



Democratic Support

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#plymplanning

PLANNING COMMITTEE

Thursday 19 November 2015

4.00 pm

Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Joint Chair in the Chair

Councillor Nicholson, Joint Chair

Councillors Mrs Bowyer, Mrs Bridgeman, Darcy, K Foster, Hendy (substitute for Councillor Sam Davey), Jarvis, Kelly, Ricketts, Jon Taylor, Tuohy and Wheeler.

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

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Tracey Lee

Chief Executive

PLANNING COMMITTEE

AGENDA

PART I – PUBLIC MEETING

1. APOLOGIES

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

2. DECLARATIONS OF INTEREST

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

3. MINUTES

(Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 22 October 2015.

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 28A MOORLAND ROAD - 15/01918/FUL

(Pages 7 - 12)

Applicant:	Mrs Christine Auguste
Ward:	Plympton St Mary
Recommendation:	Minded to Grant Delegated to Assistant Director for Strategic Planning & Infrastructure in Consultation with the joint Chairs of Planning Committee

6.2 LOVE'S FIELD CENTRAL PARK - 15/01595/FUL (Pages 13 - 18)

Applicant: Mr Kevin Notman on behalf of Green
Taverners
Ward: Peverell
Recommendation: Refuse

6.3 LAND AT PLYMBRIDGE ROAD - 14/02401/OUT (Pages 19 - 50)

Applicant: Linden Limited
Ward: Plympton St Mary
Recommendation: Refuse

6.4 HOOE LAKE, BARTON ROAD - 15/01675/FUL (Pages 51 - 72)

Applicant: Barratt David Wilson Homes
Ward: Plymstock Radford
Recommendation: Grant conditionally subject to S106
Obligation

6.5 LAND OFF MILLER WAY - 15/01626/FUL (Pages 73 - 96)

Applicant: Taylor Wimpey Homes
Ward: Moor View
Recommendation: Grant conditionally subject to S106
Obligation - approval subject to the
completion of a S106 agreement delegated to
Assistant Director for Strategic Planning and
Infrastructure to refuse if not signed by
target date (9th December 2015) or other
date agreed through an extension of time

6.6 LAND ADJACENT 790 WOLSELEY ROAD - 15/01630/FUL (Pages 97 - 110)

Applicant: HSK Developments Ltd
Ward: St Budeaux
Recommendation: Grant Conditionally

6.7 DRAKE'S ISLAND 14/00001/FUL (Pages 111 - 136)

Applicant: Rotolok (Holdings) Ltd
Ward: St Peter & The Waterfront
Recommendation: Refuse

6.8 DRAKE'S ISLAND - I4/00002/LBC

(Pages 137 - 158)

Applicant: Rotolok (Holdings) Ltd
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally

7. PLANNING APPLICATION DECISIONS ISSUED

(Pages 159 - 188)

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 13 October to 8 November 2015, 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 to view online at:
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

8. EXEMPT BUSINESS

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

PART II - PRIVATE MEETING

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

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

NIL.

Planning Committee

Thursday 22 October 2015

PRESENT:

Councillor Nicholson, Joint Chair in the Chair.

Councillor Stevens, Joint Chair.

Councillors Mrs Bowyer, Mrs Bridgeman, Darcy, Sam Davey, K Foster, Jarvis, Kelly, Ricketts, Jon Taylor, Tuohy and Wheeler (substitute for Councillor Kate Taylor).

Apology for absence: Councillor Kate Taylor.

Also in attendance: Chris Watson, Lead Officer, Mark Lawrence, Lawyer, and Katey Johns, Democratic Support Officer.

The meeting started at 4 pm and finished at 6.08 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.

50. DECLARATIONS OF INTEREST

In accordance with the code of conduct, the following declaration of interest was made in regard to an item under consideration at this meeting –

Name	Minute No and Item	Reason	Interest
Councillor Jarvis	54.1 - Land Formerly Associated with the RNEC, Aberdeen Avenue, Plymouth 15/01380/FUL	Ward Councillor speaking against the application	Open declaration

51. MINUTES

Agreed the minutes of the meeting held on 24 September 2015.

52. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

53. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

54. **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. Addendum reports were submitted in respect of minute numbers 54.2, 54.3, 54.4 and 56.

54.1 32 SLATELANDS CLOSE, PLYMOUTH - 15/01533/FUL

Lucy Wadge

Decision:

Application **GRANTED** conditionally.

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

54.2 FORMER PLYMOUTH PREPARATORY SCHOOL, BEECHFIELD GROVE, PLYMOUTH - 15/01168/FUL

Linden Homes South West

Decision:

Application **REFUSED** on the grounds that it was contrary to policies CS34 sub-section 4 and CS02 sub-section 3.

(The Committee heard representations against the application).

(The Committee heard from the applicant).

(The Committee heard from Councillor Dr Mahony, ward councillor, speaking against the application).

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

54.3 FORMER TAMERTON VALE SCHOOL, PLYMOUTH - 15/01332/FUL

Galliford Try Partnership Ltd & DCH

Decision:

Application **DEFERRED** for further negotiation on securing delivery of the Southway Community Football Hub, consideration of the additional representations received from the Tamerton Foliot Conservation Society, and inclusion of an informative relating to parking provision outside of the development site. Approval delegated to Assistant Director for Strategic Planning and Infrastructure in consultation with Joint Chairs.

(The Committee heard representations against the application).

(The Committee heard from the applicant).

(Councillor Nicholson's proposal to defer the application, having been seconded

by Councillor Stevens, was put to the vote and declared carried).

**54.4 LAND FORMERLY ASSOCIATED WITH THE RNEC,
ABERDEEN AVENUE, PLYMOUTH - 15/01380/FUL**

Beavertail Ltd

Decision:

Application **REFUSED** on the grounds that it was contrary to policy CS34 sub-sections 7 and 8 and policy CS28 sub-section 2.

(The Committee heard from ward councillors Ian Bowyer and Jarvis, both speaking against the application).

(The Committee heard from the applicant).

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

(Councillor Jarvis, having made an open declaration and spoken against the application, did not take part in the debate nor vote on this item).

55. PLANNING APPLICATION DECISIONS ISSUED

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 15 September to 12 October 2015.

56. APPEAL DECISIONS

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

57. EXEMPT BUSINESS

There were no items of exempt business.

SCHEDULE OF VOTING (Pages 5 - 6)

PLEASE NOTE

A schedule of voting relating to the meeting is attached as a supplement to these minutes.

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PLANNING COMMITTEE – 22 October 2015

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	32 Slatelands Close, Plymouth 15/01533/FUL	Councillors Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Sam Davey, K Foster, Jarvis, Kelly, Jon Taylor, Tuohy and Wheeler.	Councillor Darcy.	Councillor Ricketts.		
6.2	Former Plymouth Preparatory School, Beechfield Grove, Plymouth 15/01168/FUL Amended Recommendation to Refuse	Councillors Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Darcy, Sam Davey, K Foster, Jarvis, Kelly, Ricketts Jon Taylor and Wheeler.	Councillor Tuohy.			
6.3	Former Tamerton Vale School, Plymouth 15/01332/FUL Amended Recommendation to Defer	Councillors Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Darcy, Sam Davey, K Foster, Jarvis, Kelly, Ricketts Jon Taylor, Tuohy and Wheeler.				
6.4	Land formerly Associated with the RNEC, Aberdeen Avenue, Plymouth 15/01380/FUL Amended Recommendation to Refuse	Councillors Nicholson, Stevens, Mrs Bowyer, Mrs Bridgeman, Darcy, Sam Davey, K Foster, Kelly, Ricketts Jon Taylor, Tuohy and Wheeler.			Councillor Jarvis (spoke in his capacity as a ward councillor and therefore did not vote on this item).	

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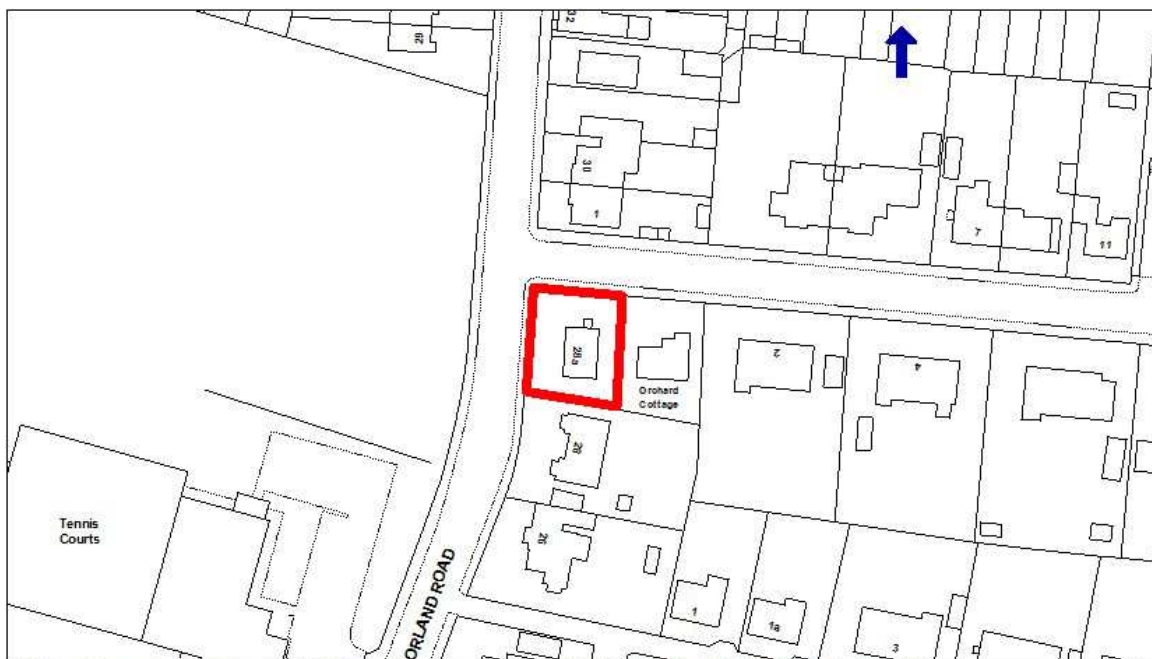
PLANNING APPLICATION REPORT



Application Number	15/01918/FUL	Item	01
Date Valid	28/10/2015	Ward	Plympton St Mary

Site Address	28A MOORLAND ROAD PLYMOUTH		
Proposal	Retention of two storey side extension		
Applicant	Mrs Christine Auguste		
Application Type	Full Application		
Target Date	23/12/2015	Committee Date	Planning Committee: 19 November 2015
Decision Category	Member/PCC Employee		
Case Officer	Amy Thompson		
Recommendation	Minded to Grant Delegated to Assistant Director for Strategic Planning & Infrastructure in Consultation with the joint Chairs of Planning Committee		

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1. Description of site

28a Moorland Road is a detached property located in the Plympton area of the city.

2. Proposal description

Retention of two storey side extension.

3. Pre-application enquiry

None.

4. Relevant planning history

14/01836/FUL - Retrospective application for two storey side extension with smaller set down from ridge – Granted conditionally.

13/01481/FUL – Erection of first floor extension to side of property – Granted conditionally.

13/00788/FUL – Single storey extension and front porch – Granted conditionally.

5. Consultation responses

None.

6. Representations

Consultation does not end until 24th November. No letters received as of 9th November.

7. Relevant Policy Framework

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

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

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

- Development Guidelines Supplementary Planning Document

8. Analysis

(1) This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.

(2) The property is a large detached corner property which fronts onto the classified Moorland Road. The property is surrounded by low boundary walls thus making any proposed extension highly visible from the street scene.

(3) The proposed side extension will measure approximately 4.3 metres by 6.3 metres. The ridge has been set down to approximately 200 mm to achieve subservience from the main dwelling. It is not considered that the extension will have a significant detrimental impact upon the amenity of the neighbouring property to the north as the properties are separated by Ridge Park Road. The proposal will use matching materials and mimic that of the existing. The scale, form and design of the extension is not considered to be detrimental to the visual quality or character of the area.

(4) The extension that was previously granted permission in 2014 (14/01836/FUL), in this application the roof of the proposed extension matched that of the existing property, which was a half-hipped roof. However due to issues during construction the proposal seeks to change the design of the extension roof and the part of the main dwellings roof to a gabled roof. The proposed change in roof design is not considered to be detrimental to the street-scene or character of the area and is therefore recommended for approval.

(5) In light of its siting, the proposal is not considered to be detrimental to the privacy, light or outlook of any of the neighbouring properties and therefore complies with Policy CS34 of the Core Strategy.

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

This development is not liable for a Community Infrastructure Levy Contribution.

11. Planning Obligations

None.

12. Equalities and Diversities

No equality and diversity issues to be considered in this case.

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. As the consultation period has not ended the officer is **Minded to Grant** Delegated to Assistant Director for Strategic Planning & Infrastructure in Consultation with the joint Chairs of Planning Committee

14. Recommendation

In respect of the application dated **28/10/2015** and the submitted drawings Location plan, 013-014-I-D., it is recommended to: **Minded to Grant/Defer/Del auth**

15. 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: Location plan, 013-014-I-D.

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 and has granted planning permission.

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

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

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PLANNING APPLICATION REPORT



Application Number 15/01595/FUL

Date Valid 11/09/2015

Item 02

Ward Peverell

Site Address LOVES FIELD, CENTRAL PARK PLYMOUTH

Proposal Use of field for 32 car boot sales per annum on a permanent basis

Applicant Mr Kevin Notman on behalf of Green Taverners

Application Type Full Application

Target Date **06/11/2015** **Committee Date** **Planning Committee: 19 November 2015**

Decision Category Member/PCC Employee

Case Officer Mike Stone

Recommendation Refuse

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1. Description of site

The site is large field in north west corner of Central Park. It is bounded to the north by the council Parks Depot, to the west by the Park and Ride site and to the south by Home Park stadium. Along the west and south boundaries is a screen of trees that form part of Mayflower Drive, an avenue of Horse Chestnut trees running east to west through the park that is covered by Tree Preservation Order 381. The site is in the Beacon Park neighbourhood and the Central Park Action Plan.

2. Proposal description

Use of field for 32 car boot sales per annum on a permanent basis. The site would be used as an overspill area for car boot sales held on Sunday mornings between April and October on the roadway that runs around the nearby Home Park stadium.

3. Pre-application enquiry

There was no pre-application enquiry for this proposal.

4. Relevant planning history

There is no relevant planning history.

5. Consultation responses

Local Highway Authority - Concerns have been raised regarding the impact this proposal could have on the ability to run a Sunday park and ride service from Milehouse at some point in the future – if approval were granted it should only be a temporary consent.

Public Protection Service – recommend approval subject to a condition on hours of operation and an informative on land quality.

Public Health – no objections, well managed car boots sales can contribute to social cohesion.

Sport England – object on the grounds of loss of playing fields. The established use of the land is as a playing field, the emerging Plymouth Plan for Playing Pitches identifies a current and predicted future shortfall playing pitches. This site could be brought back into active use as a playing pitch to help meet these deficiencies.

6. Representations

Sixteen letters of objection have been received. The letters raise concerns that the development would be out of keeping, would result in damage to the field, would lead to an increase in litter in the park, would lead to road safety problems, prevent access to nearby residential properties and lead to the loss of greenspace.

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). In the case of this application it also comprises the Central Park Area Action Plan.

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

- Development Guidelines Supplementary Planning Document.

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

Is the development acceptable in principle?

2. The site is covered by policy CP04 of the Central Park Area Action Plan. This policy deals with improvements to the park and states that it will aim to “deliver a comprehensive range of environmental improvements to Central Park in accordance with a Masterplan that will be prepared in consultation with local communities and users of the park.” The Central Park Masterplan identifies Loves Field as a Junior (Under13 -Under14s) football pitch. Sport England has stated that the site “is a playing field with aerial imagery confirming a playing pitch marked on the site in 2007 for ... The current established land use is playing fields.”
3. The Plymouth Playing Pitch Strategy 2007 – 2016 identified a current city-wide shortfall of 19 junior football pitches, rising to 34 by 2016. LDF Core Strategy Policy CS 30 states that “There will be a presumption against any development that involves the loss of a sport, recreation or play facility except where it can be demonstrated that there is currently an excess of provision, or where alternative facilities of equal or better quality will be provided as part of the development.”
4. Despite the limited period of operation, the proposed use would have the potential to have an adverse impact on the quality of the field resulting in the possible loss of a playing pitch site. This would be contrary to policy CS 30 and for this reason it is recommended for refusal.
5. Additionally the Masterplan identifies the pedestrian entrance to the park adjacent to Loves Field as an entrance to be developed in the future. Along the southern boundary of the field at this point are the protected trees of the Mayflower Drive.
6. These protected trees are large with rooting areas that will be extensive and spread deep into the field. If vehicles and stalls are placed here on a regular basis through the Spring and Summer it is likely that a significant amount of compaction could take place. It may be possible to condition an exclusion zone around the root protection area, but this would be difficult to enforce, given the nature of the proposed use. Given the potential for damage to important protected trees the proposal is considered to be contrary to policy CS 18 and is recommended for refusal.

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

Under the present Community Infrastructure Levy charging schedule no CIL contribution is required for this development.

11. Planning Obligations

None

12. Equalities and Diversities

There are no equalities and diversities issues.

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 does not accord with policy and national guidance and specifically LDF Core Strategy Policies CS18 (Plymouth's Green Space), CS30 (Sport, Recreation and Children's Play Facilities) and paragraph 74 of the NPPF.

13. Recommendation

In respect of the application dated **11/09/2015** and the submitted drawings ,it is recommended to:
Refuse

14. Reasons

LOSS OF PLAYING PITCH

(1)The Development would lead to the loss of all or part of a playing field, which would prejudice its use and therefore should not be permitted because it would permanently reduce the opportunities for participation in sporting activities. The proposal is therefore contrary to 'A Sporting Future for the Playing Fields of England' and National Planning Policy Framework (NPPF) (in particular par 74) and policy CS30 (sport recreation and children play facilities)

IMPACT ON PROTECTED TREES

(2) The proposed application has the potential for damage to important protected trees the proposal is considered to be contrary to policy CS 18.

Relevant Policies

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

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

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

REFUSAL (NO NEGOTIATION)

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

PLANNING APPLICATION REPORT



Application Number 14/02401/OUT

Date Valid 05/01/2015

Item 03

Ward Plympton St Mary

Site Address LAND AT PLYMBRIDGE ROAD, BORINGDON PLYMOUTH

Proposal

Proposed residential development of up to 280 dwellings with principal access off Plymbridge Road and emergency access off Meadow Way

Applicant

Linden Limited

Application Type

Outline Application

Target Date

24/07/2015

Committee Date

**Planning Committee: 19
November 2015**

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

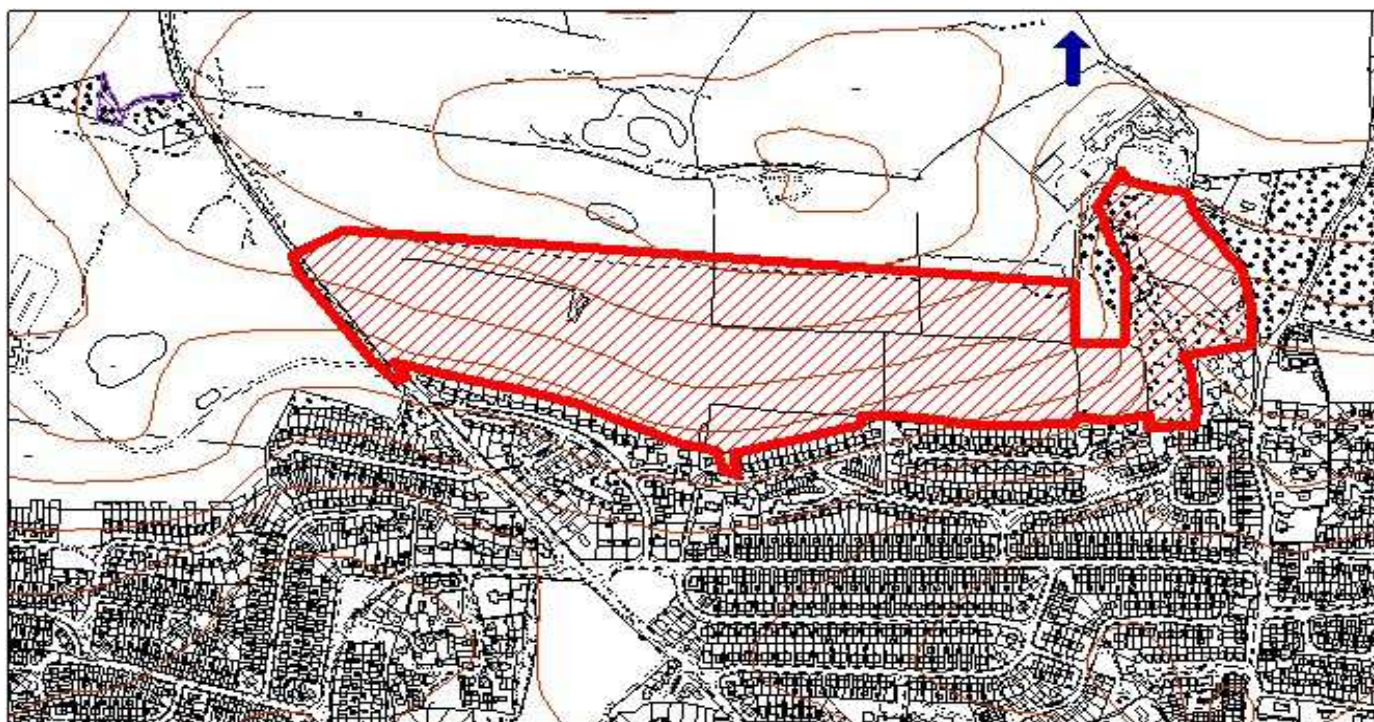
Alan Hartridge

Recommendation

Refuse

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1. Description of site

This 19.82 hectares site on the edge of Plympton is about 1.5 km northeast of the Marsh Mills interchange. The built-up area in the neighbourhood is predominantly low density with semi-detached and detached properties, but also some terraced properties. The street layouts in the neighbourhood are predominantly designed around cul-de-sacs. The urban edge in this area is defined by two storey properties that have been built into the hillside and incorporate underbuilt garages in places and dormer windows in other places. The site itself is farmland and largely comprises a series of pasture and arable fields with hedgerows and hedgerow trees on a sloping south-facing hillside rising above the elevated urban edge of Plympton (Plymtree Drive/Meadow Way/South View Park), and rising to a ridgeline marking the edge Boringdon golf course where there are expansive views across Plympton and the city. The agricultural land in this area is mainly classified as 3b with some areas of grade 3a.

The Plymbridge Road is a two way carriageway affording access to the clubhouse of Boringdon Golf Course and it forms the western boundary of the site behind an established densely vegetated Devon bank. The hillside fields to the east of this hedge across the site are at a higher level than the road. There is a field access to the site from Meadow Way on the southern boundary. The hilltop beyond the northern boundary of the site is countryside comprising the landscaped Boringdon golf course. There are a number of highly graded heritage assets in the immediate vicinity of the site, including Boringdon House (Grade I listed) 43m to the north east, Boringdon Triumphal Arch (grade II* listed and scheduled) 264m to the North West, and Boringdon deer park (Scheduled Ancient Monument) to the north beyond the golf course. The Triumphal Arch was originally sited close to the western edge of the hilltop to be an attractive landmark feature prominent to view in the wider landscape and to be a visual link between Boringdon House and Saltram House—both of which were in the same family ownership in the C18th. (Saltram House is a grade I listed building within a registered II* Park and Garden to the south west of Plympton).

The eastern boundary of the site skirts golf green and includes part of the dense and steep Boringdon Stream wooded valley corridor beyond, running south of Boringdon House—now known as Boringdon Hall. The eastern extremity of the site rises up steeply from this stream and wooded valley forming a south west facing slope of semi improved grassland and hedgerows. The access road to Boringdon Hall on Boringdon Hill defines the eastern boundary of the application site.

The site contains habitats of ecological importance and is used by foraging and commuting bats (a protected species). As for drainage, there is generally low permeability of the underlying soils across the site and the site falls within an area that has recently been under investigation in respect of the Colebrook Flood Alleviation Scheme.

2. Proposal description

The proposal is to excavate the hillside to facilitate a phased urban extension of the Plympton housing neighbourhood with the construction of up to 280 dwellings with associated access drives and parking spaces, SUDs drainage, landscaping and the provision of formal and informal public open space. The applicant's non-technical Environmental Statement states that during construction there would be some moderately significant adverse impacts as a result of the temporary construction activities.

Some lengths of established hedgerow within the site are identified for retention in the masterplan but the western boundary hedgerow would be removed/excavated and a new junction would be constructed to provide the principle access road into the site off Plymbridge Road. An emergency access with pedestrian and cycle routes would be constructed over rising land where there is currently a farm gate access off Meadow Way to the south.

This is an outline planning application containing details of the access from Plymbridge Road and the Design and Access statement states that all matters are reserved other than the primary access into the site.

The existing Devon Bank adjacent to Plymbridge Road would be excavated for its entire length on the western boundary of the site and a replacement set-back hedge bank would be provided. The existing steep bank in this location would have to be cut back to provide a 2m wide footway, as well as facilitating widening of the carriageway, the provision of visibility splays and the construction of the principle access road up into the proposed housing estate. A proposed footpath would be cut into the bank at right angles in the southern section of the boundary and the excavations for the set back of the Devon Bank would be greatest in the northern section. The illustrative masterplan shows a residential estate layout with culs de sacs to the north and east of a loop road that would be provided in the western half of the site. Housing would be a combination of market and affordable housing and the latest Design and Access Statement states that 30% of the of the overall numbers would be affordable

A significant proportion of the dwellings would be stepped units with front or rear elevations orientated to the south which would benefit from solar gain.

The phasing plan indicates that the development would be undertaken in six phases with the first phase involving some pre-commencement planting works. The non-technical summary to the Environmental Statement states that the residential build phases would run consecutively and would take approximately 5-6 years to complete. The applicant's agent states that it is proposed to subsidise diversion of the Citybus Service 20/20A into the site by the 100th dwelling occupation. The loop road would not be completed until phase 5 and so the applicant's agent suggests that a temporary loop road could be provided to facilitate safe bus movements within the site by the time of the 100th occupation. A locally equipped area for play (LEAP) would be provided in the Central open space in phase 5.

The woodland valley and hillside area in the eastern extremity of the site south of Boringdon Hall would be retained and would not be developed and is proposed to be a Nature Reserve with a Wildlife area south of the golf green that is adjacent to the eastern development boundary. Drainage areas would be located in this area (2 SUDS). A tree belt of variable width would be planted in phases beside the northern golf course boundary providing a publicly accessible green wildlife corridor. The 'Open Space Area plan shows this belt to be a proposed Local Nature Reserve.

The extent of any phased 'buffer planting' within a strip of land allocated as 'Parks and Gardens' alongside the southern boundary strip north of Meadow View/South View Park would not be as wide as that along the northern edge of the site as the strip of land in this area is required for the provision of flood alleviation and underground drainage infrastructure as well as for the construction of the Meadow Way secondary access road and pedestrian paths into the site. Due to the steep gradients the paths and access road would have to meander in order to facilitate an acceptable gradient for pedestrians, cyclists and emergency vehicles.

A southern boundary strip of land within the site north of Plymtree Drive would be required for the construction of a drain and bund and the 'Open Space Area plan shows this also to be a proposed Local Nature Reserve.

The Environmental Statement sets out the proposed drainage strategy to limit discharges from the development to at or below existing greenfield rates. The eastern part of the site would drain to the Boringdon Stream and the western part would connect to the existing surface water sewer at the junction of Cranfield and Plymbridge Road. Flood storage would be provided in 9 underground storage tanks together with 2 SUDS to further reduce peak and total discharges

The applicants state in their Energy Strategy that they would ensure that their development would meet and exceed the carbon reductions mandated by part L1A of the building regulations through fabric measures alone and their dwellings would be designed with active and passive design measures

to reduce energy demand. They state that solar photovoltaic panels would only be appropriate where cost-effective fabric measures were not sufficient.

The applicant's latest proposed Heads of Terms indicate that the applicants would deliver 30% affordable housing and 20% Lifetime Homes and that they would be prepared to contribute towards infrastructure (including towards primary education and health provision, playing pitches and strategic greenspace and bus service and cycle promotion to try to address some of the impacts that would arise from the development) and also commitments to management/maintenance of a play area, informal open space, nature reserves and SUDS drainage...

Off-site lighting/surfacing improvements would be undertaken to the existing pedestrian walkway snaking between the cul-de-sac heads of Meadow Way and Lynmouth Close to try to improve the attractiveness of this route to the Crossway bus stop. Each new resident/first occupier would receive a six month travel card to try to encourage bus use and a £50 voucher towards the purchase of a bicycle. Potential offsite improvements / mitigation measures would also include upgrading the B3416 Plymouth Road traffic signals at its junctions with Longbridge Close, Coypool Road and Woodford Avenue to MOVA operation.

3. Pre-application enquiry, Secretary of State Screening Direction and additional/revised information received since registration of application documents.

Pre-application discussions have been held between the applicant and officers.

An initial scoping meeting was held in July 2014. There have been 3 Development Enquiry Service meetings in August, September and October 2014.

Officers advised upon the information that was needed to accompany any planning application and raised concerns regarding the need to address possible impacts of the suggested scheme for 250-300 dwellings.

The applicants state that their consultation exercise with the public and other key stakeholders was undertaken in September 2014 and that this identified areas for scheme refinement.

In August 2014 a formal request for a **Screening Opinion** was made (under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011) for an urban development of 15.8 hectares of the site (for the construction of 250-300 dwellings). The formal response to this request was issued on behalf of the local planning authority 2014 stating that there are potential significant effects from such a development of this prominent site and the proposal could give rise to significant environmental effects upon the environmental sensitivity of the neighbourhood and wider area. The proposed application for such a development would need to be accompanied by an Environmental Impact Assessment being EIA development.

The Agent disagreed and requested a screening opinion from the Secretary of State via the National Planning Casework Unit (NPCU), enclosing documents and an indicative masterplan.

In May the NPCU responded that the Secretary of State concludes that the development could impact especially visually and potentially in ecological terms on areas of Plymouth's multifunctional Strategic Greenspace to the extent that significant effect is likely and therefore an EIA is required. The SoS formally directed the applicant that the proposal is EIA development.

Additional/revised information received since registration of application documents. The application was registered in January 2015.

- 17th February 2015 –additional information received in respect of photomontages showing planting in year 1 as well as year 15 as referred to in ES Volume, para 9.2.34.(subsequently superseded 31st July)

- 30th March 2015- six further documents/statements received in response to formal Regulation 22 request for further information.(Environmental Impact Assessment Regulations 2011)

This response was incomplete/inadequate

- 31st July 2015 –ten amended/additional documents/statements received in response to the formal Regulation 22 request.
- 24th August – revised draft Heads of Terms and the latest received 7th September

The application documents now include the following:

Environmental Statement

- Non-technical Summary – summarising the findings of the EIA in non-technical language
- Volume 1: Written Statement – reporting the findings of the EIA – the applicant’s agent states that this is not superseded but chapters 6,7,8,9 and 12 have been supplemented by the subsequent information provided in response to the Reg 22 request
- Volume 2: Appendices – technical material to support the main text presented in Volume 1 – the applicant’s agent states that this is not superseded but has been supplemented by the subsequent information provided in response to the Reg 22 request.

Plans and planning documents

It is not usual to give the list of documents but recent ones are listed below as there has been some confusion amongst those making representations due to the receipt of numerous amendments:

- A Design and Access Statement (Dec 2014) and an updated Design and Access Statement with a revised illustrative Masterplan layout Ref: 140507 L 02 02 F, and site sections and revised illustrative Phasing Plan (received 31st July 2015)
- A revised Air Quality Assessment (received 31st July 2015)
- A revised Transport Assessment (received 31st July 2015)
- A revised Travel Plan (received 31st July 2015)
- An addendum to Chapter 9 of ES Volume 1 Chapter 9, Landscape and Visual Impact Assessment to reflect changes to the masterplan including updated photomontages (received 31st July 2015 Ref: 1816_R13)
- A formal statement regarding compliance with policy CS18 (received 31st July 2015 Ref: 1816_R14)
- An additional Heritage Statement received 31st July 2015 (a response to comments received from English Heritage/Historic England and the National Trust following their consideration of the submitted Historic Environment Assessment)
- A revised Energy Statement (Energy & Carbon Reduction strategy) (received 31st July 2015).
- An Addendum to ES Volume 1, Chapter 8 A revised Ecological Assessment as the full season of surveys was incomplete. Additional surveys were needed in respect of bat activity, breeding birds and dormice. (received 31st July 2015)
- An updated drainage strategy and Flood Risk Assessment (Rev E received 31st July 2015).
- A revised Draft Heads of Terms for a S106 Agreement (received 7th September 2015).

