 hot food takeaway uses following advice from consultees and officers.

Block A comprises a 10 storey west wing, a 14 storey central tower and an 11 storey east wing. It would provide a total of 288 student bedrooms. The lower ground floor would largely comprise amenity facilities including refuse storage, plant area, a laundry area, 3 disabled parking bays, and 76 cycle parking spaces. The ground floor of Block A will comprise the main entrance to the student accommodation, the reception

area and associated offices, a student lounge, and 2 retail units. The upper floors of Block A are proposed to provide 288 student accommodation rooms. These comprise a mix of studio units and 4 bed cluster flats of between 12 and 14.5 sqm in size with shared kitchen/lounge area.

Block B will be situated in the eastern part of the site and will have a height of 11 storeys, providing a total of 60 student accommodation rooms.

The lower ground floor will largely comprise amenity facilities similar to block A.

The ground floor of Block B is proposed for retail use with entrance on the southern elevation off The Crescent. The first to tenth floors of the development will all be identical. Each floor will contain 6 studio bedrooms of between 16.5 and 17.3sqm in size. Each studio room will have private bathroom and kitchen space.

Externally, hard landscaping works would be undertaken around the proposed development. These would include the provision of a new pavement around the entire development to allow access by pedestrians to both the front and rear of both buildings. Access to the lower ground floors of both buildings would be provided from Athenaeum Place. Street furniture including benching, planters, low level lighting and bicycle stands are proposed. Bollards would also be provided to deter on-street parking on The Crescent.

The elevational treatments proposed include Plymouth limestone at ground floor level, curtain walling, spandrel panelling, composite stone cladding and zinc effect panelling.

These details have been amended following discussion with officers and English Heritage.

### 3. Pre-application enquiry

The developer submitted plans which have been the subject of pre application discussions and negotiation. The principle of the development on the site has been supported by officers subject to the submission and acceptability of detailed reports, survey information and public consultation.

The scheme has been the subject of a public exhibition and consultation in May 2014 which sought to obtain the views from the wider public and local residents. Officers also suggested to the applicant that the scheme should be subject to design review by the Design Review Panel, but the applicant decided not to pursue this option.

### 4. Relevant planning history

06/01548 /FUL - Demolition of existing building and erection of building for office use (part six floors, part 7 floors) including basement car parking – GRANTED S106.

06/01303 /FUL - Demolition of existing building and erection of building for office use (part six floors, part 7 floors) including basement car parking. – Withdrawn

05/01224/FUL - Demolition of existing building and erection of building (5 storeys to Notte Street) providing 56 residential apartments – Granted S106

04/00483/FUL – Demolition of existing building and erection of building for Class A3 Food and Drink (Ground Floor) and residential (part 6 floors part 11 floors, providing 77 units) – REFUSED

03/00652/FUL – Change of use of premises from vehicle sales to private members club with extension to front of building to contain new stairwell – REFUSED

### 5. Consultation responses

Public Protection Service – The proposal has been amended to overcome objections from public protection in respect of air quality, land quality and problems associated with A4 and A5 uses. Their response to these amendments will be reported as an addendum report. In addition conditions have been recommended in respect of code of practice for construction, extraction equipment, management and noise.

English Heritage – The scheme has been amended following a recommendation for refusal from English Heritage. English Heritage still objects to the application, although it does acknowledge that some improvements have been made to the design. Please see the Analysis section for more details on English Heritage's response.

Health and Safety Executive (HSE) – Recommend that the application is deferred until the Hazardous Substance application 14/01347/HAZ has been determined. This is because if this application at the Crescent is approved it may affect the HSE recommendation for the Hazardous Substance application. However see the Analysis section for further consideration of the HSE issues.

Local Highway Authority – No objection to the amended scheme, subject to conditions.

Police Architectural Liaison Officer – No objection to the amended scheme.

Housing - No objection as the general layout and size of the accommodation is acceptable.

South West Water - No objection, but the applicant has been advised to contact SWW regarding the possible requirement to divert the public water main and regarding the dispersal of surface water from the site.

Environment Agency - No objection subject to conditions requiring details of surface water drainage, and appropriate investigation and remediation of contaminated land

### 6. Representations

There have been 6 letters of objection to date. The objections include the following comments

- The excessive massing would be detrimental and cause a harmful transition from the Conservation Area to the City Centre.
- The modular construction would deliver an extremely poor quality of construction that would quickly deteriorate.
- The architecture and detail of the scheme is of poor quality and should have been considered by the Plymouth Design Panel
- More students in the area would create an imbalance in the area and harm amenity.
- Inaccurate details shown of the massing of the building.
- Development does not respect the Crescent buildings which are listed buildings or the views from the conservation area.
- The cell like layout would prohibit alternative uses.
- The site is on the wrong side of the city to be good for student accommodation.
- The loading bay at the front should be relocated to the rear of the building.
- Parking inadequate to support the proposed uses.
- There is no adequate amenity space for the students.
- The surrounding development would be dwarfed and overshadowed.
- The submission details do not comply with the Tall Building Strategy or the aims of the Hoe Conservation Area Appraisal.
- The development will block important vistas in the area.
- The removal of the steps through the site would restrict permeability
- There is no shortage of student accommodation in Plymouth.
- Neighbouring residential property would suffer loss of amenity and overlooking.
- The land contamination issues have not been dealt with adequately.

## 7. Relevant Policy Framework

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

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

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

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- The City Centre and University Area Action Plan
- Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document 1<sup>st</sup> Review

## 8. Analysis

1. 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, City Centre and University Area Action Plan, Design Supplementary Planning Document and is considered to be compliant with National Planning Policy Framework guidance.

2. The relevant policies of the Local Development Framework Core Strategy are:

CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS06 (City Centre); CS15 (Overall Housing Provision); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); and CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations) of the Adopted Core Strategy.

3. The key issues are:
  - The principle of the development on the site
  - The impact of the development on the appearance and character of the area and on the setting of the listed buildings in The Crescent and the Hoe Conservation Area.
  - Amenity issues
  - Highway implications
  - Public protection issues

### **Principle of development**

4. The principle of redevelopment of this site would be in accordance with the NPPF and Core Strategy Policy CS34, both of which encourage the efficient use of previously developed land.
5. The City Centre and University Area Action Plan Policy Proposal CC18, which covers the site, identifies that future development should strengthen the character of the area and could include leisure uses, hotels, bars and restaurants and residential. Mixed use development of this nature, including the various retail uses on the ground floor, is therefore supported in this location.
6. The principle of a tall building on the site is established within the Design Supplementary Planning Document, which includes the site in the Tall Buildings Zone.
7. Officers consider the site is entirely appropriate for student accommodation given its proximity to the University, City Centre, public transport and all amenities. The provision of a significant level of bespoke student accommodation here could help to reduce the pressure on residential areas surrounding the University, including Greenbank and Mutley.
8. Plymouth has a hierarchy of retail centres and as such it is important to protect the retail function of the city centre. The proposed ground floor uses are located on the edge of the defined City Centre Area in the Area Action Plan. The mix of uses proposed are not considered to conflict with the viability or vitality of the City Centre. A condition is however, recommended to prevent the amalgamation of these units to form one larger unit. The creation of active frontage on the ground floor is considered vitally important in terms of urban design and the environment created by the development. The proposal is therefore considered to comply with policy CS06 in terms of city centre uses.
9. This part of the city centre has suffered in recent years from a lack of vibrancy and poor quality of environment due to the demolition of this and adjacent developments. The principle of redevelopment of this site with a mix of residential use and retail uses is welcomed both in policy terms and because it would bring about significant improvement in the area. The site is well connected, accessible and in this respect complies with policy CS01.

### **Impact on character and appearance of the area.**

10. The site falls within the Zone of Opportunity for Tall Buildings as designated within the Design Supplementary Planning Document 2009.

11. In terms of scale and massing the development in block A has been designed to respond to the neighbouring development. The western end aligns with the Zero 4 development and the developments approved on the adjacent Oceanique site. The 14 storey element has been purposely located to align with Atheneum Street and the eastern end reduces in height to 10 and 11 storeys.
12. The Design Supplementary Planning Document identifies the need to protect long range view corridors into the city. The applicant has provided key views from Central Park, North Cross, North Hill, Notte Street, The Hoe, Athenaeum Street, Millbay. From these views it can be seen that the building sits comfortably in the wider cityscape and relates well to the surrounding buildings. It will block some views from the Hoe Conservation Area to the wider countryside to the north, but this is not considered to be so harmful to justify refusal.
13. The design of the building has been subject to discussion at pre application level with officers and English Heritage. It is considered an appropriate response to the local and wider city centre context.
14. The stone effect cladding has been positioned to make reference to the architectural detail of the buildings in The Crescent. The design proposals seek to visually separate the lower storeys of the west wing and be articulated to reflect the scale and rhythm of the façade of the listed buildings. This has been improved by largely removing the horizontal emphasis as shown in the original planning application proposals. The revised proposals are now considered to reasonably complement the development in the area.
15. The façade treatment to both the west and east wings of the building has been simplified so that the central feature tower becomes a little more emphasised giving the overall composition more clarity. The central tower is intentionally located on the vista of Athenaeum Street when viewed from higher up towards the Hoe and to create a landmark feature.
16. The proposed material palette has not been fully agreed. Plymouth limestone has been agreed to the ground floor which is considered positive and locally distinctive. Details of the cladding panels are to be agreed, but as can be seen from the visuals the key element proposed is a reconstituted Portland stone mix, which it will be important to ensure is of the highest quality. As it has not been possible to agree materials at this stage, a pre commencement condition is recommended in this regard to ensure that the quality, and cost, of the materials is established at an early stage.
17. The development proposed is modular. It is therefore particularly important to ensure that the cladding materials is effective. For example window reveals will need to be set back and junction details between materials need agreement, and again these details are recommended to be conditioned.
18. The drawings are considered to give an accurate representation of the proposed building even though an objector has taken a contrary view.

19. At street level the scheme proposes improvements to the public realm and includes repaving using granite. Street furniture including benching, planters, low level lighting and bicycle stands are proposed. Bollards would also be provided to deter on-street parking on The Crescent.
20. The scheme is generally considered to be a positive new development bringing a derelict site of the former Crescent Garage which had been enclosed in hoardings for some following its demolition.
21. Officers also feel that the building would make an important contribution to this part of the city responding with active ground uses and glazing to the principle frontage on Notte Street and returns to both Athenaeum Lane and Place. Officers therefore consider that the proposed buildings would comply with policies CS02, CS34, and the Design Supplementary Guidelines in terms of design and the character of the area.
22. The applicant has throughout the design process been offered the opportunity to have an independent design review through the Design Review Panel. However the applicant has decided not to take up this offer.

### **Impact on the heritage assets and archaeology**

23. The key issue is the effect of the development on the setting of The Hoe Conservation Area, and a number of nearby listed buildings, notably the Grade II\* listed number 1 The Crescent and the Grade II listed numbers 2-12 The Crescent.
24. English Heritage raised an objection to the originally submitted scheme. Their main objections were that the scale and detailing of the development would take the focus from number 1 The Crescent and block views of the countryside from Athenaeum Street.
25. Following a meeting with English Heritage the scheme has been amended. A reduction in scale has not been possible, as this would undermine the viability of the scheme, but changes to the frontage have been incorporated to reflect the architecture of The Crescent.
26. Amended comments from English Heritage states that although the design revisions are welcome they do not address the fundamental concern that the scale and massing of the proposed development is overwhelming to the setting of a grade 2\* heritage asset, which was specifically designed to be the focus of views. It also states that the current proposal still fails to respond to the character and history of The Crescent and it would cause serious, unjustified harm to one of Plymouth's finest secular buildings.
27. English Heritage confirms that it has no objection to the principle of a building of significant scale and mass, but would prefer to continue working with the applicant towards a more sympathetic scheme.
28. The applicant's Heritage Statement acknowledges the status of the buildings, but considers that the post war planning of Plymouth has resulted in Notte Street removing the front gardens, and thereby reducing the importance of the setting of these buildings. It assesses the harm as less than substantial. The objection from English Heritage uses the terms serious and unjustified harm, but does not claim substantial harm.



29. Officers have considered both documents against the guidance of the NPPF and in particular paragraph 134, which states that when the harm is less than substantial it should be weighed against the public benefits of the proposal.
30. The public benefits of the proposal include the re use of an unsightly area of the City Centre and the introduction of new uses which would increase the vibrancy and vitality of the area. The new student accommodation would also result in the relocation of 348 student bed spaces from the residential areas of the city to the City Centre. The site is well located in terms of access and the redevelopment would contribute towards a sustainable and linked community.
31. On balance therefore officers recommend that the proposal complies with policies CS03 and the NPPF in respect of the impact on heritage assets.
32. The application site, as a result of previous investigations associated with planning application 06/01548/FUL, is known to occupy the site of a burial ground which is believed with a very high degree of confidence to be that of the late 18th to early 19th century Royal Naval Hospital at Plymouth (Stonehouse). The extent of the burial ground is unknown but there is reason to believe that it may extend beyond the area of known burials in all directions. The excavation of all human remains within the site was not completed as the approved development did not proceed.
33. The archaeological assessment makes it clear that there is a strong likelihood of further human burials being found on the site. It is therefore recommended that a condition requiring a programme of archaeological investigation and recording is included in any grant of planning permission.