4. Relevant planning history

The background planning history relevant to the consideration of this application is:-

03/01967/FUL –approved subject to S106 The site area was included within the wider red line area for the **Boringdon Golf Course** Complex planning application and described as ‘land for possible future golf course expansion’ (the approved site plan is reference TP.MD 01 103/1A). The Planning Committee report stated: “To the east of Plymbridge Road, and immediately north of existing houses, an area of land is identified on the submitted plans as being available for possible future expansion of the golf course.”

At that time the applicant stated that this land may be used to add more holes to the 27 approved and the planning case officer recalls the applicant specifically mentioned that this area might be used to create a 'junior development type small course' to 'complement' the full sized course. However, the planning application documents did not show any specific layout for a junior golf facility here and any such ancillary use was not a matter covered by the planning conditions or S106 clauses (although land beyond the golf course on the hillside urban edge to the west of Plymbridge Road was conditioned to be a Community Parkland Area - which has subsequently been provided).

5. Consultation responses

Historic England–

Substantial objection that includes the following: “The amendments and additional information supplied do not alter our views that the proposals will cause serious harm to the setting of the Boringdon Arch... a Grade II* listed building that is part of a Scheduled Monument.... and Historic England therefore maintains its objection to the proposals...”

“The significance of the heritage assets affected would be harmed by this development in their setting, without clear and convincing justification. We therefore suggest the proposals run counter to national planning policy and guidance, and should be refused permission.”

Historic England Advice - Since submission of the original application, an appeal into South Hams District Council’s refusal of permission for a 77m wind turbine on land close to the Boringdon Arch has been dismissed (Appeal reference APP/K1128/A/14/2229204). The planning inspector made a useful assessment of the character of the site, stating “Whilst urban influences are evident, including nearby housing as well as the golf course and some tall, distant transmitter masts, the combination of landform, woodland, water and the moorland skyline to the north create an area of high scenic quality. The largely unspoilt open qualities of the site make a pleasing contribution to the character of the area.”

The planning inspector noted that the arch had an “open landscape setting” and was the “focal point along a local ridge of land”. The inspector’s assessment of the wind turbine proposal as substantial harm confirms views held by Historic England that the functional relationship between Saltram and the Boringdon Arch is of great significance. He specifically cites the view of the arch from Saltram amphitheatre.

Historic England note that the applicant has sought to mitigate the harm by removing five housing units from the North West corner of the proposed development and increasing the size of a band of woodland to be planted along the site’s northern boundary. The loss of the 5 units will be barely perceptible in long views, and while the planting may over the course of 15 years provide some degree of screening, this will not compensate for the loss of the current open landscape setting to the arch.

The heritage statement addendum references the analysis set out in our previous correspondence that the level of harm incurred by the proposals is *less than substantial*, to use the language of the NPPF. Historic England stands by this assessment, but it does not follow that the harm Historic England has identified should simply be weighed against any public benefit offered by the proposals. Recent judicial review decisions, including the Barnwell Manor Farm decision (affecting the setting of Lyveden New Bield) have confirmed that both the legislative requirement to consider the desirability of preserving the setting of listed buildings and the NPPF injunction to conserve (in para 132) mean that great weight should be given to heritage conservation whatever the degree of harm, i.e. whether substantial or less than substantial.

As stated in previous letters, Historic England considers that the visual prominence of the arch in the landscape is enhanced by its current open setting, part countryside and part golf course. The visual

primacy of the arch in the landscape will be challenged by the construction of a housing estate in close proximity.

This is particularly apparent in views from the riverside amphitheatre on the Saltram Estate, which is within the registered landscape. The arch stands prominent on the hillside, set against a backdrop of mature designed planting. This is a key view, designed to be seen by travellers arriving at the landing stage by boat, and one which visually links the ancient seat of the Parker family at Boringdon with their new seat at Saltram. It has considerable aesthetic and historic value.

Historic England acknowledges that the view has changed since construction of the arch; there is residential development on the opposite bank of the estuary, and the suburban streets of Plympton have begun to climb the valley sides below the arch. However, the arch maintains a commanding position that is enhanced by the open landscape in close proximity. Construction of a housing estate on that open land will intrude in these views, and despite the applicant's amendments this will seriously compromise the setting of the arch. The recent appeal decision for the Boringdon golf club wind turbine referred to earlier confirms the importance of the open landscape setting of the arch.

Historic England acknowledges that the proposed development would assist your council in delivery of a 5-year supply of housing, and provision of affordable housing. But you must also give great weight (NPPF 132) to the conservation of the heritage assets affected. In our view the contribution the development will make to your Council's five year housing supply and affordable housing quota is not a sufficient benefit to outweigh serious harm to the historic environment (NPPF 134).

Historic England refers to another piece of case law, a recent appeal decision within Cornwall where an appeal against refusal of permission for the development of 153 homes on land near Falmouth was dismissed (Appeal reference APP/D0840/A/14/2221806). There are parallels between that case and this proposal in that the Falmouth development would have caused harm that was less than substantial to the setting of a Grade II* listed heritage asset (a church) and its associated features, but the inspector concluded this harm was not outweighed by the provision of market and affordable housing, despite the absence of a 5 year housing land supply.

Boringdon Arch is listed at Grade II*, and also part of the scheduled Boringdon Deer Park. The landscape at Saltram is designated Grade II* on Historic England's register of Historic parks and gardens. These are highly-graded heritage assets, and as NPPF 132 reminds us, the more important the asset the greater the weight that should be given to their conservation. The NPPF defines "conservation" as the process of managing change to a heritage asset in a way that sustains and where appropriate enhances its significance.

Historic England Recommendation - Historic England state that the significance of the heritage assets affected would be harmed by this development in their setting, without clear and convincing justification. Historic England therefore suggests the proposals run counter to national planning policy and guidance, and should be refused permission.

National Trust –

Substantial objection as the Trust shares Historic England's concerns in relation to the view from the Saltram House Grade II* listed Amphitheatre and the likely impact of the proposed development on the open landscape setting of the Boringdon Arch. Having considered the applicant's latest amendments their views include the following:

The role, and significance, of the Arch to Saltram has subsequently been confirmed in the appeal decision of 29 June 2015 for the wind turbine at Boringdon Golf Club (APP/K1128/A/14/2229204). That appeal decision is not referred to by AC Archaeology (on behalf of the applicants). The Inspector in that appeal decision establishes in relation to Boringdon Arch:

"The significance of this asset is primarily derived from its design as an eye-catcher to be seen from Saltram House, as well as a focal-point when viewed from a number of locations around the designed landscape to the house, including the Grade II* listed mid 18th century Amphitheatre." (Para 30; emphasis added).

The Inspector also points to how the setting of the Arch itself contributes to significance, in that when viewed from the south west the open landscape setting assists in maintaining its historic function as an eye-catcher (para 31), with the Arch forming; "the focal point along a local ridge of land" (Para 34).

Recent High Court Judgements have stressed the need to apply the strong statutory presumption, inherent in s66 of the Listed Buildings Act, against approving development likely to harm a heritage asset, and that the presumption itself implies the need for a suitable rigorous assessment of potential alternatives where that harm might be avoided altogether. The Trust urges the Council to apply that presumption here.

The Gardens Trust

The Gardens Trust, express concern about a late consultation and as Statutory Consultee, most strongly advise that this application be refused.

“The Gardens Trust **objects** most strongly to the proposed development due to its impact on the designed setting of the nationally designated designed landscape of Saltram including both views to the Boringdon Arch, and perhaps just as importantly, views from the Arch which are an essential element of the landscape design. We further advise that the proposed development would have a detrimental impact on the setting of the Listed Arch.

We conclude that the proposed development therefore conflicts with both national planning policy contained in NPPF, and local planning policy with regard to the historic environment.”

Highways England

No objection (subsequent to an initial Direction of non-approval due to inadequate information being provided by the applicants).

Environment Agency

Suggest planning conditions in respect of surface water drainage and that a contribution to the off-site strategic surface water drainage network might be sought from the developers (should permission be warranted).

“We consider that the proposed development can be acceptable if a planning condition is included on the subsequent outline permission to ensure the approval of the details of an appropriate surface water drainage scheme for whole site and the installation of this surface water drainage system for each subsequent phase. We do, however, wish to provide further detail relating to our comments about whether it is appropriate, in consultation with South West Water (SWW), that a Section 106 agreement is entered into to help deliver a strategic surface water drainage improvement in the Boringdon area which would help reduce flood risks overall in the catchment.

Nonetheless, it is important to note that paragraph 100 of the National Planning Policy Framework encourages using opportunities offered by new development in areas at risk of flooding (which in line with ref. 7-003-20140306 of the Planning Practice Guidance includes CDAs) to reduce the causes and impacts of flooding. This would seem reasonable for a new development of this scale in this location. It is for this reason we brought to your attention the possibility that this proposal might be able to help contribute toward the delivery of improvements to the strategic surface water drainage network. SWW (through Hyder) is undertaking an Integrated Urban Drainage study which includes developing options for a strategic improvement to the surface water drainage system in the area of Plymbridge Road which will ensure surface water is better managed and flood risks are reduced. It is, however, noted that SWW’s consultation response to you on 20 January 2015 refers only to capacity in the foul sewers and makes no mention of surface water drainage. We would expect that SWW provide information on how this development proposal could contribute to these plans and whether there is sufficient capacity in the system to manage the proposed additional flows into this system.

Environment Agency Advice – Reducing surface water flood risks

We consider that the surface water drainage strategy submitted in support of the planning application demonstrates that a surface water drainage scheme can be delivered for the site which will ensure flood risks are not increased elsewhere within this Critical Drainage Area (CDA) as a result of development. We believe that our recommended conditions will ensure such a scheme can be delivered

South West Water

Response received on the 25th September that that the drainage investigation previously requested in their initial response dated 20 January 2015 have now been concluded and determined that foul drainage capacity is available to support the development and therefore South West Water has no objection to the application.

Police Architectural Liaison Officer

Concern. “I made comment concerning the proposed pedestrian link from the site to Meadow Way. I recommended that this link should be lit to ensure that users would not feel vulnerable walking along a dark and unlit pathway. To date I have not seen anything to say that this concern has been addressed...I anticipate that this will become a well-used route for residents wishing to access the bus service from Crossway...”

Public Health –

Objection. “Poor quality built environments is associated with lower levels of mental wellbeing, particularly for women, the elderly and people that are unemployed. Health promoting neighbourhood conditions include: choice and diversity; well-kept environments; affordable and efficient public transport, safe and sociable play areas; high quality green space; well-lit and pedestrian-friendly footpaths and socially enhancing street patterns. (1).....Concerned regarding social cohesion on the site and the provision of community space within the development. The cul-de-sac as designed does not have any community space indicated to allow for the development of social cohesion between the people moving into it apart from one small area designated for children’s play. The development is isolated from other roads surrounding it except for one steep, walk way to Meadow Way or a walk along the access road..... Concerns regarding the sustainability of the development. The long distances of walking/cycling required in accessing local facilities will in all likelihood lead to a lack of connection to the local area. This will also affect social cohesion.

There are no community sports pitches, community centres or cultural facilities within reasonable walking distance (400m) of the development. This makes the provision of a social hub on site important if the people living on it are to feel part of a community rather than excluded. Public Health would therefore request that social cohesion on the site be considered in more detail and specific community facilities be provided or funded through the development either through s106 or CIL processes. (2)”

Public Protection Services (PPS)

PPS recommend the imposition of conditions/informative relating to the proposed development should development be approved.

PPS state that there is a need for additional intrusive ground investigation

1. To identify the risk associated naturally occurring arsenic.
2. To identify the potential for the presence and migration of ground gas from an off-site source – ground gas investigation and subsequent gas monitoring in accordance with current guidance.

PPS suggest that land quality pre-commencement planning conditions are imposed on any decision notice for approval to support the required further site characterisation work, plus any other remediation and verification work that may also subsequently be necessary.

PPS state that their comments made in January 2015 relating to the draft Construction and Environmental Management Plan (CEMP) do not appear to have been addressed. “No final updated version has been submitted and this will need to be done before the application is recommended for approval. The draft CEMP recognises that it is not the final version and often refers to statements such as “the Full CEMP will be...” The draft CEMP includes a dust chapter, however in its current format will not be accepted. We draw the applicant’s attention to tables 23 and 24 of the Air Quality Assessment. It is expected as a minimum that the CEMP include the measures outlined within the air quality assessment. The CEMP also quotes two slightly different hours of work/ hours of deliveries. The applicant should note that the hours will need to comply with PCCs Code of Practice hours which are Monday-Friday 8am – 6pm, Saturdays 8:30am – 1pm and no work/ deliveries/ collections on Sundays or Bank Holidays. If planning permission is warranted the stated hours will be conditioned as well as requiring the final CEMP to be submitted to the LPA for approval prior to works commencing”.

PPS state that the Air Quality Assessment (AQA) baseline data and findings are accepted however, point out that the table 23 contents are not fully viewable. “Table 24 mentions a “dust management plan (DMP)” will be created and submitted to the LPA for approval and that the level of risk will determine the amount of detail in the DMP. It says that “desirable measures” will be included “as appropriate”. However, this information should be submitted as part of the Air Quality report mitigation measures section. Until this information is provided the AQA will not be recommended for approval.” NB: The applicant states that there are 2 AQMAs within Plymouth, however, PPS state that they should note this was amended in November 2014 to a large single city wide AQMA but does not extend to Plympton. They state that if planning permission is warranted noise conditions should also be imposed to include controlling hours of construction and setting a standard for soundproofing dwellings to BS8233:2014 as well as submitting a verification report prior to occupation to prove that the dwellings meet the standard.

Education - A S106 contribution is warranted if planning permission is granted. The schools in the Plympton area of the city are currently oversubscribed. The primary schools located within the area which would be affected by the development of the site are Boringdon Primary, Woodford Primary, Plympton St Mary's C of E Infant School and Old Priory Junior Academy, Plympton St Maurice Primary, Yealmpstone Farm Primary, Chaddlewood Primary, Glen Park Primary. Any additional dwellings built within this area will add pressure on places at these schools. A contribution amount negotiated in the section 106 agreement should be sought to mitigate the impact these additional dwellings will have on the surrounding primary schools, and more specifically to contribute towards the expansion project for Woodford Primary School. Secondary contributions would not be sought as Secondary education needs can be met by the City and the impact of the continued growth in primary school numbers will not impact upon the secondary schools until approximately 2017.

NHS England

S106 contribution warranted if planning permission is considered to be justified.

The two GP Practice locations closest to the development are Glenside Surgery at Glenside Rise, and Mudge Way Health Centre, Mudge Way. These practices are equidistant being 1.2 miles from the site.

Using a nationally agreed formula of 500m² per 6000 patients (as per the NHS Principles of Best Practice – currently in draft form) Glenside Surgery is currently 50% undersized and the two practices based with Mudge Way Health Centre, i.e. The Beacon Medical Group and Pathfields Surgery, are 40% undersized. Therefore any increase in list size caused by this development will impact on the ability of these practices to deliver services for their patients.

Local Highway Authority

Recommend refusal. Observations were previously provided on 1 July 2015. The points below are based on amendments to the Application and a revised Transport Assessment dated 30 July 2015 and accompanying letter.

It is proposed that the site be developed for up to 280 dwellings, accessed from Plymbridge Road. This is a sloping site immediately north of existing housing area which is served primarily from Crossway and connecting cul-de-sacs. There is an existing pedestrian access onto the land from Meadow Way which leads from Crossway. In order to facilitate the new access Plymbridge Road would be widened from the point at which the existing 2-way road finishes to the south of the site, northwards along the site frontage removing the existing hedgerow from the eastern side of Plymbridge Road and excavating land to facilitate road widening to 6.0m and a pedestrian footway on the eastern side of the road. This would provide the main vehicular access point. An 8m setback would be provided north of the access to allow any future widening. It is also proposed to provide a pedestrian access onto Meadow Way which would also function as an emergency access with suitable vehicular access being provided for emergency vehicles at a maximum 1:10 gradient.

The main points to consider are the suitability of the site for development, and local access and traffic impact in the Plympton area. Concerns were originally expressed about these issues both at pre-application stage and when the Application was submitted. The Transport Assessment submitted in support of the Application, was revised as a result of comments previously made, and was resubmitted in April 2015 and again in July 2015.

[The concerns about sustainability issues are included in the analysis transportation section of this report.]

The highway network in the area experiences congestion at peak times along Plymouth Road and junctions with Larkham Lane, Cothill and at Glen Road/Plymbridge Road. Some residential streets in this area are already traffic calmed to deal with the impact of high traffic levels and there is widespread concern about increased traffic in the area. A detailed traffic modelling exercise covering Marsh Mills in the west to Glen Road/ Strode Road junction in the east has been carried out by the applicant which concludes that the impact of the proposed development is not severe and accords with local and national policies

While further information has been provided in July 2015 from the applicant regarding these points and while some of the details have been addressed there remain concerns about the impact of additional traffic from this development on the existing highway network particularly on Larkham Lane, Plymouth Road Glen Road and Plymbridge Road.

In relation to the assessment of traffic impact, The main conclusions which can be drawn from the assessment are that the development will generate around 179 car trips in the am peak hour and at least 163 in the evening peak hour. The development will add 131 vehicles to Larkham Lane in the am peak hour which is a 19% increase in traffic and an additional 24 vehicles at the lower end of Plymbridge Road.

However there remain concerns about some of the assumptions in the transport assessment as follows. There are some discrepancies in the traffic flow data which in some instances records almost 50% less movements than previously observed on the Plymouth Road corridor which has not been explained which cast some doubt on the conclusions of the Transport Assessment. Also the assessment of the Glen Road, Plymbridge Road, Ridgeway mini roundabouts, which includes the single file railway bridge, is not representative and casts some doubt on the conclusions of the document. There are also considered to be assumptions made about trip generation and mode share which are not validated by the data collected. With regard to the question of traffic mitigation the applicant recommends this is resolved through the introduction of the MOVA traffic

signal control system along the Plymouth Road corridor. Officers consider that MOVA is a recognised traffic control system that has already been secured from other sites to mitigate additional traffic generated by four already consented developments in the area including the Morrison and Lidl proposals. However whether such a system can resolve traffic issues from any additional development is doubtful given the scale of development proposed and the level of impact which is yet to be fully determined as explained above.

No mitigation is proposed for the Glen Road/Ridgeway roundabout junctions. Having considered all of the information submitted it is therefore considered that impact on the highway network is severe which impacts on both existing residents and road users and on the ability to deliver high quality and reliable public transport services on the network.

Design Review Panel. The applicant was advised to have an independent design review through the Devon Design Review Panel but this offer was not taken up.

6. Representations

A substantial number of objections have been received regarding this planning application which has had to be advertised once more (ie.twice) following the receipt of information to respond to the Regulation 22 request. A local 'pressure group' (known as The Boringdon Committee) has considered the additional information received and requests the local planning authority to take into account their detailed objections. These are reflected in the objections highlighted below.

2187 Representations have been received by the Local Planning Authority in relation to this planning application, of which 2181 raise objections, 1 letter of support and 5 observations. The following table demonstrates the breakdown of all the representations that have been received:-

Breakdown	Quantity
Total Representations	2187
Total Objections	2181
<ul style="list-style-type: none"> • <i>Petition Signatures (2 petitions)</i> • <i>Objections using Circulated Template</i> • <i>Objections</i> • <i>MP and Cllr Letters</i> 	<p>1444</p> <p>454</p> <p>281</p> <p>2</p>
Total Letters of Support	1
Total Letters making Observations	5

Having reviewed all the representations, the following list demonstrates the planning issues that have been raised through the **letters** of objection and observations:-

- Loss of Greenspace
- Highways pressures, parking and increased congestion
- Impact on local community services and facilities
 - Schools
 - GP Surgeries
 - Infrastructure issues (public transport)
- Loss of public amenity space
- Increased risk of flooding in the area as a result of this proposal
- Impact on listed and heritage buildings within the area
- Inappropriate greenfield site and more should be done to develop brownfield land such as Coypool

- Conflicts with the Sherford development
- Negative impact towards wildlife and ecology
- Increased pressure on existing utility services
- Loss of residential amenity to existing residents
- Unsustainable location for a proposal of this size
- Impact towards the visual character of the area and landscape
- Overdevelopment of this site
- Poor infrastructure
- Public safety concerns
- Loss of outlook
- Loss of agricultural land
- Planning blight
- Departure from policy

As previously noted, the LPA was in receipt of a couple of **petitions**, and a further 454 letters utilising two **templates** that had been circulated amongst the residents of Plympton. The two templates focused on the following seven planning issues, and are therefore considered the primary residents' concerns:-

- Loss of Greenspace(682 references)
- Highways pressures, parking and increased congestion (681)
- Impact on local community services and facilities (659)
 - Schools
 - GP Surgeries
 - Infrastructure issues (public transport)
- Loss of public amenity space (650)
- Increased risk of flooding in the area as a result of this proposal (610)
- Impact on listed and heritage buildings within the Plympton area (566)
- Inappropriate greenfield site and more should be done to develop brownfield land such as Coypool (47 references)

It is important to note that these primary issues were highlighted by residents who chose to submit bespoke letters rather than submitting the template. Whilst all the issues that have been included in the representations are valid inclusions, officers are of the view that there is some repetition, specifically with regards to three of the points raised in the circulated template; those being:

- Loss of Greenspace
- Loss of public amenity space
- Inappropriate greenfield site

These issues are all very similar themes; and can be grouped together as one particular issue. They have been reflected in discussions with the applicants and consultees and in the Committee report, but ultimately do not alter the significance of these issues in relation to the other points being raised.

The petition is a signed document, and it could be argued that the figures may be skewed, with possible duplication of representations which would be hard to verify. The mere fact that there is a petition however underlines the public unrest that is felt amongst many residents of Plympton.

Following the submission of additional documents, as requested by the local planning authority, the planning application was **re-advertised** for a further 21 days, commencing on the 10th August 2015. As well as the additional comments that were received from consultees commenting on the new information, additional letters of representation have been received within the recent 21 day consultation period, which expired on the 1st September. The local planning authority has received a further 17 letters of representation, of which 16 write to object, and one which makes observations. It is worth noting that of the 17 letters received, none were in the template format that had been so widely submitted in early consultation periods. Notwithstanding this, no additional issues have been

raised in the newly received letters; and it is considered that the planning issues have been reflected in the main Committee report. However some of the letters do consider that the information is still inadequate.

Members are advised that, to date, no further letters of representation have been received since the end of the most recent consultation period (ended 1st September) and an update can be given at your meeting if members wish to receive one.

7 Relevant Policy Framework

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

- Sustainable Design Supplementary Planning Document (adopted 2009)
- Development Guidelines Supplementary Planning Document (first review) May 2013
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document July 2012
- The evidence base for the Core Strategy (Greenscape Assessment 2000/2004)

8. Analysis

1. This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon NPPF paragraphs 14, 17, 47,49,58,60, 64,95,96,97,100,109,118,129,131,132,133,134 and 137 and Core Strategy policies CS02 (3) and CS03 (Historic Environment) .CS05, CS15, CS18, CS19, CS20, CS22, CS28, CS33 and CS34 (3) and (4)'
3. The Plymouth Plan 2011-2031 (September 2015 Part One) contains emerging development plan policies which have yet to be tested through public examination. They are also relevant – including policies 24 (Delivering Plymouth’s natural network), 28 (Promoting Plymouth’s heritage) and 40 (Principles for development in Plymouth's urban fringe) mentioned in the section 3 below and policy 13 (Delivering a safe, accessible, sustainable and health-enabling transport system) mentioned in the Transportation section 5 below and policy 25 (Reducing carbon emissions and adapting to climate change) mentioned in the section 6 below.
4. The Planning Obligations and Affordable Housing SPD Second Review 2012 is also relevant in the event that planning permission was considered to be warranted. The main considerations are housing provision and the suitability of the site for development, impacts upon strategic greenspace and Historic environment and traffic in the Plympton area, sustainability and the carbon footprint, local access and transport impact and the need to adequately address socio economic impacts, biodiversity and drainage impacts.

I. Principal of Residential redevelopment and summary of analysis

1.1 When determining applications for residential development it is important to give consideration to housing supply. Paragraph 47 of the NPPF stipulates that “to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”

Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of **sustainable** development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” However this presumption needs to be seen in the light of the duty imposed by section 66 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990 against causing harm to the setting of a listed building which is a heritage asset (considered further in sections 2.8 and 2.9 below).

For the reasons set out in the Authority’s Annual Monitoring Report (January 2014)Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2015-20 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,599 dwellings which equates to a supply of 3.1 years when set against the housing requirement as determined by the requirements of the NPPF or 2.5 years supply when a 20% buffer is also applied.

The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- Available to develop now
- Suitable for residential development in terms of its location and sustainability; and
- Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

1.2 Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of **sustainable** development, which should be seen as a golden thread running through both plan-making and decision taking...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or specific policies in this Framework indicate development should be restricted”

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications

1.3 The Environmental Statement, states that the current need for affordable housing in Plymouth is high and annually represents 1,323 affordable homes to meet the future needs over the next five years and the existing backlog. Such demand considerably outweighs the existing supply. The delivery of 30% affordable housing on the application site would need to be secured by a Section 106 Agreement should members decide that planning permission is warranted. Furthermore, the Design and Access Statement (July 2015) –states that there would be 84 affordable houses (50 rent and 34 Intermediate), comprising of 21 x 2 beds, 48 x 3 beds and 15 x 4beds. This detail is used in the calculation of some required planning obligations and it is suggested that, should members determine that permission is warranted, it should also be secured in any S106 (even though the applicant has decided not to make reference to it in their proposed Heads of Terms -- see section 11 below).

1.4 Whereas this development could, with a suitable S106, result in the phased provision of an appropriate number of affordable dwellings (and lifetime homes) It is relevant to consider whether this application would provide a sustainable neighbourhood development on an appropriate site with an appropriate level of mitigations to address particular impacts associated with it.

For the reasons given in detail in the analysis section of this report it is concluded that the proposal does not make sufficient provision for sustainability in terms of both the NPPF and the Council’s own policies and the proposal does not make sufficient provision for climate change in terms of both the NPPF and the Council’s own policies.

1.5 The site is located within a Biodiversity Network Feature and is identified in the Greenscape Assessment (2000/2004) where it is listed as being of Regional importance for **Separation/Buffer**, City importance for **Visual amenity**, and City importance for **Agricultural/food growing** and District importance for **Natural habitats/biodiversity**

1.6 The principle of development of this site would not be in accordance with the NPPF and Core Strategy Policy CS34, both of which encourage the efficient use of previously developed land (as outlined in paragraph 17 of the NPPF).

For the reasons given in the assessment section below, it is likely that this proposal would result in another cul-de-sac development with single pedestrian link with the adjacent estate (devoid of any community facilities and adequate permeability and inconvenient to public transport) harming the value of a prominent important hillside urban fringe site and heritage feature of value to the City and setting an undesirable precedence for further urban fringe developments.

1.7 Whilst the applicant has made a number of proposals to reduce impacts, support biodiversity and promote access, the applicant refuses to limit the carbon footprint of the development in a manner that has been followed by developers of major residential development sites in the City and would dispute the payment of the normal administration fee charge that has been accepted by other developers should a S106 be warranted.

2.Extent of residential development -landscape and heritage impacts

2.1 At an early stage Historic England and the National Trust expressed concerns that if this development was permitted it would have an adverse effect on the setting (and thus the significance) of the Boringdon Arch, a Grade II* listed building that is part of a Scheduled Monument. In response to this, the applicant recently made amendments to the proposed masterplan including a relocation of 5 proposed dwellings close to the northern boundary to a position at a lower elevation on the hillside site and a phased increase in tree planting along the northern boundary. The applicant has submitted a Landscape and Visual Impact Assessment to support this application and have submitted photomontages which have been referred to by the applicant's landscape and archaeology consultants. They have also prepared an addendum to their original heritage statement and a series of additional photomontages to demonstrate what they consider to be an acceptable development

The applicants conclude the following::

- That there will be a significant, beneficial effect on the character of the “elevated landform”
- That there will be a significant, beneficial effect on the character of the “field boundary hedgerows and trees”
- That the development will not introduce un-characteristic features into the local landscape.

2.2 The key viewpoints have been visited and a review of the applicants Landscape and Visual Impact Assessment has been undertaken by the local planning authority's Chartered Landscape Architect. Whereas there is agreement with the applicants regarding visual effect it is considered to be important to note that the assessment concludes that there will be 'significant' adverse visual effects on a number of viewpoints which represent local receptors (people) and there is disagreement with the applicant's conclusions (listed above) in respect of landscape effects. It is considered that effects on the “elevated landform” and “field boundary hedgerows and trees” will be adverse and the development will introduce residential development into an area that is noted for its important contribution to the local landscape character.

It is considered that the applicants have not demonstrated that that their proposed development would be sympathetic with the role and value of the area identified as the “elevated landform” and it would not adequately mitigate for the impact. The development would unacceptably intrude upon this important feature and would have an unjustified impact upon an important heritage feature in its open landscape setting of part countryside part golf course.

Concerns about landscape impacts have also been aired by Historic England and the National Trust as well as by several local residents.

2.3 It has been suggested in some responses that the photomontages are not representative of the true impact of the scale of phased construction and urban development that would adversely affect the important character and features of this area. Nevertheless it is considered that they are helpful in facilitating determination of the planning application. The current settlement follows a distinctive pattern and does not extend up the slopes. This is represented by viewpoint 5 where a clear line can be seen along the valley side

The photomontages provided with the application (particularly viewpoint 5) clearly demonstrate that the development would obscure east-west hedgerows and retain only the fragments on north-south aligned hedges. There is disagreement with the applicant's statement that the development would “enhance the hedgerows as an identifiable landscape feature at a local level” (ES 9.5.14).The result of the introduction of urban development would impair legibility of the historic field pattern. This conclusion is supported by statements in the conclusion (ES 9.7.3) that appear to contradict the assessment that there would be a significant beneficial effect.

2,4 It is considered that the introduction of this scale of urban development would result in an unacceptable conflict with the functions and characteristics for which this site was identified in the adopted evidence base for the Core Strategy

As stated in the Greenscape Assessment (2000) that forms the basis for landscape planning policies, this area is characterised by farmland with large to medium sized fields, hedgerows, hedgerow trees and shelterbelts. The rural edges are often visible from within the urban areas, and some elements of the rural edge penetrate the urban area. It is considered that the character of this area and heritage features within it are not adversely affected or undermined by the established landscaped Boringdon golf course on the hilltop.

The following statement in the Greenscape Assessment is considered relevant to the determination of this application:

The site survey sheet for this urban fringe area east and west of Plymbridge Road ('Woodford' site) states: ***The site forms part of an important setting and edge to urban development in the northern part of Plympton. Incremental development up the valley sides would erode the open nature of this area and be visible from afar.***

It is considered that the Planning Committee's decision to approve the Community Parkland Area to the west of Plymbridge Road reflects this (see reference to **03/01967/FUL** in section 4 above) and that it would be inconsistent to now approve a scheme for residential development across the hillside to the east of Plymbridge Road without clear justification.

2.5 Reference is made in the Assessment to character area objectives and CA 5.2 states: Maintain agricultural land on ridgeline and conserve features of local distinctiveness. However it is considered that this proposed hillside residential development would introduce an uncharacteristic and damaging element into a visually prominent rural area on the rural edge of the city. The hillside site provides an important and valuable rural buffer to the urban edge and contributes significantly to the setting to Plympton.

Policy CS18 (1) states that the Council will protect and support a diverse and multi-functional network of green space and waterscape, through identifying a network of strategically and locally important Greenscape Areas. Development on or adjacent to these Greenscape Areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area. The applicants have submitted a formal statement regarding compliance with policy CS18. The applicants state that the Greenscape Areas have yet to be identified. The Core Strategy Key Strategy Diagram identifies the land as strategic greenspace network where the loss of greenspace is to be minimised ensuring that where greenspace is developed it achieves more significant sustainable development benefits relative to the function and importance of the greenspace (SO11).

2.6 The value of Plymouth's multifunctional Strategic Greenspace is recognised in the conclusion made by the Secretary of State that the development could impact especially visually and potentially in ecological terms to the extent that significant effect is likely (see NPCU comments in section 3 above).

2.7 There have also been strong local concerns expressed about the potential for a detrimental impact. The development would have significant adverse visual impact and adverse impact on landscape character which is considered to be contrary to NPPF Policies 60, 109, 131 and Core Strategy policies CS34 (3) and (4) and refusal would accord with 64, and CS02(3).