### **Impact on amenity**

34. A 3D Model to compare existing and proposed overshadowing by the building has been constructed. The assessments were carried out in accordance with Building Research Establishment guidelines. The overall effect of the proposed development on the local environment in terms of overshadowing is considered to be acceptable.
35. The study does show major adverse impact on the Athenaeum Theatre, the flat within the theatre and 23 and 24 Lockyer Street (offices and hotel), however, the resultant shadows fall on existing corridors, a derelict building site or elevations and roofs of commercial buildings with no, or few windows. Moreover, the wide break between the proposed blocks emphasises the nature of transient shadows that fall across the aforementioned areas for small defined periods of the day, leaving them unaffected for the remainder.
36. One of the letters of objection raises concerns about the proposal overlooking property in Alfred Street on the Hoe. However, the distances involved are considered to be sufficient to prevent unacceptable loss of privacy.

37. Concern has also been expressed that the level of student activity resulting from this development would be harmful to residential amenity in terms of noise, disturbance and litter. The developer has confirmed that the property would have an onsite manager and on site security for the evenings, and the students would be given clear guidelines about acceptable behaviour, noise levels etc. Any student not adhering to the rules would first be issued with a warning and if the action is repeated then this would be considered a breach in their contract and they could be asked to leave the premises (depending of the severity of the action). A management plan condition is recommended to ensure compliance with these proposals. In addition opening hours and delivery conditions are recommended to protect residential amenity.
38. The applicants have also confirmed that they will be happy to sign up to a management condition relating to the operation of the building, including site waste management, the storage of which is shown within the building.
39. The amenity of the prospective residents is considered to be acceptable and meets housing standards. The lack of external amenity area is considered to be offset by the provision of internal facilities and the location in the city centre close to the Hoe and city centre amenities. It is recommended that the rooms are built to Good Room criteria and that a condition is imposed to ensure this.
40. The proposal is considered to comply with policies CS15, CS34 and the NPPF in terms of amenity for the reasons given above.

## **Highways**

41. Vehicular access to Block 'A' will be from Athenaeum Place where three disabled parking spaces will be provided on the lower ground floor, along with 88 in number cycle parking spaces to support the student use. No further off-street parking would be provided to support the development, although the application indicates that the lost public car parking spaces associated with the development of Block 'B', would be re-provided within the public street in Athenaeum Place. Following discussion with the Highway Authority , the scheme has been amended and the whole development and all of the uses, would be serviced from Athenaeum Place.
42. The two parts of the Site blocks 'A' & 'B' are bisected by a set of public steps that fall within the application site boundary. The steps are Highway Maintainable at Public Expense (HMPE) and the highway rights would need to be extinguished via Section 247 of the Planning Act 1980 prior to being taken out use, and there is no objection to this in principal, as access around the development is improved. The extinguishment process requires that the public rights would not be interfered with and that the steps would continue to be available for use up until the time that the government office might issue the extinguishment order.
43. As part of the development proposal external works would be necessary and carried out within the public realm around the site, with re-paving of the footways and public areas. The development offers new 'street furniture' including benching, planters with trees, low level lighting, and bicycle stands at the front of Block 'A', to help deter unlawful on-street parking. A condition requiring further details and implementation is recommended.

44. The application site lies immediately adjacent to the Hoe Conservation Area to the south and also quite close to the city centre to the north. There is a desire to improve the quality of the surfacing materials used, by the use of natural materials in accordance with this council's Paving Manual (rather than the concrete paving products). The revised drawing shows some natural paving materials, much of which would also be subject of further detailed approval as part of any associated highway agreement works. Notwithstanding the submitted surfacing details, a planning condition requiring further details and implementation is recommended.
45. Subject to conditions therefore the proposal is considered to comply with the requirements of policy CS28 of the Local Development Core Strategy and the NPPF.

### **Public protection issues**

46. An Air Quality Assessment has been submitted with the application. The Public Protection Service has raised an objection as the assessment does not adequately address the potential canyon effect and the impact of the Combined Heat and Power Plant (CHP) on air quality. Additional information has been requested and following consultation with the Public Protection Service this matter will be reported by addendum report to the Planning Committee.
47. A Pedestrian Level Wind Microclimate Assessment has been submitted with the proposal. This report identifies that the development will result in conditions being potentially windier than desired in the windiest season. Mitigation is suggested to recess main entrances to give people time to acclimatise to windy conditions before stepping out onto the pavement. Other areas requiring mitigation are the south west and northwest corners of Block A, where it is suggested that a canopy is introduced. It is therefore recommended that a condition is included to agree these details.
48. A Surface Water Drainage Strategy has been submitted with the application. The Environment Agency (EA) has requested conditions for further details and South West Water (SWW) have advised that these details will need to be agreed with them prior to implementation. Subject to compliance with these details the proposal complies with CS21 in terms of flood risk.
49. In August, Brittany Ferries submitted a Hazardous Substances application (14/01347/HAZ) for the storage of marine fuel within the ferry terminal depot in Millbay. The marine fuel has been stored at the terminal since 2001, but new legislation now means that the storage needs Hazardous Substance Consent. The HSE has advised that if the Local Planning Authority decides to grant permission for this planning application before they have had the opportunity to assess the hazardous substances consent application, the Council should be aware that HSE would have to take such permissions into account when advising the Council on the application for hazardous substances consent. If the presence of the hazardous substances were considered to be incompatible with any existing or proposed residential or other developments, then HSE would advise against the granting of the hazardous substances consent. Officers consider, however, that without a direct objection from the HSE it is not reasonable to delay development on these grounds.

50. With regard to ventilation and extraction, kitchen extract systems will be taken to roof level. Subject to further details regarding filtration systems and noise attenuation, which can be secured by way of condition, there have been no objections from the Public Protection Service in this respect and there would be no conflict with policies CS22 and CS34 in this respect..
51. A contaminated land assessment has been submitted. The Public Protection Service has objected as it does not adequately cover the probable previous use of the east end of the site, which our records show may be contaminated. A further assessment is awaited at the time of writing this report. This matter will be reported by addendum report to the planning committee.