It is considered that a decision to approve this application would not promote or reinforce local distinctiveness due to the adverse impacts on local landscape character and the setting of Plympton. (**contrary to 60**). The proposal is tantamount to an over-development of the site and refusal is warranted as the proposed application fails to adequately take the opportunities available for improving the character and quality of the area and the way it functions (**in accordance with 64**). The mitigation measures proposed by the application reduce the impact of development however the resulting effects are significant, adverse and contrary to the recommendations in the Councils adopted evidence. The application fails to adequately protect and enhance a valued landscape (**contrary to 109**). The new development would not make a positive contribution to local character

and distinctiveness (**contrary to I31**) as it would impact on a key characteristic of the local landscape and intrude into an area that has been identified as an important buffer to the edge of the settlement. The proposed development would not protect important local and longer-distance views or contribute positively to the area's identity and heritage in terms of scale, density, layout and access (**contrary to CS02**). The applicants Landscape and Visual Impact Assessment conclude that there would be 'significant' adverse visual effect on local residents and properties that overlook the site. The development would not positively contribute to the townscape, landscape of the local environment and would not be compatible with its surroundings in terms of layout, visual impact, local context and views, scale and massing (**contrary to CS 34**). The proposal will have an adverse visual impact and will introduce a large area of residential development into a valued open landscape which has been identified as serving an important function as a buffer and edge to the existing settlement. The layout of the development, extending up the valley sides, is inconsistent with the existing townscape and inconsistent with adopted guidance for this area.

2.8 It is considered relevant to the determination of this application to consider the assessment of the character of the site and interpretation of similar policies by the planning inspector in a recent appeal decision (Appeal reference APP/K1128/A/14/2229204) :“Whilst urban influences are evident, including nearby housing as well as the golf course and some tall, distant transmitter masts, the combination of landform, woodland, water and the moorland skyline to the north create an area of high scenic quality. The largely unspoilt open qualities of the site make a pleasing contribution to the character of the area.”

There is a difference of opinion between the applicant's consultants and Historic England on the weight that should be given to the wind turbine appeal decision and also a difference of opinion on the elevation of the proposed housing development relative to the Arch and part of the golf course west of Plymbridge Road. There is also a different opinion that there is only one viewpoint that would potentially impact upon the setting of the heritage assets (only from the Saltram amphitheatre).

The envisaged layout implies a relatively uniform scale and mass of dwellings across the hillside in close proximity to important listed buildings and some at a higher level will have an impact upon the rural prominence of the Boringdon Arch landmark feature even though the applicant has revised the layout by relocating 5 of the highest dwellings previously proposed to a lower elevation .The development would have an impact upon the prominence of the Boringdon Arch landmark feature within this elevated open landscape character area and it is considered that the concerns about this by Historic England, the National Trust, The Gardens Trust and the local community are understandable. There are also issues with the likely proximity of residential development to the setting of Boringdon Hall (Grade I Listed) and the scheduled post medieval deer park, medieval fish pond, and 19thC lead mine, ore works and smelt mill at Boringdon Park which would also be affected by the proposal. As Historic England state, these are all very highly graded assets. Historic England advises that 'setting' is how one experiences a heritage asset, and part of the historic value of Boringdon House is derived from its rural location. The experience of Boringdon House may be harmed if the building were no longer experienced within a rural setting but flanked by a housing estate. Even if that housing estate cannot be readily seen, the historic value of the house is compromised by no longer being experienced in isolated countryside with extensive grounds. Harm to the setting of Boringdon Arch is more obvious and pronounced. The arch is designed as an eyecatcher to be viewed from the Saltram Estate, but also visible from other viewpoints locally. It is considered that the significance of the heritage assets affected in their setting would be harmed by this development, and there is no clear and convincing justification for this. .

2.9 The applicants state that it is material to consider that the harm would be less than substantial. It is considered that although the local planning authority can agree that the harm would be less than substantial it is considered that the reference made by Historic England to recent judicial review decisions and appeal decisions are particularly relevant to the determination of this application., Both the legislative requirement to consider the desirability of preserving the setting of listed buildings and

the NPPF injunction to conserve (in para 132) mean that very great weight should be given to the preservation of the setting of the heritage asset whatever the degree of harm, i.e. whether substantial or less than substantial.

It is considered that the proposals run counter to national planning policy and guidance, and also to **CS03** that requires the council to safeguard and where possible enhance historic environment interests and the character and setting of areas of acknowledged importance including listed buildings.

Due to its scale, character and prominence of the proposed development it is considered that refusal would accord with paragraphs 34, 58, 60, 129, 131, 132, 134 and 137 of the NPPF.

Paragraph 129 states that a local planning authority should take into account the particular significance of a heritage asset when considering the impact of a proposal on it and; Paragraph 131 of the NPPF sets out the basic framework for determining applications that affect the historic environment, requiring local planning authorities to have regards to the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. It is considered that approval would not accord with paragraphs 58 or 134 as the development would not respond positively to local character and history.

2.10 Housing development is needed in the City, but it is considered that this should be sustainable development and should not outweigh the harm to a listed building and feature of special architectural or historic interest that is prominent in the landscape and enhances the special open landscape character of this area. In this respect it is considered that the views of Historic England and the National Trust on this matter merit support from the local planning authority mindful of the requirement of the Town Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 that requires the decision maker to give great weight to the desirability of protecting the setting of listed buildings, and which, in effect, operates as a strong presumption against causing harm to the setting even if this harm is classified as less than substantial (as in this particular case.)

If, however, members decide that planning permission is warranted then a condition should be imposed requiring a programme of archaeological work to be agreed prior to commencement of development and such to be in accordance with an approved written scheme of investigation to ensure as far as possible the recovery and recording of currently unknown archaeological remains.

3 The emerging Plymouth Plan 2011-2031 (Sept 2015) Part One.

3.1 The Plymouth Plan Part One contains emerging development plan policies approved by Council which have yet to be tested through public examination). Policies 40, 24 and 28 are relevant to the consideration of the planning issues relating to this site as they indicate the local planning authorities continued desire to protect sensitive urban fringe areas and safeguard historic assets and the need to avoid setting an undesirable precedence for similar urban fringe developments.

Policy 40- Principles for development in Plymouth's urban fringe.

The LPA will work proactively with adjoining local authorities on a joint approach to Plymouth's northern, eastern and southern urban fringe within Plymouth's Principal Urban Area, in support of the city's housing and employment needs and the protection of the city's high quality setting.

Future growth in the urban fringe, as suggested by the applicants for housing across this site, needs to adhere to the following principles if they are to accord with this policy:

- (5.) New housing development will accord with the principles of sustainable linked neighbourhoods.
- (7.) The high quality landscape setting of the city, and the natural networks which extend from within Plymouth out into surrounding areas, will be identified and their role for leisure and in setting the city's limits to growth will be recognised.

(9.) Developments in the urban fringe will need to provide a high quality edge to the city, with an effective visual transition from an urban to a rural environment.

Policy 24- Delivering Plymouth's natural network.

The local planning authority is required to contribute to enhancing the natural network by:

(9.) Protecting and valuing iconic and historic landscapes, green space sites that enable a visual and physical connection to the water environment, and seascapes and views that define the city whilst enhancing the relationship between Plymouth and the surrounding landscapes that provide its enviable setting

Policy 28 –Promoting Plymouth's Heritage

The City will pursue a proactive and solution –orientated approach for the conservation of the historic environment, ensuring that it is promoted as a key element of the local character and distinctiveness, forms a strategic context for regeneration and development, and is conserved as part of the city's cultural offer, by:

(1) Safeguarding and enhancing historic assets and the character and setting of areas of acknowledged importance including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

3.2 It is considered that approval of the planning application would not be consistent with the objectives behind the Plymouth Plan Part One policies 40 and 24 and 28 (above) and policies 13 (Delivering a safe, accessible, sustainable and health-enabling transport system) and 25 (reducing carbon emissions and adapting to climate change) as indicated in the sections 5 and 6 below.

4. Biodiversity

4.1 The main areas of tree/hedge loss would be where the new access road would be constructed and where the proposed estate road would bisect existing hedgerows. The masterplan indicates the retention of the majority of trees/hedgerow_features currently within the site that have been identified as 'worthy of retention' in the applicants tree survey. If Planning permission is warranted then this should be subject to conditions to secure the additional planting at the appropriate time and to secure management to enhance the tree cover/biodiversity. A detailed Arboriculture Implications Assessment and detailed Tree Protection Plan would be warranted for each phase to accompany reserved matter applications. In addition a draft arboriculture method statement would also be required to give details of how the trees in the woodland located to the east of attenuation ponds would be protected during the installation of the outfall pipe/swale from the proposed attenuation tanks and open attenuation ponds. This should also include details of how the drainage connections between the tanks and ponds would be installed to minimise damage to the sections of hedgerow that they would be routed through/beneath.

4.2 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on every public authority in the exercise of its functions to the purpose of conserving biodiversity and Policy CS19 (3) states that the council will promote effective stewardship of the city's wildlife through maintaining a citywide network of local wildlife sites and wildlife corridors, links and stepping stones between areas of natural greenspace.

The Devon Wildlife Trust when consulted at an early stage noted that the bat activity surveys (late June to late October 2014) pointed to the use of the site by several species of bat, including the European protected barbastelle bat. However, to maximise the chance of revealing the importance of the site to bats, they considered that the surveys needed to be extended to cover the months of April, May and June, as recommended in Good Practice Guidelines 2012. The applicants responded positively on 31st July with additional and revised information relating to additional bat activity surveys, dormouse surveys and breeding bird survey. These indicate no known dormice or bat roosts on the site but it is used by foraging and commuting bats. and have now proposes a number of nature reserves and has submitted and should the decision be made to approve the application

relevant conditions and S106 clauses are warranted that development retains, protects, and enhances the features of biological interest and provides for the appropriate management of these features to accord with Policy CS19 and Paragraph 118 of the Framework;

4.3 It is considered that, with the imposition of suitable conditions, the proposed landscaping and management of the site would retain its functionality as part of the biodiversity network. However, the bat corridor along the northern boundary would vary in width. It would be 30m at its widest but only 20m wide in places and include footpaths and concerns have been raised as to whether this is sufficient to maintain a dark corridor for bats.

If planning permission is warranted a condition should be imposed stating that all ecological enhancements in areas shown on the masterplan as Local Nature Reserves should be carried out prior to commencement of development and (notwithstanding what the applicants suggest) provision for roosting bats and nesting birds must form part of the built form at locations to be agreed and lighting should be designed to ensure that levels within the bat corridor are less than 0.5 Lux.

A condition would be warranted stating that prior to commencement of development, an Ecological Management Plan should be submitted to the Local Planning Authority for approval and this should detail full management responsibilities in perpetuity and confirm details to ensure that all open space areas shown on the masterplan should be accessible to the public including all wildlife areas.

Such conditions would also be warranted in the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

5. Transportation

5.1 The main transportation points to consider are the suitability of the site for development, and local access and traffic impact in the Plympton area.

5.2 The National Policy Planning Framework requires amongst other things that local authorities should promote sustainable transport and that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (para 34). Safe and suitable access to the site should be achieved. Developments should also be located to give priority to pedestrians and cyclists and have access to high quality public transport facilities (para 35).

The Transport Assessment (TA) notes that the maximum walking distance to local bus stops/services should be 400m walking distance. This refers to guidance issues by the Institute of Highways and Transportation which actually states that the maximum distance should not exceed 400m and preferably be no more than 300m. The Plymouth Core Strategy Strategic Objective 14 identifies 400m as a target distance for walking distance to local bus stops. Policy 13 of the Draft Plymouth Plan 2011-2031 (Delivering a safe, accessible, sustainable and health-enabling transport system) specifies the 400m distance for all residents.

The applicant's TA points out that the core strategy guidance should not be rigidly followed and illustrates this point by highlighting two developments in the City which have previously received planning permission at Boston's Boat yard and Hooe Lake Quarry. It is considered however that both these developments are previously developed sites within the built up area which, while lie partially outside of this 400m range, they do have established vehicular and pedestrian accesses and provide better access to public transport and local services than this proposal.

5.3 With regard to the current Application, while the edge of the site is within 400m of an existing bus route, there are only a handful (3-5) of dwellings on the illustrative Masterplan within the minimum distance using acceptable gradients, and no dwellings within the preferable 300m. The shortest route linking the site with bus stops and local facilities is via a pedestrian access onto Meadow Way and a narrow existing alleyway without natural surveillance. Also the site is steeply sloping (1 in 6) gradient and local shops and facilities services are also remote from the site. It is

probable that this would also act as a deterrent to walking and cycling. It could therefore be argued that the site does not provide convenient access to high quality public transport and does not achieve safe and suitable access. To mitigate this the applicant proposes off-site lighting and surfacing improvements to the footpath link between Meadow Way and Lynmouth Close, a residential travel plan and fund traffic signal improvements on Plymouth Road.

5.4 The applicant's Transport Assessment also identifies the proximity of various local facilities from the development site including schools and shops. Further information has been provided by the Applicant on 19 May 2015 identifying desirable walking distances for destinations on foot and advises that 400 metres is a desirable walking distance for local facilities and those 800 metres is an acceptable one. The Transport Assessment identifies that almost all the local facilities are beyond 800m walking distance from the site and that only the local convenience store/post office is less than this lying around 600m from the nearest dwelling on the site and 1000m from the furthest. Distances to local schools for example are in excess of a kilometre walking distance from most of the homes on the site which is above what is considered to be both desirable and acceptable within relevant guidance. The Applicant points out that this guidance should not be rigidly followed and that in fact 2km is an acceptable walking distance.

5.5 The Transport Assessment submitted in support of the Application has been revised and attempts to address the issues of sustainable development in sections 2 and 3 of the report. The document as previously drafted advised that consultations had been made with the bus operators and concluded that diversion into the site of bus services and increasing the frequency of buses had been ruled out by the operator on grounds of cost and downgrading the service for existing users. The current situation is that while the applicant still maintains that the site accords with current guidance a contribution towards local bus services is offered by the applicant to cover the cost of providing a bus service by the Council for three years. The applicant intends that the bus service be provided into the site after 100 dwellings are built and for a temporary loop is used by the bus. However after discussion with a bus operator and given the nature and location of the site it appears to the Council's highways officers that there is no long term reasonable prospect of a commercial bus service operating to the site without a subsidy. It is suggested that a S106 contribution would therefore not be an acceptable way of overcoming the objection and would at the very best if realised be likely to only provide a short term (three year) bus service. There is concern that the applicant's suggested contributions to encourage bus use would not deliver the required sustainable development that is warranted.

A 6m road width would be required for bus operators to serve the site as well as a turning area to allow a bus to enter and leave the site in the early phases before the completed layout is achieved.

5.6 Taking all the information into consideration, and the transportation concerns expressed above, and the concerns of public health and the Police Architectural Liaison Officer, and given the distance from local bus routes, and other facilities and considering the gradients and lack of a suitable footpath it is considered that this proposal does not form a sustainable development and is not consistent with existing planning policies both national and local including the requirements of Policy 13 of the Plymouth Plan Part One (Delivering a safe, accessible, sustainable and health-enabling transport system). This refers to the need to consider the delivery of a transport system that encourages and enables sustainable and active travel choices, provides good accessibility for the city's population to jobs and services, and supports a healthy environment. This will involve ensuring through the planning process that new development delivers safe and convenient facilities for walking, cycling and public transport and the delivery of a public transport system that everyone can use, including working with the bus companies to provide easier ticketing, providing clear journey planning and timetable information, and accessible boarding and alighting across the city where all residents live within 400 metres of a bus stop.

Careful consideration has been given to the additional information provided with revisions and amendments submitted by the applicants over the past months to try to address these particular accessibility concerns and to the applicant's assertion that it is relevant to consider that certain other areas of the city do not accord with current guidance on accessibility. In the applicants view, PCC have applied guidance on acceptable walking distances from bus stops too rigidly and state that the Council should be more flexible in the way that these rules are applied. A late submission by the applicants points out other sites have been approved in the City which do not comply with this guidance and the fact that they were built on brownfield sites does not overcome this argument. In response to this it needs to be recognised that the proposal is not only contrary to the Plymouth Plan Part One policy for new development (as mentioned above) but that no more than a handful of the 280 dwellings at the application site would be within the acceptable walking distance and notwithstanding the fact that while the minimum 10% gradients requirement can be met, the site lies on a hill and the main pedestrian connection is via a narrow poorly lit alleyway. It is considered that it is fair and reasonable to conclude that accessibility concerns remain and that this particular proposal would not provide a sustainable development of this greenfield site.

5.7 In addition to the concerns about the applicants' transport assessment being able to demonstrate satisfactory minimisation of adverse impacts and likely provision of a sustainable development there is also concern that no mitigation is proposed for the Glen Road/Ridgeway roundabout junctions and that impact on the local highway network would be severe and harmful to existing residents and road users and on the ability to deliver high quality and reliable public transport services on the network. relevant to the determination of this application.

5.8 However, in the event of members determining that planning permission is warranted the following is relevant: The applicant's previous S106 heads of terms included their suggestion of a sum of £155,000 approx. payable to the local authority to implement traffic signal upgrades at various junctions on the Plymouth Road corridor. This S106 contribution is not agreed by the local highways authority. In the event that permission was granted conditions would be warranted to secure off-site lighting and surfacing improvements to the footpath link between Meadow Way and Lynmouth Close prior to the first occupation of houses in phase 3 and traffic signal upgrades and the implementation of MOVA at the following locations along the Plymouth Road corridor prior to the first occupation of houses in phase 2 in order to mitigate the likely impact of the development:

- Marsh Mills roundabout
- Longbridge Close
- Coypool Road
- Woodford Avenue
- Larkham Lane
- Cothill Junction

Also conditions would be warranted to try to secure an adequate turning area for buses and large vehicles throughout the phased development

6. Energy savings

6.1 In line with the adopted Core Strategy policy CS20, the applicants need to review options and set out proposals for on - site renewable energy generation equipment to deliver the policy position of 15% reduction in carbon emissions on site. In cases where the on-site renewable energy objective is found to be undeliverable, the Affordable Housing and Planning Obligations SPD allows for a contribution to be made towards the delivery of off-site CO² reduction measures. The level of contribution is based on the estimated capital cost of the renewable energy equipment needed to meet the 15% reduction in total predicted carbon emissions for the planned development.

However, in this case, the applicants are not proposing to follow the policy or make any offsite S106 contribution The applicants are proposing a 'building fabric' approach in providing dwelling units that would themselves meet the target of carbon reduction in CS20 as they believe that that CS20 is

contradicted by the National Framework, para 95 and that it is appropriate for the matter to be considered at reserved matters stage.

6.2 This was not the case that was put forward by the applicants in respect of another application recently determined by the Planning Committee (Plan ref. 14/01103). In that case Linden Homes followed CS20 and agreed to off-site contributions towards the delivery of off-site CO² reduction measures for their proposed 142 unit Millbay Marina Village development.

It has been accepted by other developers within the City that policy CS20 is clear that the specific target of 15% relates to onsite renewables and that it is not superseded or contradicted by the National Framework, para 95 (or indeed paras 96 and 97, which are also of some relevance) It has been accepted by developers (including the applicants) that S106 contributions are warranted where solar PV cannot be delivered or District Energy is proposed.

6.3 It is suggested that the local planning authority should apply the policy in a consistent and objective way in the consideration of the ways of mitigating CO₂ impacts. The approach in CS20 and the Plymouth Plan has as its starting point a number of objectives. **One** is reduction of carbon emissions. **A second** is to maximise the amount of energy generated using renewables. CS20 is still the yardstick we are using (together with the Plymouth Plan) and it is compliant with the NPPF and latest guidance. In this case, the developer is using arguments to show that they will meet the emissions reduction by another means. This does not meet the second policy objective in CS20 of using renewables and is therefore failing to comply with CS20 (and indeed the draft Plymouth Plan policy 25) because they would be relying on the use fabric measures. Therefore they would not meet the policy objectives and criteria as set out in the Core Strategy, and in the draft Plymouth Plan, together with the NPPF.

6.4 NPPF Paragraph 95 states (among other things) that “To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;”

Paragraph 96 states (among other things) that 96.” In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply* unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

Paragraph 97 includes the following” To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts

The Governments zero carbon buildings policy references in NPPF para 95 are now unclear as there is no longer a published policy to achieve this.

6.5 It is considered that CS20 is not contradicted by the 24th March Ministerial Statement, which states that ‘for the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015’. Those amendments have not yet been commenced. At this point in time the original provisions in the Planning and Energy Act 2008 remain in force, and it is considered that the uncertainty over the future of the zero

carbon homes policy places renewed emphasis on CS20 as the principle means to deliver the requisite reductions in carbon emissions across the City.

6.6 Policy 25 (Reducing carbon emissions and adapting to climate change) of the Plymouth Plan 2011-2031 Part One expects development to incorporate low carbon or renewable energy generation to achieve regulated carbon emission levels of 20% less than that required to comply with Building Regulations Part L 2013 (policy 7c)

6.7 It is considered that approval of this proposal as currently formulated would not comply with the local planning authority's approved policy CS 20 which requires carbon reductions through on-site renewable energy generation and also as set out in policy 25 of the Plymouth Plan 2011-2031 Part One (reducing carbon emissions and adapting to climate change). The applicant's 'building fabric approach' would not provide a sufficiently robust basis to fulfil the objective of these policies. A 'building fabric approach', does not optimise the overall carbon savings that could be realised by using renewable sources of generation. Although the amount of power used in each home may be reduced, that power would be coming from the grid (and therefore from coal fired power stations), when our planning policies are in place to facilitate and encourage the use of renewable methods of generation (some that might be situated within the development).

7. Construction work –impact Issues

7.1 The applicant has advised that should planning be granted, the anticipated duration of the project would be approximately 320 weeks and that development would take place in phases from west to east across the hillside site.

The site is located in immediate vicinity to existing residential properties and there would be some disturbance during construction operations and construction activities would be visible to view from a distance throughout the phased construction operations.

7.2 Consideration has been given to the applicants' submitted cross sections, proposals for a series of flood tanks, draft CEMP and the phased development and planting proposals. It is considered that the envisaged development would require extensive hillside earth moving/excavation operations to provide a relatively uniform scale and mass of dwellings with drainage tanks and access roads across the hillside. It is accepted that this would be undertaken in a phased manner and that such could be controlled by planning conditions if planning permission is warranted.

It suggested that should permission be granted conditions are imposed to protect existing residents and new residents as much as feasibly possible by controlling the proposed work (see suggestions made by the PPS Unit above).

7.3 The applicants claim that tree planting on the northern boundary would enhance biodiversity and help to mitigate visual impact. However the applicant's proposal is that this planting would only be completed in part prior to development commencing on site. It is considered that trees would take many years to provide the backcloth suggested by the applicants in their drawings/documents and that the extent of phased pre-commencement tree planting for only part of the northern boundary is considered to be inadequate to mitigate impacts contrary to the applicant's assertions.

It is considered that should permission be warranted a condition should be imposed requiring the northern planting belt to be planted in full to accord with CS 02 and CS 19 and CS 34 and in accordance with detailed landscaping plans to be agreed by the local planning authority prior to the commencement of development.

8. Drainage

8.1 The applicant has submitted an updated drainage strategy and Flood Risk Assessment with a drainage plan to demonstrate drainage of the site. The Environment Agency is satisfied that the surface water drainage is acceptable subject to further details conditions and suggests that the views of SWW be sought on the need for a possible potential off-site S106 contribution to flood alleviation

works in the area. SWW views have been obtained and it seems that they do not need a S106 to deliver such.

They state that their primary concern is to ensure there is no foul sewer flooding as a result of the development hence propose planning conditions relating to this should planning permission be warranted. (see section 5 above).

They state that the survey to establish the extent and cost of improvements required is currently underway and that the improvements will then be secured/delivered by means of the applicant entering into a S98 sewer requisition. Once they are at that stage their objection will be withdrawn.

South West Water made no adverse comment in relation to the surface water aspect as, where this is proposed in part to connect to the public surface water sewer network, they state that they are satisfied that capacity is available.

8.2 In view of this, it is suggested that, should members wish to approve the application, appropriate planning conditions should be imposed to address the above drainage concerns of drainage consultees.

9. Other Issues

9.1 The application has been advertised in accordance with the Council's consultation protocol including site notices and newspaper. Attempts have been made to address the salient planning issues raised in the letters of representation in discussions with the applicants and consultees and the applicants have responded to the need to amend/provide justification for their proposals. The revisions/amendments containing additional information have been re-advertised (twice). It is appreciated that some residents might feel that this report does not give adequate weight to some particular issue of concern but an attempt has made to reflect that concern in section 6 above.

9.2 There are established centres of employment in the neighbourhood including Marsh Mills Park and Newnham Industrial Estate. If the application is approved a condition would be warranted requiring an employment and skills strategy to be agreed prior to the commencement of development relating to local employment during construction to demonstrate how local people and local businesses would benefit from the phased development of this site.

9.3 If the application is approved a condition would also be warranted to secure effective scheme of lighting to address the reasonable concerns of the Police Architectural Liaison Officer and CS32.

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

If approved, the scheme would be liable for a charge under the Community Infrastructure Levy; however the calculation would be made at Reserved Matters stage when the floorspace figures were known. Using the Development Guidelines SPD minimum floorspace standards, the Market Housing would generate a minimum CIL payment of £560,500 based on the current rate and current indexation level. The Affordable Housing has not been included in this calculation as it is assumed that Social Housing Relief would be applied.

11. Planning Obligations

11.1 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.

Attempts have been made to identify agreed planning obligations should permission be granted

11.2 The applicant confirms that, if approved, a management company would fund the maintenance/management of all of the POS, nature reserves, biodiversity enhancements and SUDs and that the scheme for this could be a requirement of the S106.

The applicants' proposed Heads of Terms indicate that they would agree to 30% affordable housing ((60/40 tenure split) and 20% Lifetime Homes. They would also make the required contributions to education (£719,064) and health (Glenside Medical Centre - £81,600) and towards enhancements to Chelson Meadow strategic greenspace (Saltram Masterplan - contribution of £280,402.52). They propose bus service improvement payments (£369,032 worth of travel cards over 3 years available for first occupiers for 6 months) and a £50 voucher to the first occupier of each dwelling to put towards the purchase of a bicycle.

11.3 The applicants agree to an off-site playing pitch payment but dispute the 'normal' calculation behind the S106 contribution that the local planning authority has specified to address the need for adequate provision. The calculation is based on publicly available documents (the Planning Obligations and Affordable Housing SPD Second Review 2012, and associated Planning Obligations Evidence Base updated July 2015). (Based upon the information provided about the housing mix the contribution should be £325,510)

The details can be given to you at your meeting should you determine that planning permission is warranted subject to a S106.

11.4 If planning permission is warranted the local planning authority would require completion of an obligation to pay the 'normal' Administration fee for monitoring the S106. The legality of this is being disputed by the applicants The details can be given to you at your meeting should you determine that planning permission is warranted subject to a S106.

11.5 It is also relevant to note that there is absence (in the applicants proposed Heads of Terms) of information relating to the size breakdown of dwelling units proposed (although this is within the Design and Access Statement). Also, as stated in the report the applicants consider that they should not adhere to CS20 and so there would be no agreed contribution towards the provision of off-site CO2 reduction measures (which the local planning authority has identified as £279k if no on-site renewable energy technologies are technically or financially viable).

12. Equalities and Diversities

If approved, the scheme would provide 20% Lifetime homes. However, as outlined above, there are issues regarding the sustainability of the proposed development that could disadvantage residents with physical and economic mobility issues and the concerns regarding social cohesion are raised in the Public Health comments above.

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 does not accord with policy and national guidance and specifically upon paragraphs 14, 17, 29, 32, 34, 35, 49, 58, 60, 129, 131, 132, 134 and 137 of the NPPF and Core Strategy policies CS01 (Sustainable linked communities) CS02 (3)(Design) and CS03 (Historic Environment) CS18 (Green Space) , CS28 (Local Transport) , CS33(Planning Obligations) and CS34 (3) and (4) (Planning applications) and policies 13, 24, 25, 28 and 40 of the Plymouth Plan 2011-2031 Part One . The harm caused to the setting of the historic asset and the lack of sustainability of the proposals for the reasons discussed above are not outweighed by the public benefits of the proposals, notwithstanding the significant weight to be attached to the provision of market and affordable housing in present circumstances.

The applicants have made efforts to address the salient planning issues in the provision of additional and revised information, plans and documents. It is considered that the provision of housing would be outweighed by the harm to the setting of a grade II*listed building in this locality and unwarranted impacts that would be likely to occur as it is considered that sustainability, landscape, heritage, energy and transportation issues have not been adequately addressed to warrant a recommendation of approval (subject to a S106). It is likely that this proposal would result in a development without adequate permeability and inconvenient to public transport and neighbourhood community facilities. The proposal does not make sufficient provision for sustainability and for climate change. It is likely that approval would result in a development harmful to the value of a prominent important ridgeline and hillside urban fringe and open landscape with a prominent listed building and heritage features of value to the City and would add traffic problems on the highway network.

Even if it were considered that less than substantial harm would not be caused to the setting of the grade II* listed heritage asset and the presumption in favour of development applied (applying para. 14 of the NPPF), it is considered that the lack of sustainability of the proposals considered in the context of the policies of the NPPF as a whole, significantly and demonstrably outweigh the presumption, notwithstanding the significant weight to be attached to the provision of market and affordable housing.

13. Recommendation

In respect of the application dated **05/01/2015** and the submitted drawings (readvertised due to submission of revised and supplementary information upon environmental impact) , it is recommended to: **Refuse**

13. Recommendation

In respect of the application dated **05/01/2015** and the submitted drawings Readvertised due to submission of revised Transport Assessment and Geo-environmental report and supplementary information upon environmental impact.,it is recommended to: **Refuse**

14. Reasons

ACCESSIBILITY AND INTEGRATION

(1) There would be a lack of integration between the proposed development and existing community and the development would not provide convenient access to community facilities and public transport. The development would not be sustainable and it is considered that the occupants would be overly dependent on the private car as a means for getting to and from the site for almost all journeys. The proposals, including those detailed in the updated Design and Access Statement and Transport Assessment and Travel Plan (received 31st July) are contrary to Strategic Objectives 2 and 14 and Policies CS01, CS02 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and paragraphs 14, 29, 32, 34 and 35 of the National Planning Policy Framework 2012 and Policy 13 of the Plymouth Plan 2011-2031 Part One (Delivering a safe, accessible, sustainable and health-enabling transport system) and would not in accord with advice in the Sustainable Design Supplementary Planning Document (adopted 2009).

PLYMOUTH'S GREEN SPACE.

(2) The principle of development of this site would not be in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007, both of which encourage the efficient use of previously developed land. It would be a harmful encroachment of unsustainable urban development onto greenfield land across a prominent important urban fringe hillside into a ridgeline of value and importance to the setting of the City contrary to policy CS 18 of the Core Strategy of Plymouth's Local Development Framework 2007. The impacts of such development would significantly and demonstrably outweigh the benefits of providing housing and refusal would accord with par 14 of the National Planning Policy Framework and that approval of the planning application would not be consistent with the Plymouth Plan 2011-2031 Part One policies 24 (Delivering Plymouth's natural network), 28 (Promoting Plymouth's heritage) and 40 (Principles for development in Plymouth's urban fringe). Approval would set an undesirable precedence for further urban fringe developments that together would undermine the safeguarding of Strategic Greenspace identified by the local planning authority in Diagram 7 of the Core Strategy of Plymouth's Local Development Framework 2007 and the related policies that need to be applied in a consistent and objective way.

HISTORIC ENVIRONMENT

(3) There is a statutory presumption against causing harm to the setting of a listed building by section 66 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990. The harm caused by this proposal would be less than substantial but the harm to a listed building in this locality would not be outweighed by the public benefits of the proposal, by the provision of open market and affordable housing. The proposed development would, if approved, harm, and compromise the open landscape setting, part countryside and part golf course, and challenge the visual primacy of the Boringdon Arch (a Grade II* listed building that is part of a scheduled monument) contrary to policy CS 03 of the Core Strategy of Plymouth's Local Development Framework 2007 and with the Plymouth Plan 2011-2031 Part One policy 28 (Promoting Plymouth's heritage). Due to its proposed scale, character and prominence of the proposed development it is considered that refusal would accord with paragraphs 34, 58, 60, 129, 131, 132, 134 and 137 of the NPPF.

SUSTAINABLE RESOURCE USE

4) It is considered that approval of this proposal would not comply with the local planning authority's approved policy CS 20 of the Core Strategy of Plymouth's Local Development Framework 2007 which requires carbon reductions through on-site renewable energy generation and also as set out in policy 25 (Reducing carbon emissions and adapting to climate change) of the Plymouth Plan 2011-2031 Part One. The applicant's 'building fabric approach' would not provide a sufficiently robust basis to fulfil the objective of these policies in a consistent and objective way.

LOCAL TRANSPORT CONSIDERATIONS

(5) The submitted Transport Assessment (received 31st July 2015) contains insufficient technical detail and traffic modelling information to determine the impact of the development on the local highway network which experiences significant traffic congestion, to the extent that it has not been demonstrated that there is no conflict with the policies and intentions set out in the adopted policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007, and paragraphs 32 and 35 of the of the National Planning Policy Framework 2012. As such it is considered that the likely traffic movements associated with the scale of development proposed could have adverse impacts on the safety and convenience of highway traffic movement in the locality.

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS20 - Resource Use

CS03 - Historic Environment

CS05 - Development of Existing Sites

CS02 - Design

CS15 - Housing Provision

SPD2 - Planning Obligations and Affordable Housing

SPD1 - Development Guidelines First Review

SPD3 - Design Supplementary Planning Document

NPPF - National Planning Policy Framework March 2012

PP13 - Delivering a safe, accessible, sustainable and health-enabling transport system

PP24 - Delivering Plymouth's natural network

PP25 - Reducing carbon emissions and adapting to climate change

PP28 - Promoting Plymouth's heritage

PP40 - Principles for development in Plymouth's urban fringe

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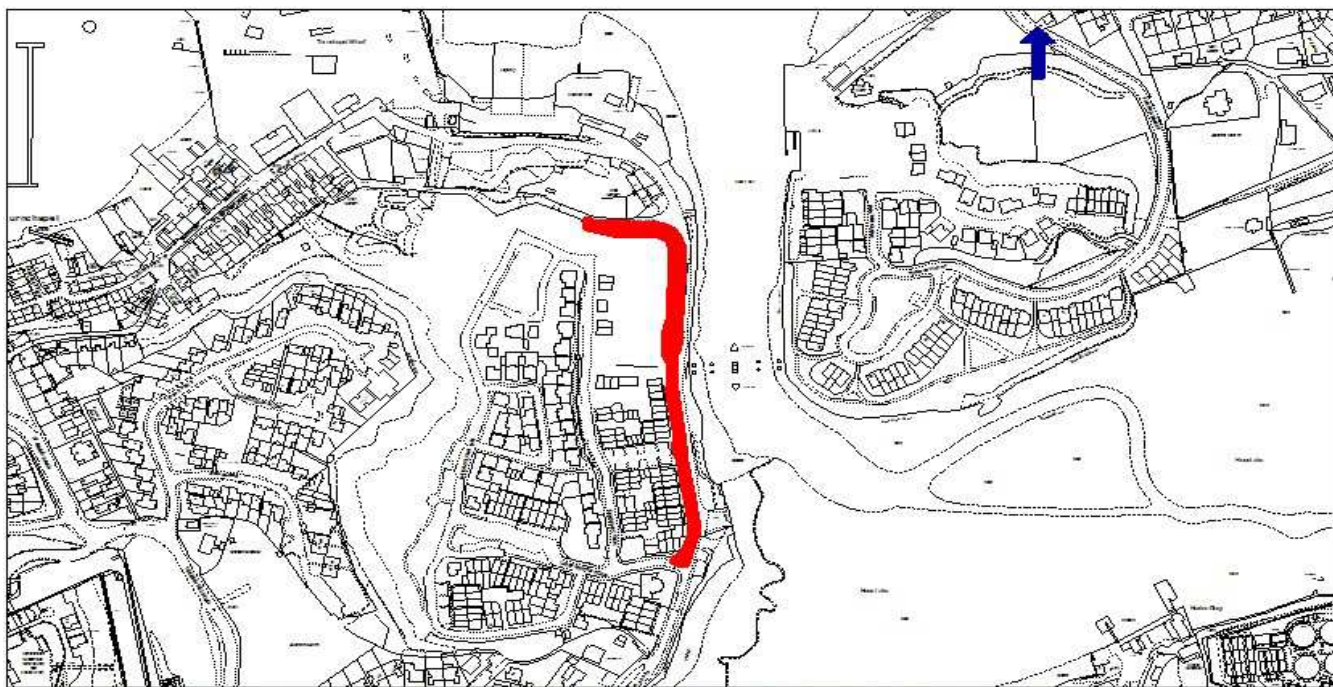
PLANNING APPLICATION REPORT



Application Number	15/01675/FUL	Item	04
Date Valid	09/09/2015	Ward	Plymstock Radford

Site Address	HOOE LAKE, BARTON ROAD PLYMOUTH		
Proposal	Variation of condition 2 (Plans Condition) to allow for changes to the retaining wall along Barton Road		
Applicant	Barratt David Wilson Homes		
Application Type	Full Application		
Target Date	09/12/2015	Committee Date	Planning Committee: 19 November 2015
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Kate Saunders		
Recommendation	Grant conditionally subject to S106 Obligation		

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This planning application has been referred to planning committee by Cllr Michael Leaves and by virtue of receiving more than 5 letters of representation.

1. Description of site

The site consists of a former quarry, located on the west side of Hooe Lake, adjacent to Barton Road which runs alongside the western edge of the site. A large proportion of the housing development approved on the site has now been completed.

The site is 7.316 hectares in area. In terms of context, immediately to the north of the site is a former Royal Marine base now being used as a marine business centre and the village of Turnchapel, to the east is Hooe Lake, to the south is existing residential development (which includes Hooe Barn and a small local centre) and to the west is more residential development that sits on top of the 30 metre high quarry face cliff that defines the western boundary of the site.

There is a listed lime kiln near the south eastern corner of the site which is being retained as part of the housing development.

2. Proposal description

Variation of condition 2 (Plans Condition) to allow for changes to the retaining wall along Barton Road

3. Pre-application enquiry

Pre-application advice was provided. The applicant was advised to apply for retrospective planning for the as built retaining wall.

4. Relevant planning history

14/02107/FUL - Amendment to planning permission 13/00061/FUL to provide 6 additional dwellings with minor changes to the layout and housetypes within the northern section of the site – Granted conditionally subject to S106

13/00061/FUL - Re-development of site by erection of 184 new dwellings, provision of new public open space, ancillary access roads, improvements to Barton Road and associated works. (Amendment of previous planning permission 11/01250/FUL) – Granted conditionally subject to S106

5. Consultation responses

None Requested

6. Representations

Eleven letters of representation have been received, all of which object the application. The key points identified within the letters are summarised below:-

- Shows a disregard for the area and local residents
- Will be double the height of the approved wall
- Vastly changes the perspective, the street scene and outlook from nearby vantage points
- Cannot be considered as di minimus
- Intimidating and out of keeping, and is reminiscent of a high security prison wall
- Spoils a good quality development
- Should be up to PCC to enforce original approval as it would not have been given consent had it been applied for originally
- Acting as a screen for dumping construction waste
- The wall is masking the development behind which is not being built accurately
- The plans are inaccurate
- Wall is an eyesore turning a green site into a concrete monstrosity
- Work should stop until a decision has been made

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) and North Plymstock Area Action Plan (including Minerals Development Plan Document)

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS02 (Design) and CS34 (Planning Application Considerations). The main issue to consider with this application is the effect on the character and appearance of the area.
3. This application is for variation of a condition to allow alterations to the retaining walls fronting Barton Road that form part of the Hooe Lake housing development. The original planning permission for the site was considered in full covering issues such as biodiversity, highway safety, contamination etc. These issues will not be revisited as part of this application and only the issues directly related to the changes to the retaining wall will be considered.

Retaining Walls

4. The original planning permission for the scheme provided the following commentary on the retaining walls:
5. *Extract from officer report 13/00061/FUL*

The proposals to re-grade the land involve a large cut and fill exercise to achieve the tiered approach proposed and create in effect 2 development platforms. This will ensure that very little material will be required to leave the site, as the excavated land will be used to fill other areas of the site. The existing retaining wall along part of the eastern boundary of the site (adjacent to Barton

Road) will be kept and extended south along the front (eastern boundary) of the site. This will be approximately 1.4 metres in height and will ensure that the development along the eastern boundary of the site will sit just above the road level. A second retaining wall is proposed within the site, behind (and to the west) of the proposed perimeter blocks in the eastern part of the site adjacent to Barton Road. This will provide a base for the second development platform that will have a localised increase in height in order to give the properties facing east views over Hooe Lake.

6. The principle of constructing the houses on an elevated platform above road level was always the intention of this development. In order to create a safe and secure building platform suitable retaining structures were going to be required. In the original application it was thought that the original wall along the boundary with Barton Road could be retained and extended upwards, to a height of approximately 2.5m, and then a second wall erected 2.1 metres behind to a height of 1.5 metres. This would give a total expanse of wall of approximately 4 metres.
7. Officers are able to confirm that the originally submitted and approved street elevations did show these proposals although the content of some of the supporting information may not have been explicit in this regard.
8. The amendment for which permission is now being sought would result in the retention of the original wall at its current height of 1.4m. The applicant has explained that following review by a structural engineer the existing wall would be unable to take the weight of an extension to its height. A higher second wall has then be constructed 3.2m back from the original wall and predominantly extends to a height of 3.05m high.
9. An area of landscaping was proposed between the two walls on the original plans and this will still be provided in the amended proposals. The increased distance between the two walls will actually allow for enhanced landscaping and this will soften the appearance of the extended second wall.
10. The changes to the retaining walls will have a reduced impact on people walking along Barton Road. In the original plans a 2.5m structure would have been located adjacent to the highway, now the higher structure will be set 3.2 metres away. However, officers accept that the extent of the wall is not ideal but given it will be stone faced and high quality landscaping will be provided it is not considered that it results in significant harm to the visual quality and character of the area.
11. It is noted that a number of properties located opposite the development have raised concerns regarding the visual appearance of the structure. However these properties are located across the water in excess of 80m away. Officers therefore consider that the harm to these properties is not significant and could not warrant refusal of the application.
12. Furthermore prior to work commencing on this development the site included banks and retaining structures. The height of these former structures was far in excess of the retaining walls now proposed.

Changes to House Types

13. Concern has been raised that the submitted drawings propose changes to the houses on plots 56 and 57. Officers can advise that the house types have been altered from the original planning permission however these changes have already been approved under application 14/02107/FUL.

Unauthorised Works

14. Members should be aware that the majority of the changes proposed as part of this application have already been carried out by the applicant. The applicant has suggested that they progressed works as they believed the changes to be “de minimis” and therefore did not require further consent from the Local Planning Authority. The unauthorised works were highlighted to the Local Planning Authority by a local resident and therefore an enforcement file was raised which initiated a discussion with the applicant. Following some dialogue the applicant was advised that a new planning application would be required which resulted in the submission of this proposal. Work is not currently taking place on the wall whilst this application is determined.
15. Officers are aware of the recent ministerial statement advising that “intentional unauthorised development” is a material consideration. However officers understand that the main purpose of this legislation is to offer greater protection to the greenbelt where the effects of unauthorised development are often felt most severely and can result in irreparable harm.
16. The impacts of the changes to the retaining wall have been considered thoroughly above. This recent new legislation has no further bearing on the consideration of this application

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

None relevant

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.

A supplementary planning agreement will be required to link this application to the original permission and ensure appropriate mitigation is provided.

12. Equalities and Diversities

The alterations to the retaining wall will allow level access to be provided to the properties above allowing easier access for buggies and for the disabled.

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 it is therefore recommended to grant conditionally subject to the completion of the supplementary S106 agreement.

Officers consider that the changes to the retaining wall along Barton Road does not result in undue harm to the visual quality and character of the area. The walls will still be of a high quality, faced in stone with the benefit of enhanced landscaping provided to minimise their prominence. Officers consider the development therefore accords with Policy CS02 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

13. Recommendation

In respect of the application dated **09/09/2015** and the submitted drawings 1261/3003-1, 1261/3003-2, 1261/3004-1, 1261/3004-2, 1261/100/W, 1261/100/X, 1261/3002, 12-3870-101A, GL0492 01, 12-3870-102A, 1261/3001, 102/10/1B, 1261/107E, 102/10/2B, 100PI, 101*, 102E, 103C, 104C, 105C, 106B, 107D, 110A, 111A, 199*, HLP.LS.01E, HLP.LS.02E, LMP.01*, LS.03*, 140B, 142A, 144*, 150*, 151*, 152*, 153*, 154*, 155*, 156*, 158c, 159D, 160C, 161D, 163C, 167C, 168C, 171B, 172C, 174C, 175B, 177B, 178B, 180C, 181B, 182C, 183B, 187B, 191C, 192C, 193*, 194*, 195*, 196*, 197*, 198*, 199*, 201C, 400*, 401*, 402*, 403*, 404*, 405*, 406*, 407*, 408*, 409*, 410*, 411*, 412*, 413*, 414*, 415*, 416*, 417*, 418*, 419*, 420*, 421*, 422*, 423*, 424*, 425*, 426*, 427*, 428*A, 429*, 430*, 450*, 451*, 452*, 453*, 454* and accompanying Design and Access Statement, Transport Statement, Sustainable Resource Use Statement, Flood Risk Assessment, Contamination Report, Ecological Mitigation and Enhancement Strategy, Interim Travel Plan, Historic Environment Assessment, Bat Mitigation Strategy, Arboricultural Constraints Report, Archaeological Assessment, it is recommended to: **Grant conditionally subject to S106 Obligation**

14. Conditions

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1261/3003-1, 1261/3003-2, 1261/3004-1, 1261/3004-2, 1261/100/W, 1261/100/X, 1261/3002, 12-3870-101A, GL0492 01, 12-3870-102A, 1261/3001, 102/10/1B, 1261/107E, 102/10/2B, 100PI, 101*, 102E, 103C, 104C, 105C, 106B, 107D, 110A, 111A, 199*, HLP.LS.o1E, HLP.LS.o2E, LMP.01*, LS.03*, 140B, 142A, 144*, 150*, 151*, 152*, 153*, 154*, 155*, 156*, 158c, 159D, 160C, 161D, 163C, 167C, 168C, 171B, 172C, 174C, 175B, 177B, 178B, 180C, 181B, 182C, 183B, 187B, 191C, 192C, 193*, 194*, 195*, 196*, 197*, 198*, 199*, 201C, 400*, 401*, 402*, 403*, 404*, 405*, 406*, 407*, 408*, 409*, 410*, 411*, 412*, 413*, 414*, 415*, 416*, 417*, 418*, 419*, 420*, 421*, 422*, 423*, 424*, 425*, 426*, 427*, 428*A, 429*, 430*, 450*, 451*, 452*, 453*, 454*

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.

CONTAMINATED LAND

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

Section 1. Site Characterisation

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

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

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOUND INSULATION

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

Reason:

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

SOUND INSULATION VERIFICATION

(5) Details of the sound insulation verification methodology including the identification of the appropriate test properties and subsequent sound insulation verification results for each phase or part of a phase of residential development shall be submitted to and approved in writing by the local planning authority before any dwelling or building is occupied in that phase or part of that phase of development.

Reason:

To ensure that the proposed dwellings hereby permitted achieve the standards of noise attenuation set out in above condition so the properties achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

STREET DETAILS

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

Reason:

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

ROAD ALIGNMENT AND DRAINAGE

(7) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

COMPLETION OF ROADS AND FOOTWAYS

(8) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 9 above before the first occupation of the penultimate dwelling.

Reason:

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

ACCESS

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

Reason:

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

PROVISION OF PARKING AREA

(10) 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.

CYCLE STORAGE

(11) The secure areas for storing cycles 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:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. In accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GRAMPIAN

(12) No dwelling shall be occupied until the proposed improvements to Barton Road, in accordance with details to be submitted to and approved in writing, have been completed to an agreed standard suitable to serve residential development. Furthermore, the improvement works shall be fully completed to an adoptable standard, in accordance with the approved plans, prior to occupation of the penultimate dwelling.

Reason:

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

CODE OF PRACTICE DURING CONSTRUCTION

(13) 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.

TRAVEL PLAN DETAILS

(14) The use hereby permitted shall be carried out in accordance with details of a Travel Plan which shall be prepared in accordance with prevailing policy and best practice and shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use. The Travel Plan shall include as a minimum the following elements:

- identification of targets for trip reduction and modal shift
- practical methods to encourage modes of transport other than the private car such as:
the Government Cycle to Work Scheme
provision or subsidy of travel passes
promotion of car sharing
establishment or use of car clubs
- the provision of secure and convenient cycle parking facilities

- provision of shower and changing facilities for staff
- householder welcome packs and travel passes
- measures to regulate the management and use of permitted car parking areas
- mechanisms for monitoring and review
- the appointment of a Travel Plan Coordinator and notification to the Local Planning Authority of their contact details
- measures for enforcement of the Travel Plan, should agreed objectives and targets not be met
- an agreed timescale for implementation of the agreed measures.

Reason:

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

LANDSCAPE DESIGN PROPOSALS

(15) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation for the whole site including the woodland area 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 proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Reason:

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

SOFT LANDSCAPE WORKS

(16) 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.

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.

LANDSCAPE WORKS IMPLEMENTATION

(17) 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 landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE MANAGEMENT PLAN

(18) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas including the woodland area based on the Management and Enhancement Plan dated 4 November 2011 other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

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

SURFACE WATER DRAINAGE

(19) No development approved by this permission shall be commenced before a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) details of the drainage during the construction phase;
- (b) details of the final sustainable drainage scheme;
- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable of construction;
- (e) a construction quality control procedure; and
- (f) a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details 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 disposal during and after development, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATION INVESTIGATION

(20) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

A) A preliminary risk assessment which has identified:

- (a) all previous uses;
- (b) potential contaminants associated with those uses;
- (c) a conceptual model of the site indicating sources, pathways and receptors; and
- (d) potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To identify whether existing contamination identified at the site presents a significant risk to groundwater and to prevent pollution of nearby surface waters, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

UNSUSPECTED CONTAMINATION

(21) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To prevent pollution of controlled waters, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

(22) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

EXTERNAL MATERIALS

(23) No development shall take place until a schedule of materials to be used in the construction of the external surfaces of the development hereby permitted has 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.

SURFACING MATERIALS

(24) No development shall take place until details 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.

WHEEL WASHING

(25) Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be installed before the development hereby approved is first commenced, and once installed such facilities shall be used at all times to prevent mud and other debris being deposited on the highway(s) during the construction of the development hereby permitted.

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.

SUSTAINABLE RESOURCE USE

(26) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the Hooe Lake Sustainable Resource Use Report (Ref: CS20/SKH/revB, Dec 2012). This identifies and proposes the use of Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production.. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods (in this case Photovoltaic Cells) shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

LIFETIME HOMES

(27) Unless otherwise agreed in writing with the Local Planning Authority, the development shall be constructed strictly in accordance with drawing no. 106B showing 38 units within the development to be constructed to Lifetime Homes standards, These units shall be permanently retained as Lifetime Homes for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

Reason:

In order to provide 20% Lifetime Homes at the site, in accordance with Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

BIODIVERSITY

(28) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment (dated May 2011) by Richards Ecology, the EAD Ecological Enhancement and Mitigation Strategy (December 2011), the EAD Bat Mitigation Strategy (November 2011) and the Ecological Impact Assessment Report (July 2011) by Richards Ecology. In addition, further details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- A minimum of 25 bat tubes installed within new buildings at the site;
- A minimum of 20 sparrow terraces to be incorporated into new buildings at the site;
- A minimum of 10 standard nesting boxes to be installed on mature trees within the site.
- Precise details of the proposed receptor area in the north-west corner of the site, including information on proposed habitats and management arrangements for this area.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

FURTHER DETAILS

(29) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: further details of the layout, planting, landscaping and boundary treatment of the proposed Public Open Space and the hedge and tree planting proposed to define the 10 metre buffer zone adjacent to the cliff face (which shall include details of a 2.0 metre paladin fence). The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FOUL WATER DRAINAGE AND DISPOSAL OF SEWAGE

(30) Prior to the commencement of development, details of the provision to be made for foul water drainage and the disposal of sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PUBLIC SEWAGE DISPOSAL FACILITIES

(31) No building hereby permitted shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewage disposal facilities, rendered necessary by the development, have been completed to the Local Planning Authorities satisfaction.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SEWAGE DISPOSAL/DRAINAGE WORKS

(32) None of the dwellings shall be occupied until the infrastructure works have been completed in accordance with the submitted plans.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(33) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is shown on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the last dwelling forming part of the development.

(a) Notwithstanding the details shown on drawing no. 100L*, no existing tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

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

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

TREE PROTECTION DURING CONSTRUCTION

(34) The existing trees and hedgerows shown on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION FOR TREE PLANTING

(35) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

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

TREE REPLACEMENT

(36) 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.

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(37) Prior to development on site commencing, an Ecological Mitigation and Enhancement Strategy for the highway improvement works required to upgrade Barton Road adjacent to Hooe Lake, shall be submitted to and approved in writing by the Local Planning Authority. This shall be based upon the Hooe Lake CVS Ecological Impact Assessment (EclA) (January 2012) and shall deliver a net biodiversity gain.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

Informatives

INFORMATIVE: SECTION 278 AGREEMENT

(1) 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: SECTION 38 AGREEMENT

(2) Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980.

INFORMATIVE: PUBLIC HIGHWAY

(3) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

INFORMATIVE: TRAVEL PLAN

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

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

INFORMATIVE: CODE OF PRACTICE

(5) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking

for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and

c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: CONDITION DETAILS

(6) Conditions attached to the original planning application have been re-attached for clarity. The Local Planning Authority however accept that further details have been submitted to satisfy a number of these conditions.

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

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

INFORMATIVE: CONDITIONAL APPROVAL [NO NEGOTIATION]

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

PLANNING APPLICATION REPORT



Application Number 15/01626/FUL

Date Valid 09/09/2015

Item 05

Ward Moor View

Site Address

LAND OFF MILLER WAY PLYMOUTH

Proposal

Construction of 68 dwellings together with associated access, car parking, landscaping and drainage infrastructure.

Applicant

Taylor Wimpey Homes

Application Type

Full Application

Target Date

09/12/2015

Committee Date

**Planning Committee: 19
November 2015**

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

Simon Osborne

Recommendation

Grant conditionally subject to S106 Obligation - approval subject to the completion of a S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (9th December 2015) or other date agreed through an extension of time

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1. Description of site

The site is the former site of Estover Primary School located to the north of the city and sits between the recently redeveloped education campus (containing Tor Bridge Primary) located to the north west and ASDA to the south east. The site has good views over Forder Valley and is one of the higher points within Plymouth.

The site comprises two fields with connected hedgerows and woodland. The site has a gentle topography but drops suddenly at the boundary into Leypark Drive and Miller Way.

2. Proposal description

Construction of 68 dwellings including 20 affordable homes together with associated access, car parking, landscaping and drainage infrastructure.

The access would be located on the southern side of the new access road serving Tor Bridge Primary School.

3. Pre-application enquiry

This site was the subject of a Site Planning Statement as part of the Plan for Homes initiative. An extensive pre-application enquiry took place over a number of months where consideration was given to the proposed layout, access and highway issues, quality of the accommodation, design, ecological mitigation and landscaping proposals. The Local Planning Authority adopted a positive, collaborative approach and a number of meetings were held with the applicant. Overall, officers considered the principle of the development was acceptable although further information and details would be required to support a formal application.

4. Relevant planning history

There is various planning history relating to the former school none of which is considered relevant.

The Adjacent Land

08/01698/FUL- Redevelopment of site (involving retention of specific buildings) to provide new community college including youth centre, nursery, primary school, and ancillary playing fields, car parks and amenity spaces (revised scheme) – Permitted.

5. Consultation responses

Local Highway Authority – no objections subject to conditions

Public Protection Service – No objections subject to conditions.

Sport England – awaiting response

Local Lead Flooding Authority - No objections subject to drainage condition.

Economic Development – No objections

Police Architectural Liaison Officer – No longer any objections.

Environment Agency – refer to Lead Local Flood Authority advice.

6. Representations

6 letters of objection and 1 observation has been received regarding the application. The nearby schools have not formally objected in writing. The issues raised are:

1. Traffic Problems/dangerous junction
2. There should be heavy goods restrictions on Miller Way
3. The existing access road needs to be improved.
4. The new development should not use the same access road as the school.
5. Crossings are needed. These should have been put in when the school was built.

A petition signed by 256 people has also been submitted requesting metal barriers on both sides of the road at the bottom, an extended pavement on the development side with a crossing and funding towards a crossing control person.

7. Relevant Policy Framework

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

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

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS30 (Sport, Recreation and Children's Play Facilities), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations) SO10(8), and Plymouth Plan policy 46.
3. The main planning considerations in this case are considered to be highway safety; parking provision; biodiversity; housing provision, impact on residential amenity, loss of playing fields and sustainability. These issues will be discussed in full below.

Principle of Development and Playing Pitches

4. The site is the former location of the Estover Primary School and accommodated the school building and associated infrastructure including sports pitches. The school and sports pitches mitigation have now been delivered on the adjacent site by Tor Bridge Primary School.
5. This rationalisation process recognised that ultimately this would lead to the subject site being released for other forms of development that would no longer be required for educational purposes. Prior to disposal of the site the Council had to submit a Section 77 application under the School Standards and Framework Act 1998 (as amended) to allow for

the playing field land to be released. The Secretary of State for Education agreed the application.

6. Sport England has been consulted and at the time of this report we are awaiting comments. Given that the mitigation for the lost pitches has already been delivered on the new campus we are not anticipating any objections. An update will be provided in an addendum report.
7. Due to the constraints of the site it was envisaged that any development on the site would share the school access road. The site is in a predominantly residential area and the principle of residential development is considered acceptable subject to the issues discussed below.

Housing Provision

8. When determining applications for residential development it is important to give consideration to housing supply. It should be noted that this does include student accommodation developments that result in additional dwellings to the dwelling stock i.e. cluster flats).
9. Paragraph 47 of the NPPF stipulates that “to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”
10. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
11. For the reasons set out in the Authority’s Annual Monitoring Report (January 2015) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2015-20 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,599 dwellings which equates to a supply of 3.1 years when set against the housing requirement as determined by the requirements of the NPPF or 2.5 years supply when a 20% buffer is also applied.
12. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
 - Available to develop now
 - Suitable for residential development in terms of its location and sustainability; and
 - Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or

specific policies in this Framework indicate development should be restricted”

13. As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.
14. Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

Design and Layout.

15. The NPPF attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed developments to promote the image of the city. It is important that the layout, massing and design of the proposal is acceptable.
16. The dwellings would be served by a central spine road which takes the form of a blockpaved shared surface arrangement with build outs provided throughout the layout to further lessen the dominance of the highway and create a residential environment. From the access point the internal road layout splits broadly northwards and southwards. To the north the road serves the majority of the units and terminates at the northern end of the site. To the south the road serves the remainder of the units and terminates in a turning area at the southern end of the site.
17. In general the proposed layout has been designed to ensure that safe and overlooked streets and spaces are created by having dwellings facing public areas. The proposed layout at the site presents a clear street hierarchy which will be easily legible and is reinforced by building height and form, continuity of facades and the structure of landscaping and surfacing treatments. The layout of the proposed development is thus in accordance with the general policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

18. Buildings would range in height from 1 to 3 storeys. The house and apartment designs are simple but positively address the key routes and spaces. Facades contain appropriate levels of fenestration (windows) and cladding adds interest to the elevations. The building designs are considered to comply with policy CS02 and CS34.

Standard of accommodation and neighbouring amenity

19. The surrounding residential dwellings are located away from the site on the south-eastern side of Miller Way and would not be directly impacted by the proposal in terms of privacy outlook or light. Likewise the neighbouring school and supermarket would not be adversely affected by the development in this respect.
20. The proposed layout ensures that all proposed dwellings would have adequate privacy light and outlook. A condition has been added to ensure the windows on the north-western elevation of the southernmost apartment block (which are secondary windows) are obscured glazed to protect the privacy of the adjacent dwellings.
21. A schedule of the proposed garden sizes has been supplied and this indicates that 11 of the 68 proposed dwellings will have gardens that fall below the recommended size guidance in the Development Guidelines SPD. Whilst officers accept that this is not ideal, it is recognised that the constraints including retention of important hedgerows and the awkward shape and nature of the site has largely dictated this. The gardens are still considered to be a reasonable size and the site is also located within easy reach of accessible greenspace.
22. All but 2 (one housetype) of the dwellings would meet or exceed the space guidance found within the SPD. The housetype which falls below would be 68 sqm, only 4 sqm below the 72 sqm guidance in the SPD. Given that it is only 2 dwellings (under 3% of the total) and that 4 square metres would be relatively unnoticeable in terms of living space it is not considered that this should warrant refusal of the application.

Highways

23. As previously mentioned it was always envisaged that some form of development could come forward on this site of the former primary school and that access to it would be derived from the new access road that has been constructed which serves Tor Bridge Primary School and Cann Bridge School

Trip Generation

24. Based upon a trip rate of around 0.5 movements per unit (rather than the figure of 0.72 used in the Transport Statement which would seem to be overly robust), the development of 68 units would generate in the region of 35 two-way trips during the am and pm peak traffic hours.
25. Some concerns have been raised by the adjoining school sites regarding the impact that the additional development-related trips will have upon the operation of the site access road during the am peak due to this route serving the adjacent schools as well as the development.

26. Whilst it is accepted that the development will lead to an increase in vehicular movements taking place on the access road that is shared with the school, in terms of the NPPF those impacts (just 8 arrivals and 27 departures between 8 and 9am) could not be considered as being 'severe' as they total less than 1 vehicle per minute. When combined with the existing school trips number of arrivals increase from 112 to 120 between 8 and 9am whilst departures increase from 51 to 78. Such small increases would not lead to any capacity issues on the local road network.
27. It is also acknowledged that when fully occupied the development itself will generate demand for child placements at the school which would therefore reduce some of the car-borne trips associated with the schools.
28. In view of the scale of growth planned within the Derriford area, it is the view of the Highway Authority that the development would lead to a cumulative impact on the operation of the wider highway network. It is therefore considered justified that a Section 106 Contribution be sought from this development towards strategic transport improvements which in this case would be the Derriford Transport Scheme (DTS).

Car Parking

29. An overall car parking standard of almost 2.0 spaces per unit (1.98) has been proposed to serve the development which is considered acceptable in view of all of the units having 2 or more bedrooms. Although the apartments only have access to 1 dedicated car parking space the applicant has sought to provide an additional 4 visitor spaces (2 per block). It is accepted that the limited space available means that it is not possible to provide more visitor spaces.
30. Cycle Parking – Each of the apartment blocks are served by a secure cycle parking area which provides spaces for a minimum of 6 spaces (12 in total). This is considered to be acceptable and as the details of the cycle storage areas are considered acceptable there is no need for any further planning conditions relating to such.

Layout

31. Following the submission of initial comments, the applicant has now provided a pedestrian route from the development through to Asda via Leypark Walk. Unfortunately due to the difference in levels the use of steps is unavoidable although an alternative pedestrian route (which does not require steps) is provided through to Miller Way to the south of the site. The final location of the crossing point on Leypark Drive will need to be agreed with the Highway Authority in order to avoid an existing parking bay and service covers. This will be covered by condition.
32. The applicant is required to provide a new footway of a minimum of 2m in width along the southern side of the existing access road. The provision of such will help to address the current lack of inter-visibility for pedestrians at the tactile paving crossing point where the access road meets Miller Way (this being raised as an issue by the existing schools).

33. The proposal also includes a pedestrian crossing point across the access road to the school. It is noted that its location currently to the rear of plot 67 will be determined on-site depending on the location which provides the greatest level of visibility.
34. In order to prevent parents dropping-off/collecting their children from parking within the development (particularly around the junction of the internal site access road with the existing access road), a shared space area has been created along with the introduction of bollards which should help deter parents from parking in this location. Final details of the layout of this area will need to be subject to a Section 38 Agreement.
35. With regard to the issue raised in the letters of representation and petition regarding improvements to the existing access road, as mentioned the proposal would include a new crossing and a new footway on the southern side of the road. Officers consider that the barriers and a school crossing patrol mentioned would not be required to make the subject development acceptable and therefore it would be unreasonable to secure this. However the applicant has indicated that they will consider sponsoring a school crossing patrol in the area.
36. It is worth noting that at present the access road serving both the site and adjoining schools is not adopted highway. Whilst the applicant was under the impression that the road built by PCC was to an adoptable standard it would appear that this is not the case. It should be noted that whilst failure to bring the existing access road up to adoptable standards would result in the roads within the development remaining in private ownership this is not in itself a planning issue and is a separate issue between the applicant and Plymouth City Council.

Travel Plan

37. Although the applicant has confirmed that a Residential Travel Plan will be implemented across the site in order to encourage the use of sustainable modes of transport as an alternative to the private car, few details have been included regarding the actual measures/initiatives that form part of the RTP that will deliver a modal shift. A condition has therefore been added to secure the required details.

Section 106 Agreement

38. In view of the cumulative impact that the development-generated trips will have on the operation of the wider highway network taking into account future growth within the area and based upon the quantum of development proposed, it is recommended that a final contribution of £149,000 be secured from this development towards the Derriford Transport Scheme. The Derriford Transport scheme will provide new and enhanced transport infrastructure in the form of two major junction upgrades in the Derriford area on the Northern Corridor at Derriford Roundabout and the Tavistock Road / William Prance Road junction and the associated approach roads. Localised widening to William Prance Road will also be undertaken to support the future Forder Valley Link Road project. The Scheme will provide new highway capacity, public transport priority and provides new and upgraded pedestrian and cycling facilities.