### **Sustainability**

52. The application is accompanied by an Energy Statement that sets out how the applicant intends to meet policies CS20 and CC05.
53. The site falls within the City Centre and as such would normally be encouraged to provide potential links to district heating and make a contribution towards its provision. In this case, the building is located on the periphery of the area and so an on-site renewable energy solution was proposed. The Energy Statement does not fully meet the 15% reduction for both buildings that is required by policy CS20. At the time of writing this report, negotiations are taking place in respect of an offsite contribution to meet the shortfall in on site provision. This matter will therefore be reported to Planning Committee in the addendum report.
54. In order to comply with policy CS19, the scheme needs to propose a net gain in biodiversity. A condition is proposed to ensure that this net gain can be provided primarily via the landscaping and planting scheme within the public realm.

## **9. Human Rights**

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

## **10. Local Finance Considerations**

### **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 £959,333 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.

## Community Infrastructure Levy

The site is situated in the City Centre Zone which is rated at £0 per square metre for residential/student accommodation. At the current time there is no Community Infrastructure Levy liability (CIL) for this development therefore.

### 11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been sought in respect of the following matters:

For the provision and maintenance of the public toilet facilities in Central Park - £85,190.40

For the provision and maintenance of playing pitch facilities in Central park - £154,532.88

An amount is being negotiated for the provision of District Energy solutions within 400m of the development if all of the renewable energy requirements cannot be met on site - At the time of writing this report this matter is still in negotiation. It will be reported to planning committee by addendum report.

### 12. Equalities and Diversities

The development provides accessible accommodation, access to the building that is Disability Discrimination Act compliant, 3 disabled parking spaces and lift access to all floors of both developments. The development is considered to meet the requirements of policy CS34 in this respect.

### 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that, whilst there are concerns with the proposal in terms of height and design, officers consider that, on balance, the proposal accords with policy and national guidance and specifically

- CS01 (Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS06 (City Centre); CS15 (Overall Housing Provision); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime); and CS33 (Community Benefits/Planning Obligations); CS34 (Planning Application Considerations) of the Adopted Core Strategy.

### 13. Recommendation

In respect of the application dated **18/07/2014** and the submitted drawings :Location Plan, Block Plan, 0560\_A\_2010 RevB\_Block A GA Plan Lower Ground,0560\_A\_2011 Rev A - Block A GA Ground Floor,0560\_A\_2012 RevA - Block A\_GA First Floor, 0560\_A\_2019 RevA - Block A - GA 8th Floor,

0560\_A\_2020 RevB\_Block A\_GA 9th Floor, 0560\_A\_2021 RevB - Block A\_GA 10th Floor, 0560\_A\_2022 RevB - Block A\_GA 11th Floor, 0560\_A\_2025 - Block A\_GA Roof Plan, 0560\_A\_2100\_D Proposed Site Plan & External Works, 0560\_A\_2101\_E Proposed Site Plan Ground Floor, 0560\_A\_2102\_D Proposed Site Plan Lower Ground Floor, 0560\_A\_2103\_C Proposed Site Plan Typical Floor,

0560\_A\_2510\_A Block B GA Plan\_LG Floor, 0560\_A\_2511\_Block B\_GA - Ground floor, 0560\_A\_2512\_ Rev A Block B\_GA 1st , 0560\_A\_2523 Block B\_GA Roof Plan,

0560\_A\_3001 RevB\_Block A - South & East Elevations, 0560\_A\_3002 RevB\_Block A -North & West Elevations, 0560\_A\_3003 RevB\_Block B - Elevations,

0560\_A\_4001\_A Block A GA Section A-A, 0560\_A\_4002\_A Block A GA Section B-B,

0560\_A\_4003\_A Block A GA Section C-C & D-D, 0560\_A\_4004 Block A\_GA Section EE and FF, 0560\_A\_4005 Block B\_GA Section GG and HH

0560\_A\_4010\_A Site Section 01 & 02, 2014-09-09 Planning 3d Views Rev A,, 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 16 October 2014**

### 14. 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:Location Plan, Block Plan, 0560\_A\_2010 RevB\_Block A GA Plan Lower Ground,0560\_A\_2011 Rev A - Block A GA Ground Floor,0560\_A\_2012 RevA - Block A\_GA First Floor, 0560\_A\_2019 RevA - Block A - GA 8th Floor,

0560\_A\_2020 RevB\_Block A\_GA 9th Floor, 0560\_A\_2021 RevB - Block A\_GA 10th Floor, 0560\_A\_2022 RevB - Block A\_GA 11th Floor, 0560\_A\_2025 - Block A\_GA Roof Plan, 0560\_A\_2100\_D Proposed Site Plan & External Works, 0560\_A\_2101\_E Proposed Site Plan Ground Floor, 0560\_A\_2102\_D Proposed Site Plan Lower Ground Floor, 0560\_A\_2103\_C Proposed Site Plan Typical Floor,

0560\_A\_2510\_A Block B GA Plan\_LG Floor, 0560\_A\_2511\_Block B\_GA - Ground floor,  
560\_A\_2512\_ Rev A Block B\_GA 1st , 0560\_A\_2523Block B\_GA Roof Plan,

0560\_A\_3001 RevB\_ Block A - South & East Elevations, 0560\_A\_3002 RevB\_ Block A -North &  
West Elevations, 0560\_A\_3003 RevB\_ Block B - Elevations,

0560\_A\_4001\_A Block A GA Section A-A, 0560\_A\_4002\_A Block A GA Section B-B,

0560\_A\_4003\_A Block A GA Section C-C & D-D, 0560\_A\_4004 Block A\_GA SectionEE and FF,  
0560\_A\_4005 Block B\_GA Section GG and HH

0560\_A\_4010\_A Site Section 01 & 02, 2014-09-09 Planning 3d Views Rev A,

and associated supporting documentation.

#### Reason

To ensure that the development can be subject to a minor amendment in accordance with Section 73 of the Town & Country Planning Act 1990.

#### 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 and the NPPF.

#### RETAIL UNIT RESTRICTION

(4)The ground floor retail units in Block A shall not be amalgamated so as to exceed 2200 square feet.

#### Reason:

The development impacts have been assessed on the basis that the units provided are the size shown on the submitted plans. Enlarging the unit sizes would need to be subject to further consideration in the form of a planning application. A further planning application would be required to ensure that the development would have no adverse impact on the viability and vitality of the retail function of the City Centre, or on highway safety, and in order to comply with policies CS06 and CS28 of the Local Development Framework Core Strategy and the NPPF.

#### REINSTATEMENT OF FOOTWAY

(5) No dwelling shall be occupied and the building shall not be brought into use until the existing footway crossings (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) and the NPPF.