Affordable Housing

39. The delivery of affordable housing development is one of the top corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). Consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.
40. The proposal includes 20 (30%) affordable housing units. It would be made up of 12 affordable rented apartments and 8 shared ownership houses. This is a 60/40% split which complies with affordable housing policy found within the Planning Obligations and Affordable Housing SPD First Review. The mix, house types and their locations are considered acceptable. In Respect to Affordable housing the proposal is welcomed and is considered to comply with CS15.

Sustainable Resource Use

41. Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010 – 2016. At the time of this report negotiations are ongoing and an update will be provided in an addendum report.

Surface water drainage

42. A Flood Risk Assessment and Drainage Strategy was submitted with the application. Further information has been received following discussions with officers which is now considered acceptable subject to further details being secured by a condition.

Public Protection Issues

43. The site is located in a residential area and is near to existing houses, the occupiers of which are likely to be sensitive to development. Public Protection is therefore recommending a pre-commencement condition requiring submission of a code of practice. Public Protection has also recommended an Hours of deliveries and collections condition however this can be covered in the Code of Practice.

Noise

44. The proposed site is in close proximity to existing schools and a large supermarket. To safeguard future occupants of the proposed development, Public Protection are recommending a condition requiring all dwellings to be suitably soundproofed and constructed in accordance with BS8233:2014 (Good Room Criteria) so as to provide sound insulation against externally generated noise.

Land quality

45. Combined Phase 1 and Phase 2 investigation reports plus supplementary investigation reports have been submitted in support of the application. The consultant conclusion is that either further site characterisation involving further sampling and analysis for Arsenic is required, or that installation of a clean soil cover system across the site is necessary.

46. Public Protection agrees with the consultant recommendations and as such, conditions have been added to support the further site characterisation work option, plus any other necessary remediation and verification works.

Biodiversity

47. The site is partially located within a Biodiversity Network Feature and is identified in the Green Space Strategy where it is listed as being of District importance for visual amenity and sports as well as Neighbourhood importance for informal recreation, natural habitats/biodiversity, separation/buffer, and access corridors/links. Development on this site must ensure that the site continues to perform its function as a biodiversity network feature. The relevant ecological surveys have been submitted with the application and the proposed layout secures the retention of the sites important 's shaped' vegetation, trees and hedgerows linking the sites biodiversity features with the surrounding area. Biodiversity conditions will ensure the proposal will have an acceptable impact on ecology and delivers net-biodiversity gain required by policy CS19.

48. Other Issues

The Police Architectural Liaison Officer has assessed the development and although there are some concerns regarding potential anti-social associated with the footpath at the south of the site they are satisfied that with appropriate lighting the proposal will create a safe and secure environment for future occupiers. A condition to secure lighting has been added.

9. Human Rights

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

10. Local Finance Considerations

The provisional Community Infrastructure Levy liability (CIL) for this development is £213,004.69 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked.

The applicant has indicated that they intend to apply for Social Housing Relief, if agreed, the provisional liability will be reduced to £165,670.31.

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:

- £25,000 towards access improvements to connect Bircham Valley Local Nature Reserve with
- £149,000 towards the Derriford Transport Scheme
- £1,000 S106 management fee

These contributions have been secured following the submission of viability information and officers are confident that this level of mitigation is the maximum that could be achieved on this site without affecting delivery.

12. Equalities and Diversities

There are no further equality and diversity issues specifically related to this application although approving this proposal will facilitate the delivery of 68 dwellings. A percentage of these dwellings are being provided as affordable housing and will be available to people on the Council's Housing Register through a Registered Social Landlord and the rest will be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated.

A condition has been added requiring details of how 20% of dwellings will comply with Part M4(2) (Accessible and Adaptable Dwellings) which has effectively replaced Lifetime Homes.

13. Conclusions

Officers consider, taking in to account the lack of a 5-year housing land supply, that the proposal will provide much needed market and affordable housing for the City. Careful consideration has been given to the potential impacts of the development including the highways issues and officers are confident that the proposal will not be unduly harmful.

The quality of the development being provided is appropriate in scale, form and design for the area. Appropriate mitigation has also been secured to benefit other local green spaces and highway infrastructure improvements.

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 are therefore recommending approval subject to the completion of a S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (9th December 2015) or other date agreed through an extension of time.

13. Recommendation

In respect of the application dated **09/09/2015** and the submitted drawings 7735-PL01 Rev B Site Location Plan, 7735-PL02 Rev B Existing Site Plan, 7735-PL03 Rev D Proposed Site Plan, 7735-PL04 Rev D Proposed Boundaries Plan, 7735-PL05 Rev C Proposed Materials Plan, 7735-PL06 Rev C Proposed Affordable Housing Plan, 7735-PL07 Rev C Proposed Heights Plan, 7735-PL08 Rev C Proposed Tree Plan, 7735-PL09 Rev C Proposed Phasing Plan, 7735-PL12 Rev B Street Elevations, 7735-PL13 Rev A Bin & Cycle Store, 7735-PL14 Rev C Garage Plans & Elevations, 7735-PL15 Rev C Proposed Garden Conformity Plan, 7735-PL16 Rev A Proposed Access Steps to Leypark Drive, 1643 02 Rev F (received 09/11/15) Detailed planting proposal 1 of 2, 1643 03 Rev F Detailed planting proposal 2 of 2, 7735-PL21 Rev B House type AA31, 7735-PL23 Rev C House type PA340, 7735-PL26 Rev B House type PA44, 7735-PL27 Rev B House type PB30, 7735-PL29 Rev B House type PT210, 7735-PL20A-AA22 House Type AA22, 7735-PL22A-AA41 House Type AA41, 7735-PL24B-PA220 House Type PA220, 7735-PL25B-PA330 House Type PA330, 7735-PL28A-PT36 House Type PT36, 7735-PL30B Apartments Block, 7735-PL31B-PA250 House Type PA250, 7735-PL32A-PT37 House Type PT37, 7735-PL33A_PT41 House Type PT41, 7735-PL36_PA440 House Type PA440, 1643 01/E, 1643 04/E Phase 1 Desk Study and Phase 2 Preliminary Ground Investigation Report: GCE00462/RI August 2014, Flood Risk Assessment and Drainage Strategy (and subsequent information received on 09/11/15), Ecological Impact Assessment Nov 2015, Transport Statement Ref: 14.247 Revision: A August 2015, Statement of Community Involvement, Arboricultural Impact Assessment and Method Statement 3rd June (with drawing JBA.14.111.TS01/B), Tree Survey Schedule Rev A, Planning Statement, Lifetime Homes Statement, Landscape and Ecological Management Plan Nov 2015, Landscape Management Plan Nov 2015, and accompanying Design and Access Statement (June 2015 v3), it is recommended to: **Grant conditionally subject to S106 Obligation**

14. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Plymouth Plan Policy 46.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7735-PL01 Rev B Site Location Plan, 7735-PL02 Rev B Existing Site Plan, 7735-PL03 Rev D Proposed Site Plan, 7735-PL04 Rev D Proposed Boundaries Plan, 7735-PL05 Rev C Proposed Materials Plan, 7735-PL06 Rev C Proposed Affordable Housing Plan, 7735-PL07 Rev C Proposed Heights Plan, 7735-PL08 Rev C Proposed Tree Plan, 7735-PL09 Rev C Proposed Phasing Plan, 7735-PL12 Rev B Street Elevations, 7735-PL13 Rev A Bin & Cycle Store, 7735-PL14 Rev C Garage Plans & Elevations, 7735-PL15 Rev C Proposed Garden Conformity Plan, 7735-PL16 Rev A Proposed Access Steps to Leypark Drive, 1643 02 Rev F (received 09/11/15) Detailed planting proposal 1 of 2, 1643 03 Rev F Detailed planting proposal 2 of 2, 7735-PL21 Rev B House type AA31, 7735-PL23 Rev C House type PA340, 7735-PL26 Rev B House type PA44, 7735-PL27 Rev B House type PB30,

7735-PL29 Rev B House type PT210, 7735-PL20A-AA22 House Type AA22, 7735-PL22A-AA41 House Type AA41, 7735-PL24B-PA220 House Type PA220, 7735-PL25B-PA330 House Type PA330, 7735-PL28A-PT36 House Type PT36, 7735-PL30B Apartments Block, 7735-PL31B-PA250 House Type PA250, 7735-PL32A-PT37 House Type PT37, 7735-PL33A_PT41 House Type PT41, 7735-PL36_PA440 House Type PA440, 1643 01/E, 1643 04/E

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.

Pre-commencement Conditions

PRE COMMENCEMENT: STREET DETAILS

(3) No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

2007

(Pre-commencement justification: To ensure that the development can reasonably accommodate the external design / layout / levels / gradients / and materials of the streets/ highway that are acceptable to the local planning authority.)

PRE COMMENCEMENT: ACCESS (CONTRACTORS)

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

Reason:

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

(Pre-commencement Justification: To ensure the contractors access is safe for road uses and pedestrians).

PRE COMMENCEMENT: DETAILS OF NEW JUNCTION

(5) No development shall take place until details of the junction between the proposed service road and the existing school access road have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

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

(Pre-commencement justification: To ensure that the development can ensure the safety of road users and pedestrians is maintained).

PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS STRATEGY

6) No development shall take place until an Employment and Skills Strategy has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Strategy should demonstrate how local people

and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Strategy should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved Employment and Skills Strategy unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure that local people and businesses benefit from development within the City in accordance with the Council's growth agenda and Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework

Core Strategy (2006-2021) 2007.

(Pre-commencement justification: To ensure that the employment and skills strategy incorporates the whole construction phase.)

PRE-COMMENCEMENT: CONTAMINATED LAND

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

Section 1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the

requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

(Pre commencement justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence).

PRE-COMMENCEMENT: SURFACE WATER DISPOSAL

(8) No development shall take place until further details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first occupation.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Pre-commencement justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure).

PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

(9) No development shall take place, including any works of demolition and/or construction, until a Code of Practice has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including piling
- ii. Hours of work
- iii. Lighting
- iv. Measures to control the emission of dust and dirt during construction including wheel washing facilities

- v. A scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. Pest control
- vii. Contamination where applicable

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise, vibration and dust and to comply with

policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(Pre-commencement justification: To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking).

PRE DPC LEVEL: EXTERNAL MATERIALS

(10) No development shall take place above DPC level until further details including 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 paragraphs 61 to 66 of the National Planning Policy Framework 2012.

PRE- DCP LEVEL: SUSTAINABILITY

(11) Notwithstanding the submitted details no development above DPC level shall take place until details have been submitted to and approved in writing by the Local Planning Authority of how 15% carbon savings will be delivered through the use of renewables. The development shall be carried out in accordance with the approved details and the on-site renewable energy methods installed prior to occupation of the dwellings.

Reason:

To deliver on-site renewable energy in accordance with policy CS20 of the Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF

PRE DPC LEVEL: BIRD AND BAT BOXES

(12) No development above DPC level shall take place until further details of the exact locations of the proposed bird and bat boxes have been submitted and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

Reason:

To ensure that the ecological mitigation is acceptable in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

Pre-occupation Conditions

PRE OCCUPATION: PEDESTRIAN ACCESS

(13) The development shall not be occupied until a means of access for pedestrians has been constructed in accordance with the approved plans which includes the provision of a new footway on the southern side of the school access road along with a new pedestrian link through to Leypark Walk.

Reason:

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

PRE OCCUPATION: COMMUNAL CAR PARKING PROVISION

(14) No unit of accommodation shall be occupied in the relevant phase until space has been laid out within the site in accordance with the approved plans for an overall maximum of 135 cars to be parked.

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.

PRE OCCUPATION: RESIDENTIAL TRAVEL PLAN

(15) The development hereby permitted shall not be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Residential Travel Plan shall seek to encourage residents and visitors to use modes of transport other than the private car to get to and from the site. It shall also include measures to control the use of the car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the developer shall operate the approved Travel Plan.

Reason:

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

PRE- OCCUPATION: LANDSCAPING

(16) All hard and soft landscape works shall be carried out in accordance with the Landscape and Ecological Management Plan November 2015, Landscape Management Plan Nov 2015, drawings 1643 02 F (received 9/11/15), 1643 03 F, PL05/C, 1643 01/E, and approved plans. 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 landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

PRE OCCUPATION: NOISE

(17) Unless otherwise agreed in writing all dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB Laeq for living rooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCCUPATION: LIGHTING OF PEDESTRIAN PATH

(18) The development shall not be occupied until a lighting scheme for the footpath at the south of the site has been implemented in accordance with details previously submitted and approved in writing by the Local Planning Authority. The lighting scheme will thereafter be retained.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policy CS32 of the Plymouth Local Development framework Core Strategy and Government advice contained in the NPPF.

Other Conditions

CONDITION: BIODIVERSITY

(19) Unless otherwise previously agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment November 2015 and drawing I643 04 Rev E. Notwithstanding the submitted details ecological supervision shall take place during works to tree G4 and the works shall take reasonable avoidance measures to avoid disturbance to bat roosts.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars drawing JBA.14.111.TS0101/B before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

CONDITION: OBSCURE GLAZING

(21) The windows in the northwest elevation of the southern most apartment block (labelled as 22-27), shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

CONDITION: PART M (ACCESSIBLE AND ADAPTABLE DWELLINGS)

(22) Unless otherwise agreed in writing 20% of the dwellings hereby approved shall be Part M4(2) compliant in accordance with details previously submitted and approved in writing by the Local Planning Authority.

Reason:

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

CONDITION : SENSITIVE LIGHTING

(23) A sensitive lighting scheme shall be adopted which ensures that the light levels are minimised along the hedgerows and trees within and adjacent to the site and on any bat boxes which are installed. Any external lighting required should be directed away from these areas with light levels as low as guidelines permit. Where lighting is required, in order to minimise the impact of lighting on bats, accessories such as hoods, cowls, shields or louvers must be used on all external lighting to ensure these features are not lit beyond 0.5 lux unless agreed in writing by the LPA. In areas where lighting shall be installed timers should be used to reduce the hours lit.

N.B. The use of low or high pressure sodium lamps instead of mercury or metal halide lamps is preferred due to the UV filtration characteristics or modern lighting solutions such as LED, highly directional, and/or light on demand.

Reason

To minimise disturbance to bats, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in accordance with in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

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

INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

INFORMATIVE: ROADWORKS

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

INFORMATIVE: CODE OF PRACTICE

(4) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: CONDITION 8 DRAINAGE DETAILS

With regard to condition 8 the details should include further information regarding :

- Exceedance flows.
- Detailed design of the adoptable drainage system-
- Flow control mechanism details
- The microdrainage calculations- Additional evidence should be provided that confirms that the system including storage is designed for a 1% AEP event with a 30% allowance for climate change.
- catch pit manholes and interceptors
- The maintenance programme and cleaning regime/methodology for the attenuation system

PLANNING APPLICATION REPORT



Application Number 15/01630/FUL

Date Valid 01/09/2015

Item 06

Ward St Budeaux

Site Address LAND ADJACENT (EAST) TO 790 WOLSELEY ROAD PLYMOUTH

Proposal Erection of 6 terrace dwellings with off road parking

Applicant HSK Developments Ltd

Application Type Full Application

Target Date

27/10/2015

Committee Date

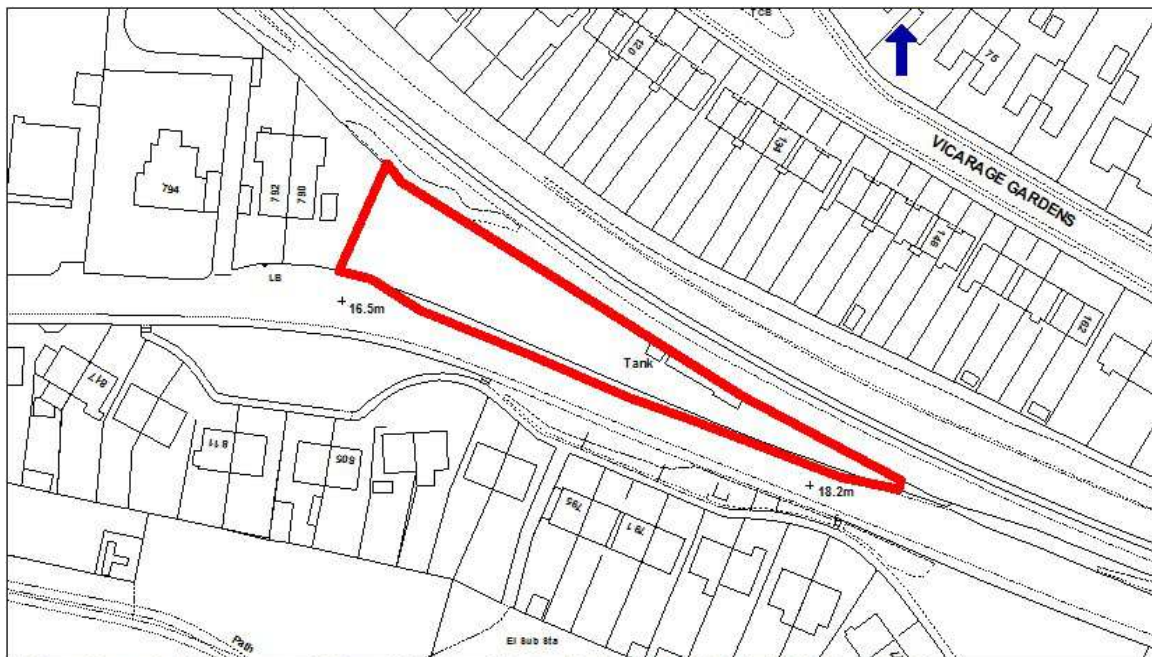
**Planning Committee: 19
November 2015**

Decision Category Member Referral

Case Officer Rebecca Boyde

Recommendation Grant Conditionally

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This application has been referred to Planning Committee by Councillor Wheeler

1. Description of site

The site is located adjacent to 790 Wolseley Road. The site was previously used as allotments however the site has been vacant for three years and is currently in private ownership. The site is bounded by residential properties and is sandwiched between a classified road and a rail way track.

2. Proposal description

Erection of 6 terrace dwellings with off road parking

3. Pre-application enquiry

None

4. Relevant planning history

15/01144/FUL-Erection of 8 no. terrace dwellings with off road parking, Refused

14/01845/FUL- Erection of single dwelling with integral garage, Permitted

14/00375/FUL- Erection of 2 dormer style dwellings with integral garage. Associated alterations to footpaths, Permitted

5. Consultation responses

Local Highway Authority recommends approval

Network Rail has no objections but has advised that the applicant should contact them direct to discuss.

Public Protection initially recommended refusal however after discussions it is accepted that conditions can be added to a decision to overcome their noise concerns.

6. Representations

16 Letters of objection have been received. The main reasons for objections are:-

- Transport concerns
- Removal of hedge
- Privacy
- Overlooking
- Out of character
- Over-development
- Wildlife concerns

7. Relevant Policy Framework

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

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

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

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

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

8. Analysis

(1) This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The application has also been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 CS01 (Development of Sustainable Linked

Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 'First Review' (2013) and is considered to be compliant with National Planning Policy Framework guidance.

(2)The proposal seeks to erect 6 three bedroom dwellings. Each property will accommodate off street car parking and have amenity space located to the rear of the properties. The site has been subject to several planning applications in which two dwellings were permitted and most recently eight dwellings refused based only on inadequate access and out of character in terms of amenity space. The previous permissions have not been implemented. It is officer's opinion that this proposal achieves adequate amount of access and amenity space for the occupiers whilst not being detrimental to the character of the area.

Principle of development

(3)The proposal seeks to build on previously used allotments. The principle of development has been deemed as acceptable by the Local Planning Authority through the grant of planning permission for the erection of one dwelling (14/00375/FUL) and for the erection of two dwellings (14/01845/FUL) neither of these planning permissions have been implemented. It should be noted that whilst at present these permissions have not been carried out the applicant has three years to implement and may still wish to use these permissions.

(4)It is not considered that the loss of the allotments will have a negative impact upon the character of the area as the site has not been used for allotments for three years. It is considered by officers that the site would be able to accommodate the six dwellings without having a negative impact in terms of transport, privacy or character of the area.

Design

(5)Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised in the main by residential development that comprises of a mix of terraced, semi-detached and detached properties.

(6)In terms of style, the character of the surrounding townscape has become more varied over the years as new development has been delivered within the vicinity. The proposal seeks to erect six terraced style dwellings. The dwellings will provide a kitchen, lounge/ dining area at ground floor level and three bedrooms and a bathroom at first floor level.

(7)The dwellings proposed all meet minimum internal standards as set out within the Supplementary Planning Document. It is noted that the application is considered to comply with the requirements of Policy CS01 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) by providing family housing and by contributing to the provision of a sustainable linked community.

(8)The house designs have been finished externally with a limited palette of similar materials to provide continuity of design across the entire site. It is noted that the house designs are different compared to the older houses within the vicinity and will use render and weatherboard. It is not considered that the change in materials will have a significant impact on the area as there are many different designs and materials used within Wolseley Road. It is officer opinion that the terrace will not appear out of character as immediately to the South East lays a large terrace.

(9)The Development Guidelines Supplementary Planning Document (SPD) states that all habitable rooms should receive adequate amounts of natural daylight and be of a minimum size to accommodate standard sized furniture for its occupants. It is considered that the proposal complies with this guidance. The SPD states that each occupier should have adequate access to amenity space and terraced properties should be approximately 50m². It is noted that the plots vary in size and the amenity space for each plot is:-

- Plot 1 – 109.0
- Plot 2 -51.4
- Plot 3- 67.0
- Plot 4 – 52.9
- Plot 5- 51.1
- Plot 6- 69.9

(10)The properties all meet or exceed the minimum standards and the officer therefore deem's the proposal acceptable.

(11)A number of the letters of objection refer to the loss of a hedge and habitats. The applicant has submitted a habitat survey and the Local Planning Authority is happy that conditions can be attached to decision to ensure there will be no detrimental impact to the habitat within the area.

(12)Other objections state there will be an impact upon privacy. The properties to the north of the site are separated by the train line and large gardens. It is therefore considered that there will be no overlooking or impact on the dwellings located off Vicarage Road. The properties located opposite the site are separated by Wolseley Road and are located lower than those proposed due to the topography. It is therefore considered that there will be no impact upon these properties either.

Public Protection comments

(13)The Council's Public Protection service recommended refusal based on the lack of a noise survey being submitted. However after negotiations and discussions it is considered acceptable for the proposal to be conditioned putting onus on the application that the dwellings are constructed in accordance with noise regulations and evidence is submitted to confirm this prior to occupation.

Local Highway Authority comments

(14)Further to the highway consultation response made in respect of the previous application (no 15/01144/FUL) which recommended refusal on the basis of sub-standard access and inadequate cycle storage and car parking provision, the applicant has now amended the layout plan to address those concerns.

(15)A reduction in the number of units proposed on the site (from 8 to 6) along with a widening of the car parking spaces has helped address previous concerns raised regarding the ability for vehicles to be able to reverse out of the spaces and turn (taking into account existing on-street kerbside car parking on the opposite side of the road).

(16) In addition cycle storage has been shown within the curtilage of each of the properties which addresses the previous concerns raised in this respect.

(17) One point that still remains outstanding is the need to provide a sufficient level of inter-visibility looking to the east for vehicles exiting the car parking area. It would appear that this could be achieved by cutting back the existing hedge bank and it's acknowledged that this area falls within the red line boundary of the application site (and could therefore be subject to condition).

(18) Including the driveways and garages serving plots 3 and 4, a total of 11 off-street car parking spaces are proposed which equates to a car parking standard of 1.83 spaces per unit which is considered acceptable.

5 year housing supply

(19) When determining applications for residential development it is important to give consideration to housing supply.

(20) Paragraph 47 of the NPPF stipulates that *“to boost significantly the supply of housing, local planning authorities should... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*

(21) Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

(22) For the reasons set out in the Authority's Annual Monitoring Report (December 2013) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2014-19 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,536 dwellings which equates to a supply of 3.16 years when set against the housing requirement as determined by the requirements of the NPPF or 2.64 years supply when a 20% buffer is also applied.

(23) The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- Available to develop now
- Suitable for residential development in terms of its location and sustainability; and
- Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

(24) Paragraph 14 of the NPPF states *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...”*

(25) For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted”

(26) As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.

(27) In summary, it is officers’ view that the proposals will provide an adequate sustainable development. The proposal does not appear out of character with the area and the layout and design is therefore in line with the Core Strategy policy CS02, CS34 of the SPD and NPPF section 7 (Requiring Good Design).

9. Human Rights

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

10. Local Finance Considerations

The provisional Community Infrastructure Levy liability (CIL) for this development is £21,447.32 (index-linking applied, but subject to change before final liability confirmed).

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

11. Planning Obligations

None

12. Equalities and Diversities

The application proposes 6 new residential units that on completion should be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated.

13. Conclusions

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

14. Recommendation

In respect of the application dated **01/09/2015** and the submitted drawings P738-01,P738-02A,P738-03A , P738-04A, P738-005A, P738-50, P738-51,it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Strategic Objective 10(8) (Delivering Adequate Housing Supply) and Plymouth Plan Policy 46

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: P738-01,P738-02A,P738-03A , P738-04A, P738-005A, P738-50, P738-51

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.

Pre-commencement Conditions

PRE-COMMENCEMENT: CONTAMINATED LAND

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

Section 1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

To ensure that risks to health through contamination are properly considered and addressed before building works commence.

PRE-COMMENCEMENT: PROVISION OF SIGHT LINES

(4) No development shall take place until details of the sight lines to be provided between the off-road car parking area and Wolseley Road have been submitted to and approved in writing by the Local Planning Authority and the approved sight lines shall be provided before any of the units hereby proposed are first occupied.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

PRE-COMMENCEMENT: BIODIVERSITY

(5) Prior to commencement the applicant will need to provide details of how net biodiversity gain can be achieved on site in accordance with Policy CS19 and NPPF paragraph 109 and 118, including full details of existing and proposed habitats (usually displayed in a 'biodiversity budget' table). Enhancement measures might include provision of bat roosting and bird nesting opportunities, native tree, shrub and wildflower planting, etc.

Reason

In the interests of the enhancement of wildlife and features of biological interest, in accordance with Core Strategy policy CS19 and Government advice contained in the NPPF paragraphs 109 and 118.

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

Pre-occupation Conditions

PRE-OCCUPATION: NOISE VERIFICATION

(6) All dwellings shall be constructed in accordance with BS8233:2014 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 bedrooms (2300 to 0700 night-time), and no more than 35 Db Laeq for living rooms and bedrooms (0700 to 2300 daytime) 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 dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

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

PRE-OCCUPATION: PEDESTRIAN/CYCLE ACCESS

(7) None of the units hereby proposed shall be occupied until a means of access for pedestrians (in the form of a new dropped kerb crossing point on Wolseley Road) has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CAR PARKING PROVISION

(8) None of the units hereby proposed shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter 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, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(9) None of the units hereby proposed shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 6 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 paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION:HABITAT

(10)All works should be carried out in accordance with the Extended Phase I Habitat Survey (Reports 4 Planning, July 2015).

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informatives

INFORMATIVE: KERB LOWERING

(1) Before the access hereby approved are first brought into use it will be necessary to secure dropped kerbs and footway crossings with the consent of the Local Highway Authority. 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.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(3)The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

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PLANNING APPLICATION REPORT



Application Number 14/00001/FUL

Date Valid 02/01/2014

Item 07

Ward St Peter & The Waterfront

Site Address DRAKE'S ISLAND PLYMOUTH

Proposal

Hotel development including conversion of Grade II listed Island House, Barracks and Ablutions Blocks, Scheduled Ancient Monument casemated battery and landscaping, refurbishment of jetty and infrastructure works

Applicant

Rotolok (Holdings) Ltd

Application Type

Full Application

Target Date

31/01/2015

Committee Date

**Planning Committee: 19
November 2015**

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

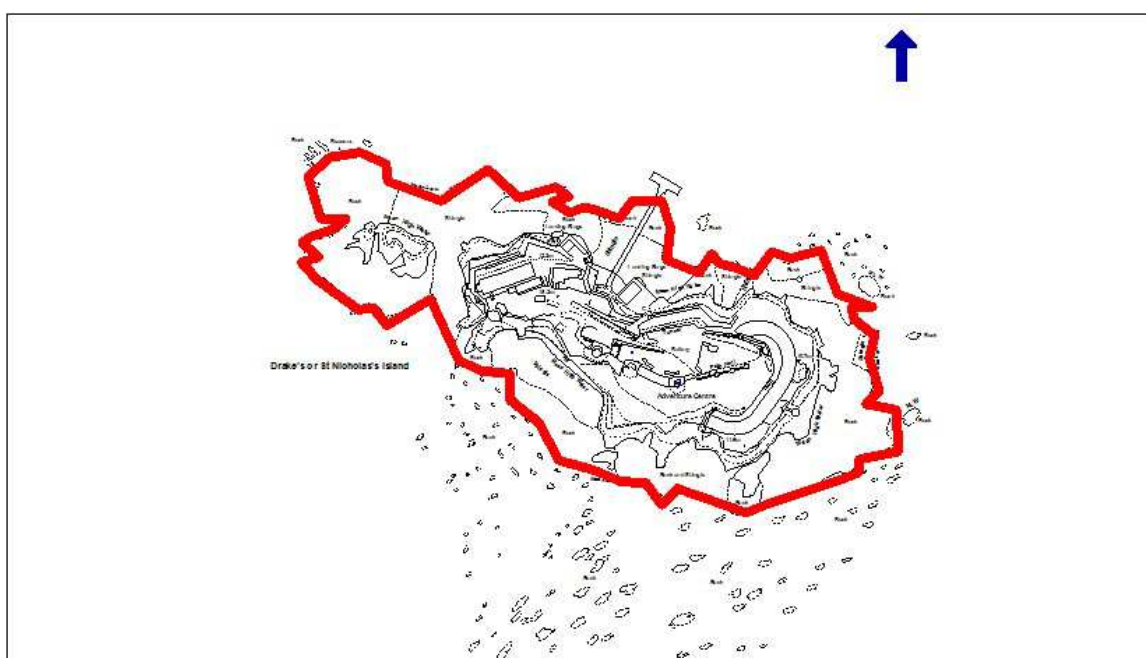
Matt Coombe

Recommendation

Refuse

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I. Site Description

Drake's Island is located in Plymouth Sound, about 600 metres south of the Hoe. It extends to about 2.6 hectares and is formed of limestone and volcanic rock rising to a height of some 29 metres.

Formerly known as St Nicholas Island, its strategic position on the approach to Sutton Harbour, the Cattewater, Hamoaze and Dockyard led to it being fortified from at least the 16th century. Military use of the island continued until after World War II. From 1963 to 1989, Plymouth City Council obtained a lease from the Crown and operated a youth adventure training centre there. The current owner bought the island from the Crown in 1995. Since then the island buildings have been unused, and have fallen into disrepair.

A large proportion of the island is a designated Scheduled Ancient Monument (SAM 12614), comprising three designated areas. At the western end of the island, the designated area includes the main entrance, coastal walls and the western gun battery. A small area in the north-east of the island encloses a small area believed to contain remains of a 16th century artillery tower. The largest area includes the majority of the central and eastern parts of the island, enclosing the casemated batteries of 1860-1, and most of the later artillery batteries and magazines. Although excluded from the Scheduled Monument, the group of four principal buildings occupying the north-west end of the island are Grade II listed. These buildings comprise the 18th and 19th century former Barracks, Ablution Blocks, Commanding Officer's House and Guardhouse.

The range of remains and fortifications, and the prominent location of Drake's Island, make it a heritage site of national importance.

Drake's Island has significant wildlife interest and is located within the Plymouth Sound and Estuaries Special Area of Conservation (SAC). There are several designated interest features of the SAC that are relevant to this application including eelgrass (seagrass) beds. Eelgrass beds are essential to the ecological function of the SAC and provide habitat for rare and protected species such as the spiny seahorse. The island also hosts important numbers of breeding and roosting little egrets. The little egret is a designated feature of the Tamar Estuaries Complex Special Protection Area (SPA).

2. Proposal Description

The proposals seek to carry out conversions and extensions to existing buildings, together with an element of new build, to allow the island to function as a luxury hotel resort. The intention is that the island will be made available not just to hotel residents and guests, but that arrangements will be made to allow controlled access to members of the public.