#### ARCHAEOLOGICAL INVESTIGATION

(6) 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 that historic evidence is appropriately recorded, and that the proposed works do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

#### DESIGN DETAILS

(7) Notwithstanding the details submitted, unless otherwise agreed previously with the Local Planning Authority (LPA), no work shall commence until the following details have been submitted to and agreed in writing by the LPA:

(i) Details of the design, method of construction and finish of the glazing system/curtain walling system and spandrel panel to be used;

(ii) Details of the depth of reveals to all window openings.

(iii) Details of the design of any external building lighting proposed;

(iv) Details of the proposed siting, design and external materials of any roof plant, services or lift rooms and any wall or roof vents, ducts, pipes, extracts, window cleaning apparatus or other accretions to the roof or elevations;

(vi) Details of the design of the treatment of the junctions between the different cladding systems.

Such agreed details shall be strictly adhered to during the course of development and thereafter so maintained.

Reason:

To enable the LPA to consider the above details in the interests of the appearance and character of the development and locality, in accordance with Policy CS01, CS02, CS03, CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF para 65.

#### EXTERNAL MATERIALS

(8) No development shall take place until samples 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 the NPPF para 65.

#### SURFACING MATERIALS

(9) No development shall take place past damp proof course level until details and or samples of all surfacing materials to be used 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 the NPPF para 65.

#### SURFACE WATER DRAINAGE

(10) Prior to the occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme for the management of the site's surface water is completed in accordance with the submitted Below Ground Surface Water Drainage Strategy (Ref. 61032681-DR-R002 Rev. A). The scheme shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

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 disposing during and after development, and to ensure that the development complies with the requirements of policy CS21 of the Local Development Framework Core Strategy and the NPPF

#### STREET DETAILS

(11) Development shall not begin 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. The development shall not 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 the NPPF para 32.

### CYCLE STORAGE

(12) No dwelling 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 88 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 and the NPPF and para 32.

### COMPLETION OF ROADS AND FOOTWAYS

(13) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 'Street Details' 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 and the NPPF para 32.

### PROVISION OF PARKING AREA

(14) 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.

### LANDSCAPE DESIGN PROPOSALS

(15) No development shall take place past damp proof course level 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 all alterations to the public realm including footway layout and details, street furniture, planting structures, and lighting.

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

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

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18,CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF para 65

### LANDSCAPE MANAGEMENT PLAN

(16) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved 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, CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF

### DETAILS OF TREE PLANTING

(17)The plans and particulars of the landscaping works submitted in accordance with condition 15 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 , CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF

### TREE REPLACEMENT

(18)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 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 are subsequently properly maintained, if necessary by replacement.

## OPENING HOURS

(19) Unless otherwise agreed previously in writing with the Local Planning Authority, the ground floor retail uses hereby permitted shall not be open to customers outside the following times: 0700 - 2300 hours on any day of the week. Ground floor A3 (restaurant and café uses) shall not be open to customers outside the following times: 0700 - 2300 Monday to Saturday inclusive, and 1000 - 2200 on Sundays and Bank 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 and the NPPF.

## NOISE

(20) Unless otherwise agreed previously in writing with the Local Planning Authority, the development 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 communal/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).

Prior to any occupation of the buildings, the applicant/developer should submit, for written approval by the Local Planning Authority, a verification report proving that the buildings meet the criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance generated by traffic or community noise to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and the NPPF

## STUDENT USE RESTRICTION

(21) The units of residential accommodation within the buildings shall only be occupied by students in full-time education, by a warden (who may not be in full-time education), by delegates attending conferences or courses during vacation periods (No such delegate shall occupy the premises for more than four weeks in any calendar year), or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space

per unit, lack of amenity space and lack of on-site car parking to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007 and the NPPF

### MANAGEMENT ARRANGEMENTS

(22) The development shall not be occupied until details of the arrangements by which the approved student accommodation is to be managed, are submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall continue to be managed permanently in accordance with the agreed management arrangements.

Reason:

To protect the residential amenities of the area to comply with policy CS34 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

### NO HOT FOOD TAKEAWAY

(23) The premises shall not be used for the sale of any hot food for consumption off the premises.

Reason: The use of the premises for such a purpose would be likely to harm local residential amenity due to increased noise and disturbance caused by the frequent arrival and departure of customers, and/or traffic and parking problems outside the premises and in adjacent streets, contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the NPPF.

### NOISE AND ODOUR FROM MECHANICAL EXTRACTION VENTILATION

(24) Prior to the installation of any mechanical extract ventilation system to any or all of the commercial units the Local Planning Authority (LPA) must be provided with plans and information in respect of the equipment, which must be approved in writing by the LPA, prior to the installation of any such equipment.

The information provided should include details of methods to reduce or eliminate cooking smells and should include confirmation of any odour control methods proposed for use in conjunction with any proposed system, i.e., filtration systems, odour neutralising systems, etc.

The information should also include details of methods to reduce any noise caused by the operation of any proposed ventilation system. The noise emanating from equipment (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason: To protect the residential and general amenity of the area from noise and odour emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007 and the NPPF. –

#### NOISE FROM DELIVERIES AND REFUSE COLLECTION

(25) Unless otherwise agreed previously in writing, deliveries and refuse collections are restricted to the following times:

Monday to Saturday No deliveries or refuse collection between 6pm and 8am

On Sundays and Bank Holidays No refuse collections; no deliveries on Sundays, and on Bank Holidays deliveries only between 10:00am and 4:00pm.

Reason: To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007 and the NPPF

#### INFORMATIVE - CODE OF CONSTRUCTION

(1) The management plan required in connection with the "Code of Practice During Construction" Condition should 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. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.
- c. Hours of site operation, dust suppression measures, and noise limitation measures.
- d. Details of an area to be created within the site for the parking of contractor's equipment and materials.
- e. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

#### INFORMATIVE - EXCLUSION FROM RESIDENT PERMIT PARKING SCHEME

(2) The application property does not fall within any on-street Permit Parking Zone (although close to one) and would therefore be ineligible for any type of on-street parking permits.