The proposed development is largely concentrated in three main areas:

- The group of buildings at the western end of the island representing the former residential quarters of soldiers and officers
- The casemated battery at the eastern end of the island
- The arrival point on the north side of the island

In brief, the proposals seek to convert the Barrack Block into 25 hotel bedrooms and suites, to convert Island House into bar and restaurant areas, to convert and extend the Ablution Block, to provide spa, gym and swimming pool facilities and to connect these three buildings with a highly glazed linking element of contemporary architecture that will provide the core services and the main vertical circulation for the hotel as well as space for the bar at ground floor and restaurant at first floor. Space is also allocated for staff and support accommodation and ancillary facilities. Creation of an outside seating area is proposed to the rear of the Barrack Block, together with a circular timber “arbour” and other landscape features. To allow for this space and the Ablutions Block extension it is proposed that the existing ammunitions store here be demolished.

The Napoleonic casemated battery at the east end of the island is proposed for conversion to provide additional hotel accommodation in the form of 18 single and double unit suites, with three “feature rooms” restored to reflect their original historic form and made accessible to the public with displays and information on the island’s heritage and ecology. The three northernmost casemates have been chosen as “feature rooms” in order to provide a “buffer zone” to mitigate the impact on the adjacent little egret roost – the intention being that access to the rooms can be limited to outside the roosting and breeding seasons, minimising the chance of disturbing the birds. Construction of glazed acoustic screen is proposed at the entryway to the casemates from the access tunnel, with the aim of protecting the little egrets from noise disturbance from hotel guests.

The landing jetty at the north side of the island is proposed for repair and refurbishment and the adjacent 1980s Boat House, a dilapidated asbestos-clad structure, triangular in section, is proposed for demolition, to be replaced with a modern “Arrival Building” with a “scenic lift” giving access from the jetty level to the main hotel level at the top of the cliff. A boat store is also proposed within the building.

It is proposed that overgrown vegetation on the island be carefully cut back. On the upper levels it is proposed that historic pathways be uncovered and the area generally be made safe.

Installation of lighting is proposed for the tunnel and store room network beneath the island, which is to be generally cleaned and repaired but with no major changes other than the creation of an ecological enhancement feature in the form of a bat hibernaculum “bat fridge”.

A centralised energy from waste system is proposed to produce electricity and hot water for the hotel. The intention is that suitable waste will be safely incinerated, thereby providing renewable, low carbon energy.

A sewage treatment plant is proposed, including an outfall to the southwest of the island.

3. Pre-Application Enquiry

A pre-application meeting took place in December 2013, through the Council’s Development Enquiry Service. This followed extensive pre-application meetings on the applicant’s previous scheme (applications 12/00095/FUL & 12/00099/LBC) which was very similar in design. Meetings included detailed discussions on ecology, heritage and flood risk with involvement from Natural England, Historic England and the Environment Agency. There were two site visits to the island with the previous scheme, together with two further visits with the current proposal. The applicant held a

day-long public consultation event on the previous proposal at the Royal Corinthian Yacht Club on 01/12/11 and conducted further pre-application consultation with the Plymouth Waterfront Partnership and other bodies.

4. Relevant Planning History

12/00095/FUL & 12/00099/LBC - Refurbishment and extensions to existing redundant buildings to form hotel development to include refurbishment of jetty, refurbishment, part demolition and extensions to Grade II listed Barrack Block, Island House, and Ablutions Block. Refurbishment and part demolition to scheduled Ancient Monument Casemated Battery and general landscaping and infrastructure works - REFUSED

99/00980/FUL & 99/00981/LBC - Change of use of Casemates to visitor attraction with cafe; Officers House to a tavern/restaurant (together with rear extension); Barrack Block to hotel (together with extension) - REFUSED

5. Consultation Responses

Historic England

No objection. There have been significant negotiations with Historic England regarding the proposals for the Casemates building (a Scheduled Ancient Monument) – particularly with regards to the proposed loss of a number of cast iron blast shields. The applicant has sought to remove a number of historic blast shields to create larger windows (and therefore allow more natural light and wider sea views for the proposed hotel rooms within the Casemates building). Historic England was initially concerned about the number of blast shields proposed for removal. However, further to extensive negotiations and a site visit with Historic England and the applicant's agents, a compromise was reached. Historic England suggested a hybrid solution, whereby key Casemate blast screens could remain in place, but have larger openings cut into them, subject to agreement on detail and a structural survey. The applicant agreed to this compromise and revised the Casemates drawings accordingly, whilst also commissioning a structural survey as requested by Historic England. Historic England has confirmed their support for the latest version of the proposal in conversations with officers and the applicant's agents. Historic England has requested a number of planning conditions.

Natural England

Objects - as it considers that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the Tamar Estuaries Complex Special Protection Area (SPA) and the Plymouth Sound and Estuaries Special Area of Conservation (SAC).

On 19th March 2015, Natural England was re-consulted on additional information including supplementary ecological mitigation, an addendum to the ecological chapter of the Environmental Statement, a SAC mitigation and monitoring document and a draft Habitats Regulations Assessment.

On 10th April 2015 Natural England supplied a formal consultation response which is as follows:

“We welcome the additional data and mitigation proposed by the developer and recognise the efforts made by all parties to find a sustainable solution to this complex project. However we advise there are remaining issues which we outline below.

CONSERVATION OF HABITATS AND SPECIES REGULATIONS, 2010 AND THE OFFSHORE MARINE CONSERVATION (NATURAL HABITATS, & c.) REGULATIONS 2007 (AS AMENDED)

Internationally and nationally designated sites

The application site is within and in close proximity to European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and within 2km of the Tamar Estuaries Complex Special Protection Area (SPA) which are European sites. Please see the subsequent sections of this letter for our advice relating to SAC and SPA features. The Tamar Estuaries Complex SPA is also notified at a national level as the Tamar-Tavy Estuary, the Lynher Estuary and St John's Lake Sites of Special Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Special Protection Areas (SPAs) are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by SPA populations or some individuals of the population for some of the time. These supporting habitats can play an essential role in maintaining SPA bird populations, and proposals affecting them may therefore have the potential to affect the SPA.

It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of SPA interest features that are located outside the site boundary. It is advised that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites.

Habitats Regulations Assessment

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard for Natural England's advice.

Your draft Appropriate Assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question, provided the mitigation proposed by both the developer and Plymouth City Council is put in place. Having considered the assessment, and the measures proposed to mitigate for any adverse effects, it is the advice of Natural England that it is not possible to be certain that the proposal will not result in adverse effects on site integrity. Natural England advises that the assessment does not provide sufficient certainty to justify the assessment conclusion and that your authority should not grant planning permission. The potential for further mitigation options, such as

disturbance free off- site mitigation, has been discussed with both you and the developers and we are disappointed that this has not been given further consideration at this stage.

Natural England's views on the HRA can be found below, with more detailed comments regarding individual aspects of the Appropriate Assessment found in Annex 1. It should be noted that the HRA provided to us was in draft form. Natural England advises that one combined Habitats Regulations Assessment should be provided relating to this development from the three competent authorities involved; Plymouth City Council (PCC), the Marine Management Organisation (MMO) and the Environment Agency (EA).

Tamar Estuaries Complex Special Protection Area (SPA)

*The SPA qualifies under Article 4.1 of the Directive (79/409/EEC) (as amended) by supporting populations of European importance of Little Egret *Egretta garzetta* and Avocet *Recurvirostra avosetta*.*

We have previously expressed our concerns in relation to Little Egrets on Drakes Island in respect of proposals to redevelop buildings on the island and the operation of a hotel. We made clear that we believed these proposals would be difficult to put in place without risking the loss of the Little Egret breeding colony and communal roost, and the consequent adverse impacts on the Tamar Estuaries Complex SPA.

Following amendments to the proposed mitigation measures in the CEMP we believe that the redevelopment work could be completed whilst maintaining the Little Egrets on the island. This would require stringent adherence to all of the detailed measures set out in the CEMP.

The measures proposed in the most recent OEMP and summarised in the draft HRA have considerably reduced the potential for disturbance to Little Egrets. The mitigation now proposed should ensure that casual disturbance does not occur as a result of the presence of people immediately adjacent to the roost site. This includes access restrictions to the casemates closest to the roost and the fact that access to these casemates is via an enclosed tunnel with a sealed glass roof.

The mitigation measures proposed to ensure that visitors do not cause disturbance through loud noise elsewhere on the island include visitor education and training, signage, access restrictions and the use of a covered buggy for visitors moving from the main hotel complex to the jetty. These measures will reduce the number of incidents resulting in disturbance to the Little Egrets. However, they are at high risk of being compromised by a small number of visitors not prepared to behave in accordance with these instructions and protocols at all times. The small size of the island means that loud noise made by people on the island will be heard by the Little Egrets and reveal the presence of people close to their roost site. The main hotel building and the jetty are both within 150 m of the Little Egret roost. There are other open areas on the island accessible by visitors that are within 120 m of the roost. The Little Egret's requirement for a secure, disturbance-free roost site means that such disturbance, this close to the birds, is likely to be perceived as a threat and may result in them abandoning the roost site. This is a likely outcome even if disturbance incidents of this nature occur only infrequently. We suggest this is a likely reason for Little Egrets not regularly using other apparently suitable sites around the Tamar even though these sites appear to be subject to very low levels of human disturbance.

The noise that would cause most concern is the use of raised voices or shouting as this will clearly reveal the presence of people on the island. The levels of noise would not need to be excessive in order to be perceived as a threat by the birds. Provided that the noise is audible at the roost it will give away the presence of people nearby. Other loud noise made by people would further increase the potential for disturbance including the playing of loud music or the use of fireworks, for example, although these types of noise would be easier to prevent by measures set out in the proposed mitigation.

Limited monitoring information means that we do not have a complete picture of the roosting sites used by Little Egrets in and around the Tamar Estuaries Complex. It is clear, however, that Drakes Island is a favoured site and that birds are willing to travel a considerable distance in order to reach it. It regularly supports a significant proportion of the Tamar Estuaries Complex population and, at times, the majority of birds from the estuary use this site.

If disturbance on Drakes Island resulted in birds losing this roost site they would be forced to relocate. It is possible they may be able to use alternative sites within the Tamar Estuary Complex or they may join other established roosts away from the Tamar. With either scenario they will have lost a secure site that current behaviour confirms is highly valued. The use of alternative, less highly favoured sites may have a significant adverse impact on the birds through subjecting them to more frequent human disturbance. Or it may directly reduce the population of birds using the Tamar Estuary Complex if they move to an alternative site away from this estuary.

Natural England has issued Supplementary Advice on conserving and restoring the site features of the Tamar Estuaries SPA. Guidance: Marine conservation advice for Special Protection Area: Tamar Estuaries Complex (UK9010141). This advice was published on 30th March 2015 and is relevant to the proposed re-development of Drakes Island. We advise that this package should be taken into account in your HRA.

Conclusion:

Adopting a precautionary approach, as required by the Habitats Regulations, we are unable to agree with the conclusions of the HRA prepared by Plymouth County Council that it can be certain that the proposed development will not have an adverse effect on the integrity of the Tamar Estuaries Complex SPA.

Plymouth Sound and Estuaries Special Area of Conservation (SAC)

Natural England can confirm that the proposed works are located within Plymouth Sound and Estuaries SAC (SAC). This SAC is designated for a suite of flora and fauna:

- Sandbanks which are slightly covered by seawater all the time
- Estuaries
- Large shallow inlets and bays
- Reefs
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)
- Mudflats and sandflats not covered by seawater at low tide

- *Shore Dock (Rumex rupestris)*
- *Allis shad (Alosa alosa)*

Natural England has reviewed the HRA provided by Plymouth City Council on the 23rd March 2015. Our views on the HRA can be found below with more detailed comments regarding individual aspects of the Appropriate Assessment found in Annex 1.

After reviewing the draft HRA, including the HRA recommendations and the CEMP/OEMP proposed mitigation, Natural England does not have sufficient information to fully agree with Plymouth City Council's conclusion that if the described mitigation measures and HRA recommendation are implemented then the proposal will not cause an adverse effect on the integrity of the Plymouth Sound and Estuaries SAC. Natural England is satisfied with the majority of the mitigation provided the following recommended planning conditions are included:

- *A monitoring methodology and threshold of damage for seagrass are agreed with Natural England prior to commencement of works*
- *Foul water drainage plan is submitted and agreed with Environment Agency and Natural England prior to commencement of works, this is to include turbidity data and plume modelling for all proposed outflows.*

However, we continue to have insufficient evidence regarding the following aspect of the development:

- *Changes in water quality due to emissions from energy to waste plant, in order to assess the likelihood of significant effect we require information of the size of plant and expected emission levels.*

Protected Species

We have not assessed the application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including a flow chart for each species to enable an assessment to be made of a protected species survey and mitigation strategy. You should apply our Standing Advice to this application.

As Standing Advice it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. If you have any specific questions not covered by our Standing Advice or have difficulty in applying it to this application please contact us at consultations@naturalengland.org.uk.

Consent

If your Authority is minded to grant consent for this application contrary to the advice relating to the Tamar-Tavy Estuary, Lynher Estuary and St John's Lake SSSI's, the Tamar Estuaries Complex SPA and the Plymouth Sound and Estuaries SAC contained in this letter, we refer you to Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and representations made under regulation 61 (3) of the Habitats Regulations, and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice."

Annex 1

Comments on the draft HRA – Plymouth Sound and Estuaries SAC

Toxic contamination of water as a result of construction activity or operational accident – If the HRA recommendations are followed as detailed in the Appropriate Assessment along with the proposed mitigation from the revised CEMP/OEMP, it is Natural England's view that this aspect of the work is not likely to have a significant effect on the SAC.

Physical damage (increased threats to intertidal and subtidal habitats by refurbishment of the Jetty, seawall, apron and new foul drainage outfall - If the HRA recommendations are followed as described in the Appropriate Assessment along with the proposed mitigation from the revised CEMP/OEMP, it is Natural England's view that this aspect of the work is not likely to have a significant effect on the SAC. This is however dependent on a detailed methodology provided in regards to the jetty repair, to which Natural England would be consulted through the subsequent MMO marine licence application process.

Physical Damage (increased threats to intertidal and subtidal habitats by increased water transport to the hotel) If the HRA recommendations are followed as set out in the Appropriate Assessment along with the proposed mitigation from the revised CEMP/OEMP, it is Natural England's view that this aspect of the work is not likely to have a significant effect on the SAC. This proposed mitigation may need to be amended if the seagrass is shown to have a greater maximum height in the proposed Phase 2 Sea Grass Survey or in other subsequent surveys.

Physical damage (increased threats to intertidal and subtidal habitats by increased recreational pressure from visitors arriving in their own vessels including anchoring, mooring and physical disturbance) – The HRA proposes a voluntary no anchor zone, annual surveys of the seagrass and a threshold of damage that would trigger the implementation of a Plymouth City Council byelaw to prohibit anchoring. Natural England agrees that these HRA recommendations may be sufficient to ensure there will not be a likely significant effect on the SAC. It is Natural England's view that this aspect is not likely to have a significant effect on the SAC provided any planning permission includes a condition to cover the agreement of a monitoring method and damage threshold with Natural England prior to commencement of works.

The following information may be of relevance for the applicant in the further development of the monitoring plan.

Natural England believes that annual monitoring of the seagrass beds by repeat of the 2012 phase 1 survey is likely to be insufficient to identify damage from infringement of the voluntary no anchoring zone. The phase one survey was intended to map the distribution of the seagrass bed however in order to identify anchoring damage a more fine scale approach would be advised. We suggest the following may be suitable; during the phase two seagrass survey, a more thorough baseline of seagrass density is established. We would suggest the same method as the phase one survey is suitable however survey points could occur every 10 meters, conducted in an alternating grid pattern. We would advise that the video is monitored at all times during the survey to identify any bare patches in the bed that occur in areas not covered by a survey point. If a bare patch is identified towing should stop and an additional survey point should be taken. The annual monitoring could follow the same method as the phase one survey with the addition of monitoring the video for bare patches and taking additional survey points if any are found. The bare patch data can then be compared to identify if they are new and potentially a result of anchoring damage. Natural England believes the threshold of 5% damage needs to be explained in more detail – what classes as damage? A reduction in percentage cover or total loss of seagrass in 5% of the area?

Physical Damage (increased threats to intertidal and subtidal habitats by construction and operation caused by smothering with litter) - If the HRA recommendations are followed as set out in the Appropriate Assessment along with the proposed mitigation from the revised CEMP/OEMP, it is Natural England's view that this aspect of the work is not likely to have a significant effect on the SAC.

Toxic or non-toxic contamination (changes in water quality due to emissions from energy to waste plant) – Information has yet to be provided regarding the energy from waste plant. Therefore, following the 'precautionary principle', it is Natural England's view this aspect of the development has the potential to cause a likely significant effect to the Plymouth Sound and Estuaries SAC.

Toxic or non-toxic contamination (changes in water quality due to new waste water discharge as a result of water treatment facility required to serve the development) – This is concluded in the HRA as 'no likely significant effect' as the new discharge will have to comply with Environment Agency discharge standards. It is Natural England's view that this aspect is not likely to have a significant effect on the SAC provided any planning permission includes a condition that the applicant submits and agrees a foul water drainage plan upon which Natural England is consulted prior to commencement of works.

The following information may be of relevance for the applicant in the development of the foul water drainage plan.

The movement of this outfall to the south west of the island is likely to be sufficient mitigation for impacts on the seagrass bed. However, information is required on water circulation and turbidity from the discharge location. Recent discussions have indicated a possibility of up to three additional discharges. Further information regarding the location and nature of these is also required. We would advise this information should include the expected circulation away from the discharge site and the potential turbidity impacts in the seagrass area.

Comments on the draft HRA – Tamar Estuaries Complex SPA (please also note the ‘Advice’ section, above)

Disturbance caused by increased noise, light and visual presence associated with construction of the hotel development - If the HRA recommendations are followed as set out in the Appropriate Assessment along with the proposed mitigation from the revised CEMP and the additional measures proposed by Plymouth CC, it is Natural England’s view that this aspect of the work is not likely to have a significant effect on the SPA.

Disturbance caused by increased noise, light and visual presence associated with hotel operation - If the HRA recommendations are followed as set out in the Appropriate Assessment along with the proposed mitigation from the revised OEMP and the additional measures proposed by Plymouth CC, it is Natural England’s view that this aspect of the work is likely to have a significant adverse effect on the integrity of the SPA.

Disturbance caused by increased noise and visual presence as a result of increased recreational pressure including anchoring, mooring and physical disturbance in close proximity to nesting and roosting sites - If the HRA recommendations are followed as set out in the appropriate assessment along with the proposed mitigation from the revised OEMP and the additional measures proposed by Plymouth CC, it is Natural England’s view that this aspect of the work is not likely to have a significant adverse effect on the integrity of the SPA.”

On 14th September 2015, Natural England was re-consulted on a Little Egret Mitigation Strategy which had been put together by the applicant’s ecological consultants, EnGain, and included the on-site little egret noise impact surveys EnGain had undertaken to a pre-agreed methodology in August 2015.

On 5th October 2015 Natural England responded to this additional information as follows:

“We have considered the new information and have not changed our view that it is not possible to be certain that the proposal will not result in adverse effects on site integrity. The onsite tests have shown that people can be heard at the roost site from a number of locations on the Island. Whilst revised mitigation is proposed to prevent people accessing areas close to the roost, we do not consider disturbance to the Little Egret roost can be prevented through the proposed measures, potentially leading to the loss of the birds from this roost site.”

Environment Agency

No objection – subject to conditions covering;

- i. the details of flood resilience and resistance measures including the marine glazing and other resistance measures for the Torpedo Room and the flood (wave action) measures for other parts of the island,
- ii. a flood management plan including the details of the flood alarm system to be used and the evacuation/non-occupation of the Torpedo Room upon the issuing of a warning,
- iii. the restriction of the future use of the Torpedo Room,
- iv. the submission of an intrusive investigation report assessing the potential risks to controlled waters from former activities on site,
- v. the appropriate management and remediation of any unexpected contamination found during construction,

- vi. the agreement of a Construction Environment Management Plan and Operational Management System before development starts and,
- vii. the details of an appropriate foul drainage system serving the development.

Local Highway Authority

No objection – subject to conditions on travel plan, parking and transfer details.

Ministry of Defence (MOD)

No objection – subject to detailed design requirements to address MOD explosive safeguarding concerns which can be controlled by condition.

Public Protection Service

No objection – subject to conditions on;

- i. land quality,
- ii. Construction Environmental Management Plan (CEMP)
- iii. outside entertainment, and
- iv. kitchen staff changing areas and welfare facilities.

Police Architectural Liaison Officer

No objection.

Marine Management Organisation (MMO)

No objection. MMO requests that applicant submits an enquiry so they can advise whether a marine license is required.

Queen's Harbour Master

No objection.

Royal Society for the Protection of Birds (RSPB)

Objects – due to concerns that adverse impacts on statutorily protected wildlife, particularly little egrets, cannot be avoided during the construction and operational phases.

Devon Wildlife Trust

No objection – subject to;

- i. provision of independent on-site ecological warden to monitor species and habitats for the lifetime of the development, and
- ii. eradication of rat populations to benefit ground nesting birds and roosting and hibernating bats.

Cornwall Wildlife Trust

Object – due to concerns about impacts on the little egret colony.

6. Representations

At the time of writing the Officer's report, 14 representations have been received.

One representation supports the proposal provided its historic environment, ecology and landscape are protected.

Twelve representations object to the proposal, and the following list summarises the comments and issues of concern raised:

1. Impact on protected wildlife including protected birds (notably, little egrets) and bats.
2. Impact on the seagrass beds.
3. Concerns that environmental mitigation measures will be insufficient.
4. Drake's Island should not just be for the rich, but an affordable, accessible place for all.
5. A luxury hotel can be put anywhere but the "destruction of heritage cannot be reversed".
6. The success of the proposed venture cannot be guaranteed.
7. Suggestion that if the Council or a heritage organisation "bought back the island and preserved it, it would serve a much greater purpose for the city of Plymouth than a hotel."
8. "Giving consent would seriously damage, if not completely destroy, any future chance of developing the island's potential as a 'top tourist attraction'".
9. The casemates should be set up as a museum.
10. A cable car service could be provided as a major attraction – linking the island to the Hoe.

One representation neither supports nor objects to the proposal, but makes the observation that the heritage of Drake's Island should be protected.

7. Analysis

1.0 Planning Policy Position

In the First Deposit Local Plan (FDLP) Proposal 113, Drake's Island was allocated for leisure, recreation and tourism uses, with development to make provisions including for "*sensitivity to and enhancement of the island's historic, architectural and nature conservation interests*". The FDLP has now been superseded by the adopted Core Strategy, and the Hoe Area Vision in this document provides general planning policy guidance relevant to Drake's Island:

Core Strategy Area Vision 4 - The Hoe

To enhance the civic quality and focus of The Hoe, including its foreshore and related spaces, promoting in particular its tourism, leisure and residential functions.

To create a balanced neighbourhood at West Hoe, encouraging sustainable mixed-use development including new community facilities.

The Council's objectives to deliver this vision are:

- 1. To maintain a unique, high quality, well-resourced and engaging tourist and leisure destination.*
- 2. To enhance the built environment and address regeneration needs through new development.*
- 3. To improve the range and quality of public facilities and information.*
- 4. To provide a more memorable link between The Hoe and the city.*
- 5. To improve pedestrian movement across The Hoe to its attractions and foreshore.*
- 6. To provide high quality public, water and sustainable transport facilities serving The Hoe and its neighbourhood.*

Drake's Island is not shown in the Hoe Vision Diagram. The emerging Plymouth Plan may include a more detailed proposal to replace the FDLP Proposal 113, but the planning issues and objectives are likely to be similar.

The following Core Strategy policies are relevant:

CS01 - Sustainable Linked Communities

CS02 - Design

CS03 - Historic Environment

CS04 - Future Employment Provision

CS12 - Cultural / Leisure Development Considerations

CS13 - Evening/Night-time Economy Uses

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS20 - Resource Use

CS21 - Flood Risk

CS22 - Pollution

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

The following Supplementary Planning Documents are relevant:

- Planning Obligations and Affordable Housing Supplementary Planning Document (Second Review 2012)
- Design Supplementary Planning Document (2009)
- Development Guidelines Supplementary Planning Document (2010)

The NPPF - National Planning Policy Framework (March 2012) – is also a key consideration. The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

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

The development plan is the Local Development Framework Core Strategy (Adopted April 2007). The development plan is currently being reviewed as part of the emerging Plymouth Plan. The Plymouth Plan - Part One was approved by Full Council in September 2015. As such it is a material consideration for the purposes of planning decisions. The document contains a number of policies which support this proposal, including the following:

Policy 36 (Positioning Plymouth as a major UK destination) supports the delivery of *“new high quality hotels, especially on sites which reinforce Plymouth's unique assets such as its waterfront, heritage and culture, including offering views over Plymouth Sound.”*

Policy 46 (Managing and enhancing Plymouth's waterfront) supports *“improving key waterfront destinations for the local community and to grow the visitor economy, including The Barbican / Sutton Harbour, The Hoe, Millbay and the Royal William Yard”* and *“waterfront development [that] is of high quality design, safeguards the waterfront's primary functions, improves use of and access to underused waterfront sites.”*

2.0 Principle of Development

The proposed development is well aligned to planning policy objectives and is considered consistent with spirit of the City Vision - to create "one of Europe's finest, most vibrant waterfront cities". The emerging Plymouth Plan evidence base highlights the need for new high quality hotel accommodation in the city.

3.0 Impact on Historic Environment

- 3.1 It must be noted that the Council's responsibility as Local Planning Authority, to the historic environment on Drake's Island, extends only to the Listed Buildings and not the Scheduled Ancient Monument (for which Historic England is the authorising body).

- 3.2 Refurbishment of the jetty and the proposed Arrival Building are considered to have a minimal effect on the island's historic assets and will significantly improve the existing arrangements. The Arrival Building's bold angular design and associated landscaping measures are welcomed, as are the proposals for the gateway approach to the main hotel area.
- 3.3 With regards to the main hotel complex proposed for the Barrack Block/Island House/Ablutions Block, there are two key issues - the loss of original historic fabric and the proposal to connect the buildings to form one hotel "core". The proposal requires a significant amount of demolition of existing features and fabric, though the most significant elements to be removed are the three stairways on the southern side of the main Barrack Block. While this is regrettable, this building is only assessed as "moderate" in the Heritage Assessment and the loss is justified in both the Heritage Impact Assessment and accepted by Historic England as necessary for the viability of the development. It is therefore considered that any loss here, and with the Artillery Store, can be mitigated by recording.
- 3.4 The proposal to connect the buildings with a central glazed "core" is considered to be a sound approach. The front of the glazed "link block" has been pulled back into alignment with the north frontage of the Island House – responding to Historic England's request with the previous scheme (planning applications 12/00095/FUL and 12/00099/LBC), and allowing the building's historic elevation to be seen in full.
- 3.5 Both with the current and previous planning applications, there have also been significant negotiations with Historic England regarding the proposals for the Casemates building (a Scheduled Ancient Monument) – particularly with regards to the proposed loss of a number of cast iron blast shields. The applicant has sought to remove a number of historic blast shields to create larger windows (and therefore allow more natural light and wider sea views for the proposed hotel rooms within the Casemates building). Historic England was initially concerned about the number of blast shields proposed for removal. However, further to extensive negotiations and a site visit with Historic England and the applicant's agents, a compromise was reached. Historic England suggested a hybrid solution, whereby key Casemate blast screens could remain in place, but have larger openings cut into them, subject to agreement on detail and a structural survey. The applicant agreed to this compromise and revised the Casemates drawings accordingly, whilst also commissioning a structural survey as requested by Historic England.
- 4.0 Impact on Natural Environment
- 4.1 Drake's Island is of great importance in terms of its natural environment on-site and beyond and its redevelopment presents a complex series of challenges in this respect. Officers have worked incredibly hard to find a solution with the applicant, in recognition of the importance of Drake's Island to Plymouth and the unique opportunity presented by the proposal.
- 4.2 A key issue in the consideration of this planning application is the level of impact on the island's little egret colony - both during the construction and operation phase of the proposal. There are records of a significant number of little egrets roosting in the trees on Drake's Island – notably in the hawthorn trees to the north of the Casemates. The little egret is a key species cited in the designation of the Tamar Estuaries Complex Special Protection Area (SPA). A large proportion of little egrets from the SPA make a long journey from their feeding sites (notably on the River Lynher) expending a great deal of energy specifically to

nest on Drake's Island. Any impacts on Drake's Island's little egret colony therefore potentially impact on the integrity of the SPA.

- 4.3 Little egrets are protected under the Wildlife and Countryside Act 1981, and are vulnerable to a number of factors including:
- Scrub clearance/ground redevelopment
 - Disturbance during construction
 - Disturbance from increased human presence
 - Possible permanent abandonment of the site if developed
 - Lighting impacts
- 4.4 Protected bats are present on Drake's Island, including the Lesser Horseshoe species. The mitigation and enhancement measures proposed include a "bat fridge", a "hibernaculum" located inland opposite the Casemates at the south west corner. These measures are considered positive and it is considered that the impact on bats can be managed appropriately.
- 4.5 Drake's Island is located within the Plymouth Sound and Estuaries Special Area of Conservation (SAC). There are several designated interest features of the SAC that are relevant to this application including eelgrass (also referred to as seagrass) beds. Eelgrass beds are essential to the ecological function of the SAC and provide habitat for rare and protected species such as the spiny seahorse. Most of the seagrass habitat on Drake's Island is to the north of the island around the jetty and existing moorings where visitors are likely to anchor their boats. Without proper mitigation and management, there is therefore potential for boat damage to this delicate habitat.
- 4.6 It should be noted that the marine works associated with the proposal, including works to the jetty, would be subject to a marine licence, which the applicant will need to obtain from the Marine Management Organisation (MMO).
- 4.7 Natural England were first consulted on the previous Drake's Island application in 2012 and responded with an objection on the basis of insufficient information to determine impacts on the "Natura 2000 sites" – the European designated sites of the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and Tamar Estuaries Complex Special Protection Area (SPA). This previous application was refused at Planning Committee on the 8th January 2013 in accordance with the Plymouth City Council officer recommendation which was informed by Natural England's consultation response.
- 4.8 After discussions with Plymouth City Council, the applicant re-submitted this current application in January 2014. This application includes much more detailed information on the habitats and species that could be impacted by the development. At the submission stage there was however still insufficient information on the mitigation measures that would be implemented to ensure no adverse impact on the Natura 2000 sites.

- 4.9 Since this time, Plymouth City Council and Natural England have been working with the applicant to help them develop a comprehensive mitigation strategy to reduce potential impacts on the Natura 2000 sites.
- 4.10 At the time of the scheme going to Planning Committee on 15th January 2015, negotiations with the applicant had unfortunately reached an impasse and officers considered that there was no choice but to draw the conclusion as the “competent authority” that the development would result in an unacceptable impact on the designated sites. Natural England (NE), the RSPB and other bird experts in the area had objected to the scheme on the grounds of potential impacts on the SAC and SPA. In particular NE stated that *“it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity.”*
- 4.11 After the 15th January 2015 Planning Committee, the applicant agreed to enter into a S106 commitment to fund the creation of a bylaw to prohibit boat anchoring to prevent any damage to the seagrass beds if the applicant’s own monitoring and protection scheme were to prove ineffective. The applicant also agreed to commission their environmental consultants, Engain, to complete the outstanding ecological mitigation work which had been requested, and in March 2015 this further information was submitted by the applicant to identify how the development could progress without resulting in an adverse impact on the SAC or SPA. The applicant’s additional information provided an improved mitigation package for the SAC and SPA and was forwarded to Natural England, the Environment Agency and the RSPB as part of a formal reconsultation and re-advertising of the application, which ran for 21 days from 19th March 2015. The new ecological information enabled officers to prepare a draft Habitat Regulations Assessment (HRA) to a positive conclusion - that the proposal would have no adverse effect on the integrity of the SPA and SAC, provided the mitigation proposed by both the developer and the Council was put in place. This draft HRA was sent to Natural England on 19th March 2015. Natural England responded to this in their letter of the 10th April 2015 (the relevant content of which is included earlier in this report) and disagreed with the positive conclusion drawn and maintained their objection.

The key outstanding issue was (and remains) the potential negative impact on the island’s little egret colony. Natural England’s key outstanding concern in this respect is that some visitors to the new hotel may not be prepared to behave in accordance with the instructions, management controls and protocols put in place and the resulting disturbance is likely to lead to the little egret colony abandoning the site, even if the disturbance occurs infrequently. The issue is principally one of noise, with most concern being raised voices or shouting which reveals the presence of people on the island.

The applicant’s team agreed with Natural England regarding the need for further noise impact analysis. However, a debate followed on the best method of undertaking this work - with Natural England favouring an approach which included on-site fieldwork and the applicant’s team favouring an approach based on computer modelling. Officers continued working hard to find a positive way forward and the applicant agreed to undertake on-site fieldwork, to a pre-agreed methodology in August 2015.