#### INFORMATIVE: DETAILS OF THE MANAGEMENT ARRANGEMENTS

(3) The applicant is hereby advised that the management details to be submitted and agreed under the above condition should comprise the following elements:-

- 1 - At all times to restrict the occupation of the property to bona-fide students who are currently undertaking full time education, a warden who may not be in full-time education and delegates attending conferences or courses during the vacations, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time.
- 2 - To employ a warden who is resident at the property.
- 3 - To include in any tenancy agreement between the owners and student tenant terms which clearly state the expected standard of conduct including the need to have due consideration to the amenities of the nearby properties and that failure to comply with those requirements may result in the termination of the tenancy and the form of such a tenancy agreement shall be supplied to the Council on request. Each tenancy agreement must contain advice that the Berkley Square car park must not be used by tenants or visitors for car parking or dropping off purposes.
- 4 - To circulate to all premises adjoining the property annually with details of the name, address and telephone number of the person responsible for the management of the property.
- 5 - The owners shall impose on the person responsible for the management of the property; a strict timescale to include an investigation of any complaint within twenty four hours and a written response within five working days and shall take such steps as are necessary to ensure that the timescale is adhered to.
- 6 - Details of the proposed arrivals/departures procedures.
- 7 - refuse collection details.

The applicant is encouraged to open and to maintain a dialogue with Berkley Square residents, to ensure that any issues which might arise with day to day running of the building, hereby approved, are adequately addressed in a reasonable time.

#### INFORMATIVE - SECTION 278 HIGHWAY AGREEMENT

(4) 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 PUBLIC STEPS

(5) No work or enclosure of the public steps that bisected the application site and link Notte Street to Athenaeum Place shall take place prior to the public access rights being extinguished via Section 274 of the Town & Country Planning Act 1990 and the government office have issued the necessary extinguishment order; until such time the steeps shall not be interfered with and remain available for public use.

Reason: To ensure that the public access rights would be properly and lawfully extinguished in accordance with the correct procedure of Section 247 of the Town & Country Planning Act 1990.

#### INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(6)The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule.The Levy is subject to change and 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](http://www.plymouth.gov.uk/cil) for guidance. Index-linking may also apply.

#### INFORMATIVE: UNCONDITIONAL APPROVAL (APART FROM TIME LIMIT AND APPROVED PLANS)

(7) 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 granted planning permission.

#### PUBLIC HIGHWAY APPROVAL

(8)This planning permission does not authorize 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.





**Item No 3**

**Application Number:** 14/01009/FUL **Applicant:** Spirit Pub Company (Services)  
**Application Type:** Full Application  
**Description of Development:** Use of public highway for the placing of 4x table and 8 chairs in connection with the Golden Hind  
**Site Address** THE GOLDEN HIND, 260 MANNAMEAD ROAD  
PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 03/09/2014  
**Decision:** Grant Conditionally

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**Item No 4**

**Application Number:** 14/01085/FUL **Applicant:** AXA P&C C/O AXA Real estate i  
**Application Type:** Full Application  
**Description of Development:** Variation of conditions 2,3 and 4 of planning permission 13/01191/FUL for a new retail unit to create an outdoor seating area, allow use as a coffee shop and extend the opening hours  
**Site Address** FRIARY PARK, EXETER STREET PLYMOUTH  
**Case Officer:** Olivia Wilson  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 5**

**Application Number:** 14/01107/LBC **Applicant:** Plymouth Maid  
**Application Type:** Listed Building  
**Description of Development:** Listed building works of repair and alteration  
**Site Address** LINER LOOKOUT, HOE ROAD PLYMOUTH  
**Case Officer:** Katherine Graham  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 6**

**Application Number:** 14/01184/FUL **Applicant:** Mr R Walby  
**Application Type:** Full Application  
**Description of Development:** Change of use to three self-contained flats with external alterations including cycle store and new window  
**Site Address** 1 HAYSTONE VILLAS, HAYSTONE PLACE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 7**

**Application Number:** 14/01189/ADV **Applicant:** Skoda  
**Application Type:** Advertisement  
**Description of Development:** 2x illuminated fascia signs, 1x illuminated pylon, 1x illuminated directional sign, 1x illuminated logo wall, 1x illuminated entrance statement, 1x illuminated communication wall  
**Site Address** MURRAY PLYMOUTH LTD, 56 VALLEY ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 8**

**Application Number:** 14/01193/FUL **Applicant:** Remor Investments Ltd  
**Application Type:** Full Application  
**Description of Development:** Change of use from A1 (shop) to A2 (financial/professional)  
**Site Address** 98 NEW GEORGE STREET PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 9**

**Application Number:** 14/01220/TPO **Applicant:** Mr Ball  
**Application Type:** Tree Preservation  
**Description of Development:** Beech - reduce by 1-2m and thin by 5-10%  
**Site Address** 73A THE TREEHOUSE GLENHOLT ROAD GLENHOLT PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 02/09/2014  
**Decision:** Grant Conditionally

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**Item No 10**

**Application Number:** 14/01231/LBC **Applicant:** Mr Gianni Corino  
**Application Type:** Listed Building  
**Description of Development:** Retrospective application for the installation of a flue  
**Site Address** 22 ACRE PLACE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 11**

**Application Number:** 14/01266/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Externally applied wall insulation with a brick-slip and render finish  
**Site Address** 1-15 & 14-40 HORNCHURCH ROAD PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 12**

**Application Number:** 14/01275/FUL **Applicant:** Mr Tony Bevan  
**Application Type:** Full Application  
**Description of Development:** Extension over the existing garage and over the ground floor extension to the rear  
**Site Address** 67 DUNRAVEN DRIVE PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 01/09/2014  
**Decision:** Grant Conditionally

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**Item No 13**

**Application Number:** 14/01276/TPO **Applicant:** Plymouth College  
**Application Type:** Tree Preservation  
**Description of Development:** Holm Oak (T12) - raise crown to give 5m clearance above ground level  
**Site Address** PLYMOUTH COLLEGE, FORD PARK PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 08/09/2014  
**Decision:** Grant Conditionally

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**Item No 14**

**Application Number:** 14/01322/FUL **Applicant:** Wrekin Windows  
**Application Type:** Full Application  
**Description of Development:** Replace windows, fascias and soffits, rainwater goods  
**Site Address** 1 GLOUCESTER COURT PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 15**

**Application Number:** 14/01324/FUL **Applicant:** Woodground Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of decking and screening at first floor level above existing play area  
**Site Address** 74 PEVERELL PARK ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 08/09/2014  
**Decision:** Grant Conditionally

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**Item No 16**

**Application Number:** 14/01341/FUL **Applicant:** Spectrum Premier Homes Ltd  
**Application Type:** Full Application  
**Description of Development:** Variation of condition 2 of planning application 13/01786/FUL to allow minor material amendment to alter roof designs and pitches  
**Site Address** FORMER PLYM VIEW PRIMARY SCHOOL, BLANDFORD ROAD PLYMOUTH  
**Case Officer:** Thomas Westrope  
**Decision Date:** 10/09/2014  
**Decision:** Application Withdrawn

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**Item No 17**

**Application Number:** 14/01345/TPO **Applicant:** Mr Christopher Davey  
**Application Type:** Tree Preservation  
**Description of Development:** Group of bay trees - reduce by 3 metres  
**Site Address** 1 OLD MILL COURT PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 05/09/2014  
**Decision:** Grant Conditionally

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**Item No 18**

**Application Number:** 14/01348/FUL **Applicant:** Tesco Stores Ltd  
**Application Type:** Full Application  
**Description of Development:** Installation of retail cabin for A2 use  
**Site Address** TESCO STORES LTD, 1 WOOLWELL CRESCENT  
PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 10/09/2014  
**Decision:** Grant Conditionally

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**Item No 19**

**Application Number:** 14/01350/ADV **Applicant:** Tesco Stores Ltd  
**Application Type:** Advertisement  
**Description of Development:** 7x fascia signs for new retail cabin  
**Site Address** TESCO STORES LTD 1 WOOLWELL CRESCENT  
PLYMOUTH  
**Case Officer:** Katie Beesley  
**Decision Date:** 10/09/2014  
**Decision:** Grant Conditionally

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**Item No 20**

**Application Number:** 14/01354/FUL **Applicant:** Marlborough Primary School  
**Application Type:** Full Application  
**Description of Development:** Take down old perimeter fence and install new fencing to  
secure school site  
**Site Address** MARLBOROUGH PRIMARY SCHOOL, MORICE SQUARE  
PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 21**

**Application Number:** 14/01358/FUL **Applicant:** Mrs Kerry O'Gorman  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 68 BEACON DOWN AVENUE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 03/09/2014  
**Decision:** Grant Conditionally

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**Item No 22**

**Application Number:** 14/01361/ADV **Applicant:** Ed's Easy Diner Group Ltd  
**Application Type:** Advertisement  
**Description of Development:** 8 x canvas screens supported by polished chrome posts 2 x umbrellas, 3 metres x 3 metres with company logo  
**Site Address** UNIT SU 19, DRAKE CIRCUS SHOPPING CENTRE, 1 CHARLES STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 08/09/2014  
**Decision:** Grant Conditionally

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**Item No 23**

**Application Number:** 14/01363/FUL **Applicant:** Mr and Mrs Duncan Brown  
**Application Type:** Full Application  
**Description of Development:** Extension to provide disabled wc  
**Site Address** 8 CLIFTON AVENUE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 24**

**Application Number:** 14/01370/FUL **Applicant:** Asda Stores Ltd  
**Application Type:** Full Application  
**Description of Development:** Removal of 2 x refrigeration units and addition of 2 x new units to mezzanine plant area and addition of 1 x air conditioning unit to rooftop area  
**Site Address** ASDA STORES LTD, LEYPARK DRIVE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 25**

**Application Number:** 14/01371/FUL **Applicant:** Mr and Mrs A Ahier  
**Application Type:** Full Application  
**Description of Development:** Single storey and two storey side and rear extension  
**Site Address** 209 DUNRAVEN DRIVE PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 03/09/2014  
**Decision:** Grant Conditionally

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**Item No 26**

**Application Number:** 14/01372/FUL **Applicant:** Mr Roberts  
**Application Type:** Full Application  
**Description of Development:** Proposed single storey porch to front elevation  
**Site Address** 124 BAMPFYLDE WAY PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 27**

**Application Number:** 14/01375/TPO **Applicant:** Mrs Martin  
**Application Type:** Tree Preservation  
**Description of Development:** Oak Tree - Remove 3 low secondary branches  
**Site Address** 2 BROUGHTON CLOSE PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 08/09/2014  
**Decision:** Grant Conditionally

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**Item No 28**

**Application Number:** 14/01377/TCO **Applicant:** Mrs Sarah Chilvers  
**Application Type:** Trees in Cons Area  
**Description of Development:** Cypress tree - Fell  
**Site Address** 49 FORE STREET PLYMPTON PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 02/09/2014  
**Decision:** Grant Conditionally

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**Item No 29**

**Application Number:** 14/01384/FUL **Applicant:** Wharfdale Ltd  
**Application Type:** Full Application  
**Description of Development:** Erection of 2x semi-detached dwellings with integrated garage  
**Site Address** FORMER COMMERCIAL SITE, WESLEY PLACE MUTLEY PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 30**

**Application Number:** 14/01400/FUL **Applicant:** Mr & Mrs Benbow  
**Application Type:** Full Application  
**Description of Development:** Part retrospective and variation of previously approved scheme 13/02245/FUL for 2 storey rear extension including new retaining wall and steps to garden  
**Site Address** 23 DUNCLAIR PARK PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 10/09/2014  
**Decision:** Grant Conditionally

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**Item No 31**

**Application Number:** 14/01404/FUL **Applicant:** Plymouth Garden Centre Ltd  
**Application Type:** Full Application  
**Description of Development:** Installation of portacabin for use as office  
**Site Address** PLYMOUTH GARDEN CENTRE LTD, FORT AUSTIN AVENUE PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 01/09/2014  
**Decision:** Application Withdrawn

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**Item No 32**

**Application Number:** 14/01405/OUT **Applicant:** Plymouth City Council  
**Application Type:** Outline Application  
**Description of Development:** Outline application for 4 self-build dwellings  
**Site Address** LAND AT LANCASTER GARDENS, OFF TAUNTON AVENUE PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/09/2014  
**Decision:** Grant Conditionally

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**Item No 33**

**Application Number:** 14/01407/OUT **Applicant:** Plymouth City Council  
**Application Type:** Outline Application  
**Description of Development:** Outline application for 4 self-build dwellings  
**Site Address** LAND AT MAIDSTONE PLACE, OFF UXBRIDGE DRIVE  
PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 10/09/2014  
**Decision:** Grant Conditionally

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**Item No 34**

**Application Number:** 14/01408/FUL **Applicant:** CD Bramall Dealerships Ltd  
**Application Type:** Full Application  
**Description of Development:** Demolition of existing car sales pod and alterations to existing  
external façade  
**Site Address** EVANS HALSHAW VAUXHALL PLYMOUTH, BARBICAN  
APPROACH PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 03/09/2014  
**Decision:** Grant Conditionally

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**Item No 35**

**Application Number:** 14/01432/LBC **Applicant:** Amey  
**Application Type:** Listed Building  
**Description of Development:** Installation of 4 bicycle stands  
**Site Address** THE GUILDHALL, ROYAL PARADE PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 36**