On 14th September 2015, Natural England was re-consulted on the subsequent Little Egret Mitigation Strategy and little egret noise impact analysis which had been put together by the applicant's ecological consultants, EnGain. The additional mitigation included providing a golf-type buggy to carry guests along the jetty from the ferry to the Arrival Building, and restricted access to the top of the island at times sensitive for the egret colony. Natural England responded to this additional information on 5th October 2015 as follows:

“We have considered the new information and have not changed our view that it is not possible to be certain that the proposal will not result in adverse effects on site integrity. The onsite tests have shown that people can be heard at the roost site from a number of locations on the Island. Whilst revised mitigation is proposed to prevent people accessing areas close to the roost, we do not consider disturbance to the Little Egret roost can be prevented through the proposed measures, potentially leading to the loss of the birds from this roost site.”

The noise surveys have shown that human voices would be audible at the little egret roost. Natural England essentially remain concerned that the applicant's mitigation measures rely on the good behaviour of hotel guests.

In the spirit of trying to find a positive way forward, officers suggested a potential mitigation solution to the applicant whereby glass or similar tunnels could be provided to link along the jetty to the Arrival Building at the lower level and from the main hotel complex to the Casemates building at the higher-level, with the Casemates courtyard roof fully glazed over and guests required to remain inside the hotel buildings. This option would admittedly require new engagement with Historic England and add to the significant viability challenges that already exists for the proposal. Keeping guests inside the building network may also remain a challenge as external doors and fire escapes would still need to be provided. Officers put the idea to Natural England. Natural England would give no explicit assurance that they would support such an approach, though they said they would support a design solution that they feel certain prevents birds at the roost from hearing noise made by people on the island during the construction and operational phases. Therefore, there is a risk that such an option would still encounter an objection from Natural England because there is still a reliance on guests' behaviour. In conclusion, the applicant did not wish to pursue this option.

Regretfully, officers considered there was no other option at this point than to proceed with completing a Habitat Regulations Assessment (HRA) to a conclusion as follows:

This project includes a suite of mitigation measures designed to reduce the effects of this scheme on the two Nature 2000 sites where likely significant effects have been identified.

Natural England still have concerns that the proposals will lead to adverse effects on roosting Little Egrets caused by increased noise, light and visual presence associated with hotel operation and insufficient evidence has been provided to rule out likely significant adverse effects on water quality due to emissions from the energy from waste plant.

PCC has a legal requirement under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) to avoid adverse effects of plans and projects on European Sites.

We therefore conclude the following:

1. Even with the proposed mitigation and on-site solutions explored, adverse effects on the integrity of the Special Protection Area cannot be avoided;

2. In the absence of further information on the emissions from the proposed energy from waste plant, adverse effects on the integrity of the Special Area of Conservation cannot be ruled out.

These conclusions are consistent with the advice of Natural England.

Natural England and the RSPB were re-consulted on the completed HRA on 23rd October 2015 and the HRA was published on the Council's website at this time. The planning application was re-advertised with the completed HRA on 3rd November 2015.

The RSPB responded in a letter dated 5th November 2015, supporting the conclusions of the HRA and maintaining their objection.

5.0 Flood Risk

- 5.1 In the previous version of the scheme, considered at Planning Committee on 15th January 2015, hotel bedroom accommodation was proposed at the lower level of the Casemates "Torpedo Room". This gave rise to an Environment Agency (EA) objection. The EA's principle concern was that sleeping accommodation was proposed in a potentially hazardous location where high energy waves carrying debris would be likely to impact upon the openings of the Torpedo Room, which is part of the island's foreshore. The EA feared that any windows, however engineered, could be broken and cause rapid flooding of the room (which has a floor level below the opening).
- 5.2 The EA had stated that its preferred approach for the Torpedo Room would be to leave it undeveloped. However, the EA indicated that it would accept a compromise if the use of the lower level Torpedo Room was limited to non-bedroom accommodation. This would remove the risk of people sleeping in this highly vulnerable area.
- 5.3 Since the January Planning Committee, the applicant has formally resubmitted revised Casemates plans, showing sleeping accommodation removed from the Torpedo Room. The EA has welcomed this amendment and officers have come to the view that, taking into account other material issues, the flood risk sequential approach set out in the National Planning Policy Framework has been satisfied because;

- i. the most vulnerable parts of the development (i.e. in this case the bedroom accommodation) has now been located away from the area of flood risk in the Torpedo Room hotel suite,
- ii. the scheme and proposed conditions are sufficient to ensure the development will be appropriately flood resilient and resistant and access and escape arrangements, emergency planning and residual risk can be safely managed.

In light of this change the EA submitted a new formal consultation response on 27th March 2015, setting out a set of conditions that they consider would make the proposal acceptable, together with a set of informatives.

6.0 Transport

- 6.1 All access to Drake's island will be by boat and there will be no car parking on the island. It is proposed that employees and guests will travel to the island by means of a ferry service.
- 6.2 The applicant's intention is that employees will be encouraged to use public transport to access the ferry departure points around central Plymouth. The applicant states that they will be provided with bus passes to facilitate this, and that employees living further afield who are unable to use local bus services will be encouraged to use rail and taxi linkage to access the ferry departure points. For those employees that cannot use public transport to access the ferry departure points (for example because of the need to transport heavy equipment or because of timing mismatches with rail timetables) the applicant proposes that a valet car parking service will be provided at both Millbay and Sutton Harbour.
- 6.3 The proposal is that guests will be provided with information about the opportunities for accessing the ferry departure points in a sustainable manner, whilst recognising that many guests will be travelling with luggage and/or their trips may be linked with visits to other destinations that are not easily accessible by public transport. For those guests, a valet car parking service is proposed to be operated from a 'meet and greet' point at either Millbay or Sutton Harbour. The proposal is that the service will be bookable in advance, with vehicles driven from the meet and greet point to either Millbay or the multi-storey car park at Sutton Harbour.
- 6.4 The applicant has submitted a Transport Statement in support of the proposal and also a draft Travel Plan for staff and customer/hotel guests alike. Although it is accepted that, due to the unique island location, there will be low levels of associated traffic on the mainland, discussions have taken place with regard to parking and transfer arrangements to the island itself.
- 6.5 The applicant has not fully engaged with a third party to establish a permanent parking provision for hotel guests. Day trip visitors will be able to utilise local car parks and ferry terminals to suit their needs. However, long stay parking options are somewhat limited.
- 6.6 A number of car parks, in proximity to public landing stages, have been identified within the Transport Statement but only one offers overnight parking opportunities, at Barbican Approach. This car park is not only within third party ownership, but it is circa 550m away

from the ferry for pedestrians and nearly 2km for vehicles, so it would not in itself be reasonable to suggest that hotel guests will use this car park (considering luggage for example).

- 6.7 Other options have been suggested at Mount Batten or Royal William Yard. However, both of these sites have existing parking pressures and again are not considered suitable for all long stay hotel guests, but are more appropriate for day visitors or linked trips with other local destinations.
- 6.8 It is noted that the applicant does not wish to obtain third party signatories to any Planning
Obligation in relation to securing parking provision before any planning consent is established. This is accepted, and as such discussions have been held with the Transport Consultants, acting on behalf of the applicant, to discuss suitable options. To this end it is suggested that a Grampian condition should be attached to any consent to ensure that a suitably located car park is sourced and made fully operational prior to opening or use of any facilities on the island. The car park will need to meet the demands of long stay parking for guests and offer 24 hour safe and secure parking. Furthermore, suitable transfer provision must also be included in such a proposal to the agreed point of ferry transfer to the island.
- 6.9 A request has been made to allow the applicant to change the parking provision at any time with prior approval from the Council. This is considered acceptable as future City developments may enable improved parking and berthing facilities which the hotel could make better use of. Such allowance should be secured within the aforementioned suggested condition.
- 6.10 A technical note has also been submitted with regard to staff parking and deliveries. Again there are no firm proposals at this stage but it is accepted that such trips are likely to be minimal, in terms of impacts on the local highway. Staff will be transported to the island by provided ferry transport and it is noted that shift patterns will need to be linked to tide times. Therefore, these times will be subject to changes and will, as a result, sometimes occur outside of highway peak hours. It is in the interest of the hotel operator to ensure staff travel is provided and there is therefore no need to secure this through condition.
- 6.11 A staff travel plan is proposed with an incentive scheme to encourage sustainable travel to the staff ferry embarkation point.
- 6.12 With regard to visitors to the island, access will be restricted and controlled and any such associated mainland parking demand will be minimal.
- 6.13 Deliveries of goods will also be controlled, and again, an operator to provide this service will be arranged by the applicant following any planning consent. However, any such arrangements are unlikely to cause issues of parking or traffic on the mainland and the local highway network.

6.14 Although it is unfortunate that exact details for transfer to the island cannot be secured at this time, it is accepted that a Grampian condition is appropriate to ensure such provision, in accordance with details to be submitted to and approved in writing by the Local Planning Authority, is secured prior to any use or occupation of the facilities hereby proposed. As such there are no objections to the proposal from a transport perspective.

7.0 Planning Obligations

Were the planning application to be approved, the planning obligations sought would broadly include the following:

- a. An appropriate financial contribution towards the provision of an on-site ecological warden tasked with managing, monitoring and safeguarding the island's features of nature conservation interest, including little egrets, lesser horseshoe bats and eelgrass beds – during the construction and operational phases of the development.
- b. A commitment to allow reasonable public access to Drake's Island in perpetuity.
- c. A commitment to provide permanent areas of interpretation on the island's historic and nature conservation interest including in the arrival building and casemates feature rooms.
- d. A commitment to fund the creation of a bylaw to prohibit boat anchoring to prevent any damage to the seagrass beds if the applicant's own monitoring and protection scheme is not effective.

8.0 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.

9.0 Local Finance Considerations

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. In this case the development will not generate any New Homes Bonus contributions for the authority. Therefore the development plan and other material considerations, as set out elsewhere in the report, are the only matters to be taken into account in the determination of this application.

10.0 Equalities and Diversities

This development affects people of all ages and from all backgrounds, as it provides hotel, spa, bar and restaurant facilities which will be made available to the general public, as well as a heritage trail and historic and natural environment exhibitions and interpretation.

Clearly, due to the island's topography and terrain, access for some groups to some areas may be challenging. The Arrival Building does however propose a lift giving access from the Jetty level to the main hotel level plateau.

8. Conclusion

As with the previous planning applications for Drake's Island, officers, including up to Director level, have put in a significant amount of work to help this proposal move forwards positively, in recognition of the importance of Drake's Island to Plymouth and the unique set of opportunities and challenges presented by this proposal. This planning application has been supported in several ways by the Local Planning Authority, including with the commissioning of work at the Authority's expense to address issues the planning application itself should have sorted out on submission.

Officers have worked very hard to try and address the complex nature conservation, historic environment, European Habitat Regulation Assessment, flooding and transport issues with the aim of getting to a position where a positive recommendation could be put to Planning Committee.

The proposed development is considered to be of a high quality and would potentially secure the restoration and beneficial use of one of Plymouth's most prominent and iconic historic monuments. In most respects, the scheme is well aligned to planning policy objectives and is considered consistent with spirit of the City Vision - to create "one of Europe's finest, most vibrant waterfront cities". The emerging Plymouth Plan evidence base highlights the need for new high quality hotel accommodation in the city and its importance in terms of the city's visitor offer and economic growth. The list of potential benefits generated by the proposal is considerable.

However, officers are very mindful of the proposal's sensitive relationship with the Tamar Estuaries Complex Special Protection Area (SPA) and the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and take the objections raised by consultees including Natural England and the RSPB very seriously. The Council has a legal requirement under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) to avoid significant effects of plans and projects on European designated sites. Having conducted a Habitats Regulation Assessment, officers have unfortunately had no option but to come to the conclusion that the proposal is likely to result in significant adverse impacts upon the integrity of the designated sites.

It is with great regret, therefore that officers consider there is no other lawful option than to recommend that this planning application be refused.

9. Recommendation

In respect of the application dated **02/01/2014** and the submitted drawings Proposed Arrival Building Elevations 10057 L 04.01 P2, Boat House Existing Sections Demolition 10057 L 09.34 P2, Boat House Existing GF Plan Demolition 10057 L 09.21 P2, Ablutions Block Existing Elevations & Sections Demolition 10057 L 09.34 P2, Casemates - Blast Shield Alterations 10057 SK 01.01, 10057 SK 01.02, 10057 SK 01.03, 10057 SK 01.04, Casemates - Proposed Elevations 10057 L 04.03 P4, Casemates - Proposed Ground Floor Plan 1 of 2 10057 L 02.06 P5, Casemates - Proposed Ground Floor Plan 2 of 2 10057 L 02.07 P4, Casemates Existing Elevations & Sections 10057 L 09.36 P2, 10057 L 09.37 P2, Casemates Existing Ground Floor Plan 10057 L 09.25 P2, 10057 L 09.26 P2,

Casemates Proposed Elevations 10057 L 04.03 P2, Casemates Proposed Ground Floor 2 10057 L 02.07 P2, Casemates Proposed Ground Floor Plans 10057 L 02.06 P2, Casemates Proposed Roof Plan 10057 L 02.08 P2, Casemates Proposed Sections 10057 L 03.04 P2, Casemates Roof Plan 10057 L 02.08 P3, Existing Demolition Site Plan 10057 L 09.20 P2, Site Plan 10057 L 09.01, Proposed Site Plan 10057 L 01.01 P2, Arrival Building Ground Floor Plan, 10057 L 02.01 P2, Arrival Building Top Floor Plan 10057 L 02.02 P2, Main Building Proposed Ground Floor Plan 10057 L 02.03 P2, Main Building Proposed Attic Floor Plan 10057 L 02.04 P2, Main Building Proposed Roof Plan 10057 L 02.05 P2, Island House Existing Elevs & Sections Demolition 10057 L 09.35 P2, Main Ablution Island GF Plan Demolition 10057 L 09.23 P2, Main Building Ablution 1st Attic Floor Plan 10057 L 09.24 P2, Main Building Existing Elevations & Sections, Demolition 10057 L 09.33 P2, Main Building Proposed Elevations 10057 L 04.02 P2, Main Building Proposed First Floor Attic Floor 10057 L 02.04 P2, Main Building Proposed Ground Floor Plan 10057 L 02.03 P2, Main Building Proposed Roof Plan 10057 L 02.05 P2, Main Building Proposed Sections 2 10057 L 03.03 P2, Main Tunnels Demolition 1 of 2 10057 L 09.27 P2, Main Tunnels Demolition 2 of 2 10057 L 09.28 P2, Proposed Arrival Building Ground Floor Plan 10057 L 02.01 P2, Proposed Arrival Building Sections Plans 10057 L 03.01 P2, Proposed Bin Store Plan 10057 L 02.02 P2, Proposed Casemate Screen and Gate 10057 L 41.01 P2, Proposed Casemate Sections 10057 L 03.04 P3, Proposed Casemates Ground Floor Plan 10057 L 02.06 P3, Proposed Main Building Proposed Sections 10057 L 03.02 P2, Proposed Planting Plan A 10057 L 93.02 P2, Proposed Planting Plan B 10057 L 93.03 P2, Proposed Recycling Bin Store 10057 L 02.09 P2, Proposed Site Location Plan 10057 L 01.01 P2, Proposed Site Plan 10057 L 01.01 P3, Proposed Wider Landscape Plan 10057 L 93.01 P2, Proposed Wider Landscape Plan 10057 L 93.01 P3, Lighting Report, Tree Survey Plan East, Tree Survey Plan West, Lighting Plan, Upper Battery - Demolition 1 of 2 10057 L 09.31 P2, Upper Battery - Demolition 2 of 2 10057 L 09.30 P2, Upper Tunnels - Demolition 1 of 2 10057 L 09.29 P2, Assessment of Proposed Development on Little Egrets and Addendum, Drake's Island, Plymouth Sound, Devon: Winter and Breeding Bird Survey (Amended Report), Casemate Construction Report, Phase I Environmental Assessment, Design and Access Statement, Drake's Species List, ECIA Extended, Energy Statement, Environmental Statement and Appendices, External Lighting Report, Habitat Survey, Heritage Gazetteer, Information to Inform a Habitat Regulations Assessment, Noise Report, Construction and Operational Environmental Management Plan Information Key Principles and Parameters, EIA Screening Report, Travel Plan, Onsite Acoustic Testing Report, Little Egret Mitigation Strategy, it is recommended to: **Refuse**

10. Reasons

IMPACT ON THE TAMAR ESTUARIES COMPLEX SPECIAL PROTECTION AREA (SPA)

(1) The proposal is considered to have a negative impact on the integrity of the Tamar Estuaries Complex Special Protection Area (SPA) which was designated to protect features (habitats and species) under the Conservation of Habitat and Species Regulations 2010. The proposals are therefore not compliant with Policy CS19 (Wildlife) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

IMPACT ON THE PLYMOUTH SOUND AND ESTUARIES SPECIAL AREA OF CONSERVATION (SAC)

(2) The proposal has failed to demonstrate that the designated features of the Plymouth Sound and Estuaries Special Area of Conservation (SAC) will be protected during the operation of the proposed development. The proposals are therefore not compliant with Policy CS19 (Wildlife) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

INFORMATIVE: SECTION 106 CONTRIBUTIONS

(1) Had the Local Planning Authority been minded to approve the application, the applicant's attention is drawn to the fact that the application contains insufficient provisions to mitigate the impacts of the proposal, in accordance with Policy CS33 of the adopted Core Strategy and the guidelines set out in the Planning Obligations and Affordable Housing Supplementary Planning Document (Second Review 2012). The methodology of mitigating the impacts of the proposed development is outlined in the Committee Report and, in the event of an appeal, the Local Planning Authority would seek to secure mitigation via a Section 106 Agreement.

INFORMATIVE: REFUSAL (WITH ATTEMPTED NEGOTIATION)

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has looked for solutions to enable the grant of planning permission. However, the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

PLANNING APPLICATION REPORT



Application Number 14/00002/LBC

Date Valid 02/01/2014

Item 08

Ward St Peter & The Waterfront

Site Address DRAKE'S ISLAND PLYMOUTH

Proposal

Hotel development including conversion of Grade II listed Island House, Barracks and Ablutions Blocks, Scheduled Ancient Monument casemated battery and landscaping, refurbishment of jetty and infrastructure works

Applicant

Rotolok (Holdings) Ltd

Application Type

Listed Building

Target Date

31/01/2015

Committee Date

**Planning Committee: 19
November 2015**

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

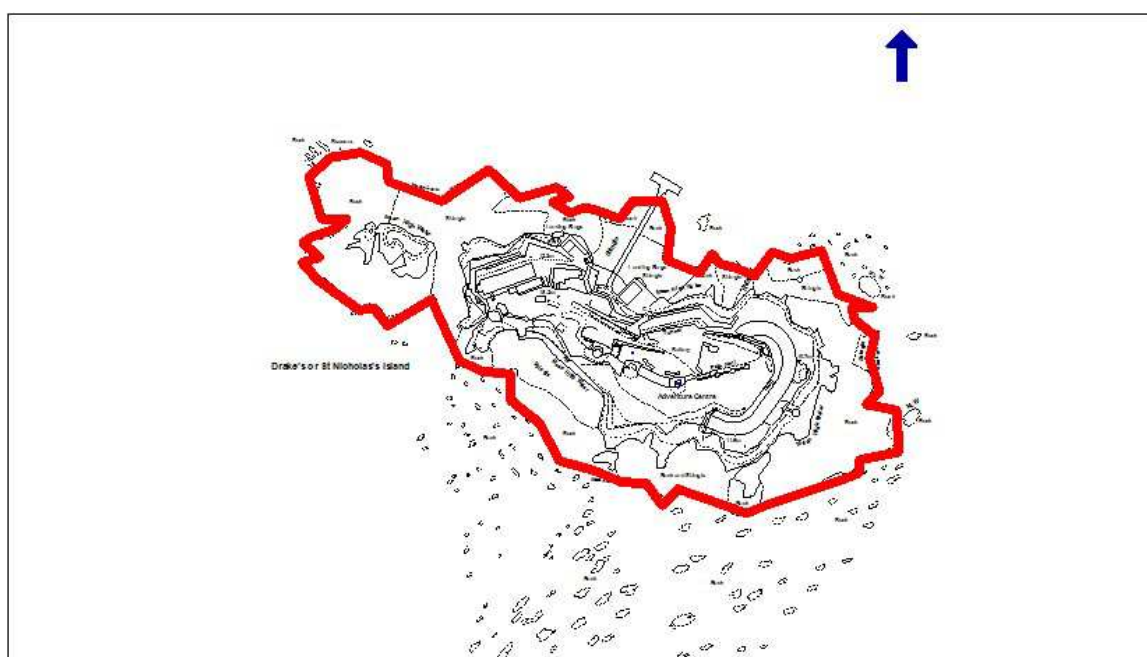
Matt Coombe

Recommendation

Grant Conditionally

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I. Site Description

Drake's Island is located in Plymouth Sound, about 600 metres south of the Hoe. It extends to about 2.6 hectares and is formed of limestone and volcanic rock rising to a height of some 29 metres.

Formerly known as St Nicholas Island, its strategic position on the approach to Sutton Harbour, the Cattewater, Hamoaze and Dockyard led to it being fortified from at least the 16th century. Military use of the island continued until after World War II. From 1963 to 1989, Plymouth City Council obtained a lease from the Crown and operated a youth adventure training centre there. The current owner bought the island from the Crown in 1995. Since then the island buildings have been unused, and have fallen into disrepair.

A large proportion of the island is a designated Scheduled Ancient Monument (SAM 12614), comprising three designated areas. At the western end of the island, the designated area includes the main entrance, coastal walls and the western gun battery. A small area in the north-east of the island encloses a small area believed to contain remains of a 16th century artillery tower. The largest area includes the majority of the central and eastern parts of the island, enclosing the casemated batteries of 1860-1, and most of the later artillery batteries and magazines. Although excluded from the Scheduled Monument, the group of four principal buildings occupying the north-west end of the island are Grade II listed. These buildings comprise the 18th and 19th century former Barracks, Ablution Blocks, Commanding Officer's House and Guardhouse.

The range of remains and fortifications, and the prominent location of Drake's Island, make it a heritage site of national importance.

Drake's Island has significant wildlife interest and is located within the Plymouth Sound and Estuaries Special Area of Conservation (SAC). There are several designated interest features of the SAC that are relevant to this application including eelgrass (seagrass) beds. Eelgrass beds are essential to the ecological function of the SAC and provide habitat for rare and protected species such as the spiny seahorse. The island also hosts important numbers of breeding and roosting little egrets. The little egret is a designated feature of the Tamar Estuaries Complex Special Protection Area (SPA).

2. Proposal Description

The proposals seek to carry out conversions and extensions to existing buildings, together with an element of new build, to allow the island to function as a luxury hotel resort. The intention is that the island will be made available not just to hotel residents and guests, but that arrangements will be made to allow controlled access to members of the public.

The proposed development is largely concentrated in three main areas:

- The group of buildings at the western end of the island representing the former residential quarters of soldiers and officers
- The casemated battery at the eastern end of the island
- The arrival point on the north side of the island

In brief, the proposals seek to convert the Barrack Block into 25 hotel bedrooms and suites, to convert Island House into bar and restaurant areas, to convert and extend the Ablution Block, to provide spa, gym and swimming pool facilities and to connect these three buildings with a highly glazed linking element of contemporary architecture that will provide the core services and the main vertical circulation for the hotel as well as space for the bar at ground floor and restaurant at first floor. Space is also allocated for staff and support accommodation and ancillary facilities. Creation of an outside seating area is proposed to the rear of the Barrack Block, together with a circular timber "arbour" and other landscape features. To allow for this space and the Ablutions Block extension it is proposed that the existing ammunitions store here be demolished.

The Napoleonic casemated battery at the east end of the island is proposed for conversion to provide additional hotel accommodation in the form of 18 single and double unit suites, with three “feature rooms” restored to reflect their original historic form and made accessible to the public with displays and information on the island’s heritage and ecology. The three northernmost casemates have been chosen as “feature rooms” in order to provide a “buffer zone” to mitigate the impact on the adjacent little egret roost – the intention being that access to the rooms can be limited to outside the roosting and breeding seasons, minimising the chance of disturbing the birds. Construction of glazed acoustic screen is proposed at the entryway to the casemates from the access tunnel, with the aim of protecting the little egrets from noise disturbance from hotel guests.

The landing jetty at the north side of the island is proposed for repair and refurbishment and the adjacent 1980s Boat House, a dilapidated asbestos-clad structure, triangular in section, is proposed for demolition, to be replaced with a modern “Arrival Building” with a “scenic lift” giving access from the jetty level to the main hotel level at the top of the cliff. A boat store is also proposed within the building.

It is proposed that overgrown vegetation on the island be carefully cut back. On the upper levels it is proposed that historic pathways be uncovered and the area generally be made safe.

Installation of lighting is proposed for the tunnel and store room network beneath the island, which is to be generally cleaned and repaired but with no major changes other than the creation of an ecological enhancement feature in the form of a bat hibernaculum “bat fridge”.

A centralised energy from waste system is proposed to produce electricity and hot water for the hotel. The intention is that suitable waste will be safely incinerated, thereby providing renewable, low carbon energy.

A sewage treatment plant is proposed, including an outfall to the southwest of the island.

3. Pre-Application Enquiry

A pre-application meeting took place in December 2013, through the Council’s Development Enquiry Service. This followed extensive pre-application meetings on the applicant’s previous scheme (applications 12/00095/FUL & 12/00099/LBC) which was very similar in design. Meetings included detailed discussions on ecology, heritage and flood risk with involvement from Natural England, Historic England and the Environment Agency. There were two site visits to the island with the previous scheme, together with two further visits with the current proposal. The applicant held a day-long public consultation event on the previous proposal at the Royal Corinthian Yacht Club on 01/12/11 and conducted further pre-application consultation with the Plymouth Waterfront Partnership and other bodies.

4. Relevant Planning History

12/00095/FUL & 12/00099/LBC - Refurbishment and extensions to existing redundant buildings to form hotel development to include refurbishment of jetty, refurbishment, part demolition and extensions to Grade II listed Barrack Block, Island House, and Ablutions Block. Refurbishment and part demolition to scheduled Ancient Monument Casemated Battery and general landscaping and infrastructure works - REFUSED

99/00980/FUL & 99/00981/LBC - Change of use of Casemates to visitor attraction with cafe; Officers House to a tavern/restaurant (together with rear extension); Barrack Block to hotel (together with extension) - REFUSED

5. Consultation Responses

Historic England

No objection. There have been significant negotiations with Historic England regarding the proposals for the Casemates building (a Scheduled Ancient Monument) – particularly with regards to the proposed loss of a number of cast iron blast shields. The applicant has sought to remove a number of historic blast shields to create larger windows (and therefore allow more natural light and wider sea views for the proposed hotel rooms within the Casemates building). Historic England was initially concerned about the number of blast shields proposed for removal. However, further to extensive negotiations and a site visit with Historic England and the applicant's agents, a compromise was reached. Historic England suggested a hybrid solution, whereby key Casemate blast screens could remain in place, but have larger openings cut into them, subject to agreement on detail and a structural survey. The applicant agreed to this compromise and revised the Casemates drawings accordingly, whilst also commissioning a structural survey as requested by Historic England. Historic England has confirmed their support for the latest version of the proposal in conversations with officers and the applicant's agents. Historic England has requested a number of planning conditions.

6. Representations

At the time of writing the Officer's report, 14 representations have been received.

One representation supports the proposal provided its historic environment, ecology and landscape are protected.

Twelve representations object to the proposal, and the following list summarises the comments and issues of concern raised:

1. Impact on protected wildlife including protected birds (notably, little egrets) and bats.
2. Impact on the seagrass beds.
3. Concerns that environmental mitigation measures will be insufficient.
4. Drake's Island should not just be for the rich, but an affordable, accessible place for all.
5. A luxury hotel can be put anywhere but the "destruction of heritage cannot be reversed".
6. The success of the proposed venture cannot be guaranteed.
7. Suggestion that if the Council or a heritage organisation "bought back the island and preserved it, it would serve a much greater purpose for the city of Plymouth than a hotel."
8. "Giving consent would seriously damage, if not completely destroy, any future chance of developing the island's potential as a 'top tourist attraction'".
9. The casemates should be set up as a museum.
10. A cable car service could be provided as a major attraction – linking the island to the Hoe.

One representation neither supports nor objects to the proposal, but makes the observation that the heritage of Drake's Island should be protected.

7. Analysis

1.0 Planning Policy Position

In the First Deposit Local Plan (FDLP) Proposal 113, Drake's Island was allocated for leisure, recreation and tourism uses, with development to make provisions including for "sensitivity to and enhancement of the island's historic, architectural and nature conservation interests". The

FDLP has now been superseded by the adopted Core Strategy, and the Hoe Area Vision in this document provides general planning policy guidance relevant to Drake's Island:

Core Strategy Area Vision 4 - The Hoe

To enhance the civic quality and focus of The Hoe, including its foreshore and related spaces, promoting in particular its tourism, leisure and residential functions.

To create a balanced neighbourhood at West Hoe, encouraging sustainable mixed-use development including new community facilities.

The Council's objectives to deliver this vision are:

- 1. To maintain a unique, high quality, well-resourced and engaging tourist and leisure destination.*
- 2. To enhance the built environment and address regeneration needs through new development.*
- 3. To improve the range and quality of public facilities and information.*
- 4. To provide a more memorable link between The Hoe and the city.*
- 5. To improve pedestrian movement across The Hoe to its attractions and foreshore.*
- 6. To provide high quality public, water and sustainable transport facilities serving The Hoe and its neighbourhood.*

Drake's Island is not shown in the Hoe Vision Diagram. The emerging Plymouth Plan may include a more detailed proposal to replace the FDLP Proposal 113, but the planning issues and objectives are likely to be similar.

The following Core Strategy policies are relevant:

CS02 - Design

CS03 - Historic Environment

The following Supplementary Planning Documents are relevant:

- Design Supplementary Planning Document (2009)
- Development Guidelines Supplementary Planning Document (2010)

The NPPF - National Planning Policy Framework (March 2012) – is also a key consideration. The National Planning Policy Framework seeks to actively encourage and promote sustainable forms of development. It replaces all previous Planning Policy guidance issued at National Government Level.

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

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

Policy 36 (Positioning Plymouth as a major UK destination) supports the delivery of “new high quality hotels, especially on sites which reinforce Plymouth's unique assets such as its waterfront, heritage and culture, including offering views over Plymouth Sound.”

Policy 46 (Managing and enhancing Plymouth's waterfront) supports “improving key waterfront destinations for the local community and to grow the visitor economy, including The Barbican / Sutton Harbour, The Hoe, Millbay and the Royal William Yard” and “waterfront development [that] is of high quality design, safeguards the waterfront's primary functions, improves use of and access to underused waterfront sites.”

2.0 Principle of Development

The proposed development is well aligned to planning policy objectives and is considered consistent with spirit of the City Vision - to create "one of Europe's finest, most vibrant waterfront cities". The emerging Plymouth Plan evidence base highlights the need for new high quality hotel accommodation in the city.

3.0 Impact on Historic Environment

- 3.1 It must be noted that the Council's responsibility as Local Planning Authority, to the historic environment on Drake's Island, extends only to the Listed Buildings and not the Scheduled Ancient Monument (for which Historic England is the authorising body).
- 3.2 Refurbishment of the jetty and the proposed Arrival Building are considered to have a minimal effect on the island's historic assets and will significantly improve the existing arrangements. The Arrival Building's bold angular design and associated landscaping measures are welcomed, as are the proposals for the gateway approach to the main hotel area.
- 3.3 With regards to the main hotel complex proposed for the Barrack Block/Island House/Ablutions Block, there are two key issues - the loss of original historic fabric and the proposal to connect the buildings to form one hotel “core”. The proposal requires a significant amount of demolition of existing features and fabric, though the most significant elements to be removed are the three stairways on the southern side of the main Barrack Block. While this is regrettable, this building is only assessed as “moderate” in the Heritage Assessment and the loss is justified in both the Heritage Impact Assessment and accepted by Historic England as necessary for the viability of the development. It is therefore considered that any loss here, and with the Artillery Store, can be mitigated by recording.
- 3.4 The proposal to connect the buildings with a central glazed “core” is considered to be a sound approach. The front of the glazed “link block” has been pulled back into alignment with the north frontage of the Island House – responding to Historic England's request with the previous scheme (planning applications 12/00095/FUL and 12/00099/LBC), and allowing the building's historic elevation to be seen in full.
- 3.5 Both with the current and previous planning applications, there have also been significant negotiations with Historic England regarding the proposals for the Casemates building (a Scheduled Ancient Monument) – particularly with regards to the proposed loss of a number of cast iron blast shields. The applicant has sought to remove a number of historic blast shields to create larger windows (and therefore allow more natural light and wider sea views for the proposed hotel rooms within the Casemates building). Historic England was initially concerned about the number of blast shields proposed for removal. However, further to extensive negotiations and a site visit with Historic England and the applicant's agents, a compromise was reached. Historic England suggested a hybrid solution, whereby key Casemate blast screens could remain in place, but have larger openings cut into them, subject to agreement on detail and a structural survey. The applicant agreed to this compromise and

revised the Casemates drawings accordingly, whilst also commissioning a structural survey as requested by Historic England.