**Application Number:** 14/01433/FUL **Applicant:** Mr Richard Greaves  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 136 GREENWOOD PARK ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 04/09/2014  
**Decision:** Grant Conditionally

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**Item No 37**

**Application Number:** 14/01434/FUL **Applicant:** Mr Alex Zessimedes  
**Application Type:** Full Application  
**Description of Development:** Addition of new first floor and roof and creation of 2 off road parking spaces  
**Site Address** 34 AND 36 CHAPEL WAY LOWER COMPTON PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 10/09/2014  
**Decision:** Application Withdrawn

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**Item No 38**

**Application Number:** 14/01442/TCO **Applicant:** Mrs Jennifer Paternoster  
**Application Type:** Trees in Cons Area  
**Description of Development:** Crown lift 3 leyland cypress trees to between 3 and 4 metres above ground level  
**Site Address** 55 FORE STREET PLYMPTON PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 12/09/2014  
**Decision:** Grant Conditionally

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**Item No 39**

**Application Number:** 14/01460/FUL **Applicant:** Mrs Samantha Amor  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 50 TREVENEAGUE GARDENS PLYMOUTH  
**Case Officer:** Liz Wells  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 40**

**Application Number:** 14/01463/FUL **Applicant:** Mr & Mrs Hayman  
**Application Type:** Full Application  
**Description of Development:** Single storey side and rear extension  
**Site Address** 50 LONG MEADOW CLOSE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 41**

**Application Number:** 14/01477/FUL **Applicant:** Mr and Mrs Braddon  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 9 PARKER ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 09/09/2014  
**Decision:** Application Withdrawn

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**Item No 42**

**Application Number:** 14/01478/FUL **Applicant:** Huw Pring  
**Application Type:** Full Application  
**Description of Development:** Replace and rebuild existing conservatory, build side extension and raised decking (resubmission of 14/00703/FUL with tiled roof to rear extension and depth increased to 4 metres)  
**Site Address** 11A DUNSTONE DRIVE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 08/09/2014  
**Decision:** Grant Conditionally

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**Item No 43**

**Application Number:** 14/01479/FUL **Applicant:** Mr Roy Sharman  
**Application Type:** Full Application  
**Description of Development:** Creation of mansard roof to front; enlarge rear dormer window; extend first floor bathroom  
**Site Address** 167 CITADEL ROAD PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 12/09/2014  
**Decision:** Grant Conditionally

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**Item No 44**

**Application Number:** 14/01507/FUL **Applicant:** Mr Kieth Amery  
**Application Type:** Full Application  
**Description of Development:** Rear single storey extension  
**Site Address** 54 TORRIDGE ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 45**

**Application Number:** 14/01511/FUL **Applicant:** Purple Dot Directors Pension Sc  
**Application Type:** Full Application  
**Description of Development:** Erection of industrial unit (Use Classes B1, B2 and B8) subdivided into five units, together with associated forecourt and car parking  
**Site Address** UNIT 17 FORRESTERS BUSINESS PARK, ESTOVER CLOSE PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/09/2014  
**Decision:** Grant Conditionally

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**Item No 46**

**Application Number:** 14/01522/FUL **Applicant:** Mr & Mrs Richard Bennett  
**Application Type:** Full Application  
**Description of Development:** One storey rear extension and two storey side extension  
**Site Address** 51 ROSEWOOD CLOSE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 11/09/2014  
**Decision:** Grant Conditionally

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**Item No 47**

**Application Number:** 14/01565/ESR10 **Applicant:** WYG  
**Application Type:** Environmental Ass  
**Description of Development:** Request for a screening opinion in accordance with Pat 2 regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 for the development of 250-300 dwellings at Boringdon, north of Plympton with a new access junction onto Plymbridge Road  
**Site Address** LAND AT PLYMBRIDGE ROAD BORINGDON PLYMOUTH  
**Case Officer:** Alan Hartridge  
**Decision Date:** 04/09/2014  
**Decision:** ESRI - Completed

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**Item No 48**

**Application Number:** 14/01621/FUL    **Applicant:** Mr Neal Hiscocks  
**Application Type:** Full Application  
**Description of Development:** Proposed development of 14 no. houses with associated vehicular and parking access  
**Site Address**                      FORT HOUSE, FORT TERRACE PLYMOUTH  
**Case Officer:**                      Rebecca Boyde  
**Decision Date:**                      11/09/2014  
**Decision:**                              Application Withdrawn

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**The following decisions have been made by the Planning Inspectorate on appeals arising from decisions of the City Council:-**

Application Number	Planning Compliance Case 13/00230/OPR	
Appeal Site	St Anne's House, Jennycliff Lane, Hooe, Plymouth, PL9 9SN	
Appeal Proposal	Appeal against a planning enforcement notice alleging breach of planning by the erection of a wooden structure close to the entrance of St Anne's House	
Case Officer	Ms Jody Leigh	
Appeal Category	Enforcement Notice	
Appeal Type	Written Representations	
Appeal Decision	Appeal Dismissed	
Appeal Decision Date	26 August 2014	
Conditions	None, as appeal dismissed.	
Award of Costs	No costs application submitted by either side.	Awarded To None awarded

Appeal Synopsis

A large wooden structure of inappropriate materials and appearance was erected near the entrance of St Anne's House - impacting the the setting of a listed building - the house being a grade II listed building— a former 19<sup>th</sup> century vicarage and the street scene. Complaints were received in February 2013 and an Enforcement Notice was served in August 2013 after the appellant did not dismantle the structure as requested.

The Planning Enforcement Notice was issued requiring the building to be dismantled and the dismantled materials to be removed from the land. The grounds for breach of planning control were the impact on the listed building and also on the character of the area. The appellant's grounds for appeal were that the structure was always there but this was not accepted by the Appeals inspector. The Planning Enforcement Notice issued required the building to be dismantled and then the dismantled materials to be removed from the land.

An appeal was lodged against the Enforcement Notice and, after visiting the premises, the Planning Inspector agreed that the Enforcement Notice was justified and appropriate, and has upheld its requirements. The inspector paid particular heed to the presence of the structure in the setting of the listed building as well as the character and appearance of the area. Although the appellant has offered to work with Plymouth City Council to adapt the structure the Inspector gave little weight to this suggestion.

Having considered all grounds for appeal, and other observations made, the Inspector found that none outweighed the finding of harm to the designated heritage asset and to the character and appearance of the area. He ruled that the appeal should be dismissed.

The timetable for the dismantling of the structure is 3 calendar months, and the removal of materials 4 calendar months, all from the date of the appeal dismissal.

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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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