8. Conclusion

As with the previous planning applications for Drake's Island, officers, including up to Director level, have put in a significant amount of work to help this proposal move forwards positively, in recognition of the importance of Drake's Island to Plymouth and the unique set of opportunities and challenges presented by this proposal. This planning application has been supported in several ways by the Local Planning Authority, including with the commissioning of work at the Authority's expense to address issues the planning application itself should have sorted out on submission.

Officers have worked very hard to try and address the complex nature conservation, historic environment, European Habitat Regulation Assessment, flooding and transport issues with the aim of getting to a position where a positive recommendation could be put to Planning Committee.

The proposed development is considered to be of a high quality and would potentially secure the restoration and beneficial use of one of Plymouth's most prominent and iconic historic monuments. The scheme is well aligned to planning policy objectives and is considered consistent with spirit of the City Vision - to create "one of Europe's finest, most vibrant waterfront cities". The emerging Plymouth Plan evidence base highlights the need for new high quality hotel accommodation in the city and its importance in terms of the city's visitor offer and economic growth. The list of potential benefits generated by the proposal is considerable.

However, officers are very mindful of the proposal's sensitive relationship with the Tamar Estuaries Complex Special Protection Area (SPA) and the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and take the objections raised by consultees including Natural England and the RSPB very seriously. The Council has a legal requirement under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) to avoid significant effects of plans and projects on European designated sites. This is reflected in officers' recommendation to refuse the accompanying full planning application. However, as all listed building issues have been satisfactorily addressed, officers can recommend that this Listed Building Consent application be approved, subject to the attached conditions.

9. Recommendation

In respect of the application dated **02/01/2014** and the submitted drawings Proposed Arrival Building Elevations 10057 L 04.01 P2, Boat House Existing Sections Demolition 10057 L 09.34 P2, Boat House Existing GF Plan Demolition 10057 L 09.21 P2, Ablutions Block Existing Elevations & Sections Demolition 10057 L 09.34 P2, Casemates - Blast Shield Alterations 10057 SK 01.01, 10057 SK 01.02, 10057 SK 01.03, 10057 SK 01.04, Casemates - Proposed Elevations 10057 L 04.03 P4, Casemates - Proposed Ground Floor Plan 1 of 2 10057 L 02.06 P5, Casemates - Proposed Ground Floor Plan 2 of 2 10057 L 02.07 P4, Casemates Existing Elevations & Sections 10057 L 09.36 P2, 10057 L 09.37 P2, Casemates Existing Ground Floor Plan 10057 L 09.25 P2, 10057 L 09.26 P2, Casemates Proposed Elevations 10057 L 04.03 P2, Casemates Proposed Ground Floor 2 10057 L 02.07 P2, Casemates Proposed Ground Floor Plans 10057 L 02.06 P2, Casemates Proposed Roof Plan 10057 L 02.08 P2, Casemates Proposed Sections 10057 L 03.04 P2, Casemates Roof Plan 10057 L 02.08 P3, Existing Demolition Site Plan 10057 L 09.20 P2, Site Plan 10057 L 09.01, Proposed Site Plan 10057 L 01.01 P2, Arrival Building Ground Floor Plan, 10057 L 02.01 P2, Arrival Building Top Floor Plan 10057 L 02.02 P2, Main Building Proposed Ground Floor Plan 10057 L 02.03 P2, Main Building Proposed Attic Floor Plan 10057 L 02.04 P2, Main Building Proposed Roof Plan 10057 L 02.05 P2, Island House Existing Elevs & Sections Demolition 10057 L 09.35 P2, Main Ablution Island GF Plan Demolition 10057 L 09.23 P2, Main Building Ablution 1st Attic Floor Plan 10057 L 09.24 P2, Main Building Existing Elevations & Sections, Demolition 10057 L 09.33 P2, Main Building Proposed

Elevations 10057 L 04.02 P2, Main Building Proposed First Floor Attic Floor 10057 L 02.04 P2, Main Building Proposed Ground Floor Plan 10057 L 02.03 P2, Main Building Proposed Roof Plan 10057 L 02.05 P2, Main Building Proposed Sections 2 10057 L 03.03 P2, Main Tunnels Demolition 1 of 2 10057 L 09.27 P2, Main Tunnels Demolition 2 of 2 10057 L 09.28 P2, Proposed Arrival Building Ground Floor Plan 10057 L 02.01 P2, Proposed Arrival Building Sections Plans 10057 L 03.01 P2, Proposed Bin Store Plan 10057 L 02.02 P2, Proposed Casemate Screen and Gate 10057 L 41.01 P2, Proposed Casemate Sections 10057 L 03.04 P3, Proposed Casemates Ground Floor Plan 10057 L 02.06 P3, Proposed Main Building Proposed Sections 10057 L 03.02 P2, Proposed Planting Plan A 10057 L 93.02 P2, Proposed Planting Plan B 10057 L 93.03 P2, Proposed Recycling Bin Store 10057 L 02.09 P2, Proposed Site Location Plan 10057 L 01.01 P2, Proposed Site Plan 10057 L 01.01 P3, Proposed Wider Landscape Plan 10057 L 93.01 P2, Proposed Wider Landscape Plan 10057 L 93.01 P3, Lighting Report, Tree Survey Plan East, Tree Survey Plan West, Lighting Plan, Upper Battery - Demolition 1 of 2 10057 L 09.31 P2, Upper Battery - Demolition 2 of 2 10057 L 09.30 P2, Upper Tunnels - Demolition 1 of 2 10057 L 09.29 P2, Assessment of Proposed Development on Little Egrets and Addendum, Drake's Island, Plymouth Sound, Devon: Winter and Breeding Bird Survey (Amended Report), Casemate Construction Report, Phase I Environmental Assessment, Design and Access Statement, Drake's Species List, ECIA Extended, Energy Statement, Environmental Statement and Appendices, External Lighting Report, Habitat Survey, Heritage Gazetteer, Information to Inform a Habitat Regulations Assessment, Noise Report, Construction and Operational Environmental Management Plan Information Key Principles and Parameters, EIA Screening Report, Travel Plan, Onsite Acoustic Testing Report, Little Egret Mitigation Strategy, it is recommended to: **Grant Conditionally**

10. Conditions

CONDITION: TIME LIMIT FOR COMMENCEMENT (LBC)

(1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONDITION: APPROVED PLANS (LISTED BUILDING CONSENT)

(2) The works hereby permitted shall be carried out in accordance with the following approved plans: Proposed Arrival Building Elevations 10057 L 04.01 P2, Boat House Existing Sections Demolition 10057 L 09.34 P2, Boat House Existing GF Plan Demolition 10057 L 09.21 P2, Ablutions Block Existing Elevations & Sections Demolition 10057 L 09.34 P2, Casemates - Blast Shield Alterations 10057 SK 01.01, 10057 SK 01.02, 10057 SK 01.03, 10057 SK 01.04, Casemates - Proposed Elevations 10057 L 04.03 P4, Casemates - Proposed Ground Floor Plan 1 of 2 10057 L 02.06 P5, Casemates - Proposed Ground Floor Plan 2 of 2 10057 L 02.07 P4, Casemates Existing Elevations & Sections 10057 L 09.36 P2, 10057 L 09.37 P2, Casemates Existing Ground Floor Plan 10057 L 09.25 P2, 10057 L 09.26 P2, Casemates Proposed Elevations 10057 L 04.03 P2, Casemates Proposed Ground Floor 2 10057 L 02.07 P2, Casemates Proposed Ground Floor Plans 10057 L 02.06 P2, Casemates Proposed Roof Plan 10057 L 02.08 P2, Casemates Proposed Sections 10057 L 03.04 P2, Casemates Roof Plan 10057 L 02.08 P3, Existing Demolition Site Plan 10057 L 09.20 P2, Site Plan 10057 L 09.01, Proposed Site Plan 10057 L 01.01 P2, Arrival Building Ground Floor Plan, 10057 L 02.01 P2, Arrival Building Top Floor Plan 10057 L 02.02 P2, Main Building Proposed Ground Floor Plan 10057 L 02.03 P2, Main Building Proposed Attic Floor Plan 10057 L 02.04 P2, Main Building Proposed Roof Plan 10057 L 02.05 P2, Island House Existing Elevs & Sections Demolition

10057 L 09.35 P2, Main Ablution Island GF Plan Demolition 10057 L 09.23 P2, Main Building Ablution 1st Attic Floor Plan 10057 L 09.24 P2, Main Building Existing Elevations & Sections, Demolition 10057 L 09.33 P2, Main Building Proposed Elevations 10057 L 04.02 P2, Main Building Proposed First Floor Attic Floor 10057 L 02.04 P2, Main Building Proposed Ground Floor Plan 10057 L 02.03 P2, Main Building Proposed Roof Plan 10057 L 02.05 P2, Main Building Proposed Sections 2 10057 L 03.03 P2, Main Tunnels Demolition 1 of 2 10057 L 09.27 P2, Main Tunnels Demolition 2 of 2 10057 L 09.28 P2, Proposed Arrival Building Ground Floor Plan 10057 L 02.01 P2, Proposed Arrival Building Sections Plans 10057 L 03.01 P2, Proposed Bin Store Plan 10057 L 02.02 P2, Proposed Casemate Screen and Gate 10057 L 41.01 P2, Proposed Casemate Sections 10057 L 03.04 P3, Proposed Casemates Ground Floor Plan 10057 L 02.06 P3, Proposed Main Building Proposed Sections 10057 L 03.02 P2, Proposed Planting Plan A 10057 L 93.02 P2, Proposed Planting Plan B 10057 L 93.03 P2, Proposed Recycling Bin Store 10057 L 02.09 P2, Proposed Site Location Plan 10057 L 01.01 P2, Proposed Site Plan 10057 L 01.01 P3, Proposed Wider Landscape Plan 10057 L 93.01 P2, Proposed Wider Landscape Plan 10057 L 93.01 P3, Lighting Report, Tree Survey Plan East, Tree Survey Plan West, Lighting Plan, Upper Battery - Demolition 1 of 2 10057 L 09.31 P2, Upper Battery - Demolition 2 of 2 10057 L 09.30 P2, Upper Tunnels - Demolition 1 of 2 10057 L 09.29 P2, Assessment of Proposed Development on Little Egrets and Addendum, Drake's Island, Plymouth Sound, Devon: Winter and Breeding Bird Survey (Amended Report), Casemate Construction Report, Phase I Environmental Assessment, Design and Access Statement, Drake's Species List, ECIA Extended, Energy Statement, Environmental Statement and Appendices, External Lighting Report, Habitat Survey, Heritage Gazetteer, Information to Inform a Habitat Regulations Assessment, Noise Report, Construction and Operational Environmental Management Plan Information Key Principles and Parameters, EIA Screening Report, Travel Plan, Onsite Acoustic Testing Report, Little Egret Mitigation Strategy.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: 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 paragraphs 120 -123 of the National Planning Policy Framework 2012.

Justification:

To ensure that the construction phase does not unduly impact on local amenity or cause undue disturbance or pollution.

PRE-COMMENCEMENT: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

(4) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period. The agreed CEMP shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Local Planning Authority, in advance.

Reason:

To safeguard against pollution and unacceptable impacts on protected wildlife and to avoid conflict with Policies 19 and 22 Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021).

Justification:

To ensure that wildlife habitats are adequately protected from the development.

PRE-COMMENCEMENT: DESIGN DETAILS

(5) Notwithstanding the submitted details, the development hereby permitted shall not commence until the following details (to include drawings including sections at a scale of not less than 1:20 with key details at a scale of 1:10) have been submitted to and agreed in writing with the Local Planning Authority:

1. Details of the design, method of construction and finish of the windows, doors and openings, including junctions with head, cills and jambs

2. 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 or other accretions to the roof or elevations. Unless otherwise agreed in writing with the Local Planning Authority, before any roof plant and/or machinery is used on the premises, it shall be enclosed with sound insulating material and mounted in such a way which will minimise the transmission of structure borne sound in accordance with a scheme to be approved in writing by the Local Planning Authority.

3. Details of the design of the proposed green roofs.

Reason:

To enable the Local Planning Authority to consider the above details in the interests of the appearance and character of the building and area, in accordance with Policies CS01, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

PRE-COMMENCEMENT: EXTERNAL MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Justification:

To ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

PRE-COMMENCEMENT: SURFACING MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Justification:

To ensure that the development can reasonably accommodate the surfacing materials that are acceptable to the local planning authority.

PRE-COMMENCEMENT: HABITAT PROTECTION AND ENHANCEMENT

(8) No development shall take place until an Ecological Mitigation and Enhancement Scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with a timetable forming part of the submitted scheme.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 118 of the National Planning Policy Framework 2012.

Justification:

To ensure that wildlife habitats are adequately protected from the development.

PRE-COMMENCEMENT: FLOOD RESILIENCE & RESISTANCE MEASURES

(9) Prior to the commencement of the development a final coastal defence scheme to manage flood risk during a 1 in 200 year coastal storm over the development's lifetime shall, in consultation with the Environment Agency, be submitted to and approved in writing by the Local Planning Authority. In particular, the details shall include:

- i. The detailed design of windows, doors and any other external openings associated with the Torpedo Room.
- ii. The detailed design of windows, doors and any other external openings associated with the Casemates.
- iii. The design details of the landing quay area and all built development below 6m AOD.
- iv. A timetable for construction.
- v. Details of the safe management and drainage of wave related overtopping water.

Prior to first use of the development it shall be demonstrated to the satisfaction of the Local Planning Authority that, the respective parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development and users of the proposed development are adequately protected from the impact of waves during coastal storm conditions in accordance with Core Strategy Policy CS21 and paragraphs 94, 99 to 104 of the National Planning Policy Framework 2012.

Justification:

To ensure that the proposed development and users of the proposed development are adequately protected from the impact of waves during coastal storm conditions.

PRE-COMMENCEMENT: FOUL DRAINAGE STRATEGY

(10) Prior to the commencement of the development hereby approved, a detailed foul drainage strategy for the development shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Natural England. The strategy will include turbidity data and plume modelling for all proposed outflows. The development shall be constructed and operated in accordance with this strategy.

Reason:

To minimise the risk of pollution to the sensitive marine environment in accordance Policies 19 and 22 of the Plymouth Local Development Framework Core Strategy (2006-2021).

Justification:

To ensure that wildlife habitats are adequately protected from the development.

PRE-COMMENCEMENT: SEAGRASS MONITORING METHODOLOGY

(11) Prior to commencement of the development a monitoring methodology and threshold of damage for the seagrass beds will be submitted to, and agreed with, the Local Planning Authority and Natural England. Subsequent monitoring will be undertaken in accordance with the agreed methodology.

Reason:

To safeguard against unacceptable damage to the protected seagrass beds and to avoid conflict with Policies 19 and 22 Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021).

Justification:

To ensure that wildlife habitats are adequately protected from the development.

PRE-COMMENCEMENT: MOD EXPLOSIVES SAFEGUARDING

(12) No development shall be commenced until a report (to include detailed technical and structural drawings) has been submitted to and approved in writing by the Local Planning Authority providing verification that the development has been designed to withstand structural collapse or damage that could cause critical injury, in the event of an explosion within the statutory explosive safeguarding zone in Plymouth Sound.

Prior to use of the development commencing, the applicant shall provide written confirmation verifying that the building has been designed and constructed to the above criteria unless otherwise agreed previously in writing with the Local Planning Authority and the approved details shall

thereafter be so retained and maintained unless the written consent of the Local Planning Authority is given to any variation.

The use of an experienced blast consultant is recommended.

Reason:

The site of the proposed development falls within the statutory explosive safeguarding zone in Plymouth Sound. All buildings within this zone should be "non-vulnerable" and of robust construction and design, so that should an explosive incident occur, buildings nearby will not collapse or sustain damage that cause critical injury to the occupants. Further information is therefore required to demonstrate that the development is not a vulnerable structure in accordance with adopted Policy CS02 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Justification:

To ensure users of the development are kept safe from injury in the event of an explosion from the MOD explosives safeguarding zone.

PRE-COMMENCEMENT: CONTAMINATED LAND

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

Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

Justification:

To ensure that risks to health through contamination are properly considered and addressed before building works commence.

PRE-COMMENCEMENT: PROGRAMME OF ARCHAEOLOGICAL WORK

(14) No works pursuant to this permission, including laying of temporary services, ground investigation, erection of site accommodation or provision of temporary accesses, shall take place until an Archaeological Methodology Statement with a supporting Archaeological Impact Assessment has been submitted to and approved in writing by the local planning authority in consultation with English Heritage. The Archaeological Impact Assessment shall be based upon a desktop study and site survey of the fortifications and surrounding island to evaluate the impact of parts of the development which require excavation. The Archaeological Impact Assessment shall be used to develop an Archaeological Mitigation Strategy. The Archaeological Mitigation Strategy shall include proposals for recording all archaeological evidence and a justification for the removal and proposed relocation of any artefacts, fixtures and fittings, from in-situ. The Archaeological Mitigation Strategy shall be incorporated into the Archaeological Methodology Statement. All development including demolition and excavation works shall be carried out in accordance with the approved Archaeological Methodology Statement and in the presence of an archaeologist.

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important archaeological features are properly protected / recorded before construction commences.

PRE-COMMENCEMENT: HISTORIC BUILDINGS SCHEME OF IMPLEMENTATION

(15) No works pursuant to this permission shall take place until a detailed scheme of implementation is submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage. The scheme of implementation shall include details of the phased restoration of the listed buildings and scheduled ancient monuments on the island and ensure that the designated heritage assets are made wind and weathertight to prevent further deterioration to the satisfaction of the Local Planning Authority in consultation with English Heritage prior to the commencement of new-build elements of the proposals.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important historic features are properly protected / respected before construction commences.

PRE-COMMENCEMENT: BLAST SHIELD METHOD STATEMENT

(16) No cutting or removals of any part of the existing blast shields shall take place until a coring investigation by a conservation-accredited engineer has confirmed the thickness of the cast iron plates and thickness and material sizes of the infill. The coring investigation report will enable a detailed method statement to be produced on the cutting and part removal of the blast shields which will be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that these important historic features are properly protected / respected before construction commences.

PRE-COMMENCEMENT: REMOVAL OF BLAST SHIELDS 15 & 17

(17) Removal or intrusive works to the existing blast shields numbered 15 and 17 in the approved plans shall not take place until a structural survey and report by a conservation-accredited engineer has been undertaken and incorporated into a methodology statement which will be submitted to and approved in writing by the Local Planning Authority in consultation with English Heritage. The structural survey and methodology statement will specifically examine impact associated with the total removal of the blast shield and how this may remove its load bearing support to the flat arch and the inner masonry construction of the casemates. The structural survey and methodology statement will also examine potential impacts on the casemates structure caused by vibration during the course of the works.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important these important historic features are properly protected / respected before construction commences.

PRE-COMMENCEMENT: DETAILS OF FITMENTS AND FEATURES

(18) No works shall take place until full details of the fitments and features to be retained, and those which may be removed, altered or adapted (as may be determined by prior inspection by a representative of the Local Planning Authority at the applicant's request) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed works do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important important historic features are properly protected / respected before construction commences.

PRE-COMMENCEMENT: RECORDING OF FEATURES

(19) No works shall take place until the applicant, or their agent or successor in title, has secured the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a record of such features is made and kept available for inspection, in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important important historic features are properly protected / respected before construction commences.

Pre-occupation Conditions

PRE-OCCUPATION: ALDERMAN MILLER MEMORIAL GARDEN

(20) Prior to occupation of the development, details of the proposed restoration of the Alderman Miller Memorial Garden shall be submitted to and agreed in writing by the Local Planning Authority. Such agreed details shall be implemented prior to the occupation of the development and maintained throughout its lifetime.

Reason:

To safeguard the restoration of a feature of historic interest in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Other Conditions

CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

(21) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012.

CONDITION: USE OF THE TORPEDO ROOM

(22) The lounge area within the former Torpedo Room below Casemate No. 4 (as shown on drawing I0057 L 02.07 Rev. P4) shall be restricted for this use only, shall have no openings made in the windows and shall not be used for any other hotel function unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development and users of the proposed development are adequately protected from the impact of waves during coastal storm conditions in accordance with Core Strategy Policy CS21 and paragraphs 94, 99 to 104 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

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

INFORMATIVE: MOD SAFEGUARDING MEASURES

(2) The proposed scheme will need to be designed so that the development is capable of withstanding the dynamic loadings listed below:

Full Reflected Pressure = 9.053 kPa

Full Reflected Impulse = 1210 kPa-ms

Fictitious Reflected Pressure Duration = 267.37 ms

Incident Pressure = 4.447 kPa

Fictitious Incident Pressure Duration = 303.04 ms

Peak Dynamic Pressure = 0.0690 kPa

Shock Front Velocity = 346.5 m/s

INFORMATIVE: SCHEDULED MONUMENT

(3) The developer is advised that, as the proposed works affect a Scheduled Monument, the prior consent of the Secretary of State for Culture, Media and Sport is required under Section 2 of the Ancient Monuments and Archaeological Areas Act 1979 before the development is commenced.

INFORMATIVE: CODE OF PRACTICE

(4) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: NESTING SEASON

(5) It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

INFORMATIVE: CONTAMINATED LAND - WARNING

(6) There is a possibility that the site is contaminated due to previous activities on the land. The responsibility for the safe development and secure occupancy of the site rests with the developer. The Local Planning Authority has determined this application on the basis of the information available to it at the time, but this does not mean that the land is free from contamination.

INFORMATIVE: SPECIAL WASTES

(7) The Environment Agency advises that buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Special Wastes.

The Special Wastes most likely to be encountered during the demolition/refurbishment of pre-developed sites are: -

- a. asbestos cement building products;
- b. fibrous asbestos insulation, particularly around heating appliances;
- c. central heating oil;
- d. herbicides/pesticides;
- e. oils and chemicals associated with vehicle repairs and maintenance.

INFORMATIVE: CONTAMINATED SITE DRAINAGE

(8) The Environment Agency should be contacted with regard to the discharge of contaminated site drainage to the environment and further advice can be obtained from their website in the form of Pollution Prevention Guidelines 13: High Pressure Water and Steam Cleaners.

INFORMATIVE: ENVIRONMENTAL PERMITTING (FOUL DRAINAGE)

(9) Any non-mains foul drainage system associated with this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting (England and Wales) Regulations 2010, unless it satisfies the General Binding Rules for small sewage discharges in England. The General Binding Rules can be found online at <https://www.gov.uk/government/publications/small-sewage-discharges-in-england-general-binding-rules>.

If the proposed foul discharge will not satisfy the General Binding Rules the applicant is advised to contact the Environment Agency's National Permitting Service on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed online at <https://www.gov.uk/permits-you-need-for-septic-tanks>.

INFORMATIVE: ENVIRONMENTAL PERMITTING (ANAEROBIC DIGESTION PLANT)

(10) This development will require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency, unless a waste exemption applies. The applicant is advised to contact our local Environment Officer (Waste) Clarissa Newell on 01208 265405 to discuss the issues likely to be raised.

PLANNING COMMITTEE

Decisions issued for the following period: 13 October 2015 to 8 November 2015

Note - This list includes:

- Committee Decisions
- Delegated Decisions
- Withdrawn Applications
- Returned Applications

Item No 1

Application Number: 15/00968/OUT **Applicant:** Bradley Yeo
Application Type: Outline Application
Description of Development: Outline application to demolish garage and erect 2 dwellings (Semi Detached)
Site Address 120 FLETEMOOR ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 13/10/2015
Decision: Application Withdrawn

Item No 2

Application Number: 15/01137/FUL **Applicant:** Mr Ian and Ralph Scott
Application Type: Full Application
Description of Development: Conversion and modernisation of building used to provide accommodation for adults in need of care and support, laid out as 19 bedrooms and a self-contained 2 bed flat, into 16 self-contained studio rooms and 2no. 3 bed flats, along with associated external works
Site Address 12 AND 14 CONNAUGHT AVENUE PLYMOUTH
Case Officer: Jon Fox
Decision Date: 20/10/2015
Decision: Refuse

Item No 3

Application Number: 15/01156/TPO **Applicant:** Mr A Musker
Application Type: Tree Preservation
Description of Development: 1 Ash Tree - re-pollard, 1 Lime Tree- re-pollard (as amended)
Site Address 1 BELMONT VILLAS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 26/10/2015
Decision: Grant Conditionally

Item No 4

Application Number: 15/01168/FUL **Applicant:** Linden Homes South West
Application Type: Full Application
Description of Development: Erection of two new dwellings with associated infrastructure and access
Site Address FORMER PLYMOUTH PREPARATORY SCHOOL,
BEECHFIELD GROVE PLYMOUTH
Case Officer: Christopher King
Decision Date: 26/10/2015
Decision: Refuse

Item No 5

Application Number: 15/01208/FUL **Applicant:** Mr Steve Cooke
Application Type: Full Application
Description of Development: Replacement of existing dwellings with three dwellings
Site Address 18 & 19 THE QUAY PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 28/10/2015
Decision: Grant Conditionally

Item No 9

Application Number: 15/01425/FUL **Applicant:** City College Plymouth
Application Type: Full Application
Description of Development: Erection of 2 storey studio school
Site Address MARJON COLLEGE, DERRIFORD ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 23/10/2015
Decision: Grant Conditionally

Item No 10

Application Number: 15/01429/FUL **Applicant:** Mr Laurie Scott
Application Type: Full Application
Description of Development: Alterations to disabled access of front garden for car/bike off road parking (disabled access no longer required)
Site Address 385 BLANDFORD ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 15/10/2015
Decision: Refuse

Item No 11

Application Number: 15/01456/FUL **Applicant:** Mr K P Body
Application Type: Full Application
Description of Development: Change of use from 2x Flats to a Sui Generis House In Multiple Occupation
Site Address 52 EBRINGTON STREET PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 12

Application Number: 15/01470/ADV **Applicant:** City College Plymouth
Application Type: Advertisement
Description of Development: Externally illuminated school logo sign
Site Address MARJON COLLEGE, DERRIFORD ROAD PLYMOUTH
Case Officer: Olivia Wilson
Decision Date: 27/10/2015
Decision: Grant Conditionally

Item No 13

Application Number: 15/01480/LBC **Applicant:** National Trust
Application Type: Listed Building
Description of Development: Reconfiguration and modernisation of living space within the cottage
Site Address GARDEN COTTAGE, SALTRAM, MERAFIELD ROAD PLYMOUTH
Case Officer: Kate Price
Decision Date: 06/11/2015
Decision: Grant Conditionally

Item No 14

Application Number: 15/01483/FUL **Applicant:** Mr Robert Simpson
Application Type: Full Application
Description of Development: Erection of a new dwelling & garage to land adjacent 865 Wolseley Road (previous approval app no: 13/00052/FUL & 10/00230/FUL)
Site Address LAND ADJACENT 865 WOLSELEY ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 14/10/2015
Decision: Application Withdrawn

Item No 15

Application Number: 15/01516/FUL **Applicant:** Mr Graham Askwith
Application Type: Full Application
Description of Development: Hardstanding
Site Address 121 BRIDWELL ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 06/11/2015
Decision: Grant Conditionally

Item No 16

Application Number: 15/01527/LBC **Applicant:** Mr Philip Greenwood
Application Type: Listed Building
Description of Development: Replace mansard tiles with slate
Site Address 40C DURNFORD STREET PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 23/10/2015
Decision: Grant Conditionally

Item No 17

Application Number: 15/01533/FUL **Applicant:** Lucy Wadge
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 32 SLATELANDS CLOSE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 23/10/2015
Decision: Grant Conditionally

Item No 18

Application Number: 15/01545/FUL **Applicant:** Mr Brian Johnson
Application Type: Full Application
Description of Development: Construction of two residential dwellings with associated parking
Site Address HARDWICK NURSERIES, RIDGE ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 19

Application Number: 15/01564/LBC **Applicant:** Mr Webber
Application Type: Listed Building
Description of Development: Replacement roof to rear tenement, replacement natural slate roof to main dwelling
Site Address 30 CLARENCE PLACE STONEHOUSE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 20

Application Number: 15/01565/FUL **Applicant:** Stiltskin Theatre Company
Application Type: Full Application
Description of Development: Change of use to a children's theatre, with associated renovation and refurbishment including the creation of an adjacent amphitheatre
Site Address DEVONPORT PARK, FORE STREET DEVONPORT PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 21

Application Number: 15/01569/FUL **Applicant:** Mr D Withers
Application Type: Full Application
Description of Development: Use of land for use class B8 and erection of 2.4 metre high fencing
Site Address LAND AT ALVINGTON STREET PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 20/10/2015
Decision: Grant Conditionally

Item No 22

Application Number: 15/01577/ADV **Applicant:** Poolearth Ltd
Application Type: Advertisement
Description of Development: Illuminated fascia sign and illuminated projecting sign (Amendment to 15/00478/ADV)
Site Address DEVONPORT PHARMACY, THE CUMBERLAND CENTRE, DAMEREL CLOSE PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 15/10/2015
Decision: Grant Conditionally

Item No 23

Application Number: 15/01580/ADV **Applicant:** Mr Ian Jenner
Application Type: Advertisement
Description of Development: Non-illuminated advertisements to be attached to perimeter fence.
Site Address WESTON MILL AND CHELSON MEADOW HOUSEHOLDER WASTE RECYCLING CENTRES PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 16/10/2015
Decision: Grant Conditionally

Item No 24

Application Number: 15/01584/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: New flat roof
Site Address HONICKNOWLE YOUTH CENTRE, HONICKNOWLE GREEN PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 27/10/2015
Decision: Grant Conditionally

Item No 25

Application Number: 15/01592/FUL **Applicant:** Snows Motor Group
Application Type: Full Application
Description of Development: Extension to workshop building and minor shopfront alterations
Site Address EAGLE ROAD, LANGAGE BUSINESS PARK PLYMPTON
PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 20/10/2015
Decision: Grant Conditionally

Item No 26

Application Number: 15/01597/FUL **Applicant:** Beauchamp Developments (Ply
Application Type: Full Application
Description of Development: Construction of 3no three storey terraced houses with
associated communal parking
Site Address LAND ADJACENT TO 17 BEAUCHAMP ROAD PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 13/10/2015
Decision: Application Withdrawn

Item No 27

Application Number: 15/01598/FUL **Applicant:** Mr & Mrs Mittler
Application Type: Full Application
Description of Development: Alterations to existing building including extension to form 2
apartments
Site Address 1 ELLIOT TERRACE PLYMOUTH
Case Officer: Kate Price
Decision Date: 27/10/2015
Decision: Application Withdrawn

Item No 28

Application Number: 15/01599/LBC **Applicant:** Mr & Mrs Mittler
Application Type: Listed Building
Description of Development: Alterations including installation of a 2 person lift.
Site Address 1 ELLIOT TERRACE PLYMOUTH
Case Officer: Kate Price
Decision Date: 30/10/2015
Decision: Grant Conditionally

Item No 29

Application Number: 15/01600/LBC **Applicant:** Mr & Mrs Mittler
Application Type: Listed Building
Description of Development: Internal alterations enabling extension to form 2 apartments
Site Address 1 ELLIOT TERRACE PLYMOUTH
Case Officer: Kate Price
Decision Date: 27/10/2015
Decision: Application Withdrawn

Item No 30

Application Number: 15/01603/ADV **Applicant:** Snows Motor Group Limited
Application Type: Advertisement
Description of Development: 4no illuminated free standing signs, 2no illuminated fascia signs
Site Address VOLKSWAGEN SNOWS VAN CENTRE, LANGAGE
BUSINESS PARK PLYMPTON PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 20/10/2015
Decision: Grant Conditionally

Item No 31

Application Number: 15/01612/FUL **Applicant:** KFC (GB) Ltd
Application Type: Full Application
Description of Development: Works to external areas to include new seating and umbrellas, planters and fence, new finish to existing DT windows and new entrance door, astro turf and planting. New white lining
Site Address 227 TAVISTOCK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 02/11/2015
Decision: Grant Conditionally

Item No 32

Application Number: 15/01613/ADV **Applicant:** KFC (GB) Ltd
Application Type: Advertisement
Description of Development: New signage
Site Address 227 TAVISTOCK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 02/11/2015
Decision: Grant Conditionally

Item No 33

Application Number: 15/01618/LBC **Applicant:** Mr Matthew Conyers
Application Type: Listed Building
Description of Development: Change of use from offices to 13 self-contained apartments including internal and external alterations and removal of external staircase (including revisions to consent granted under application 13/02121/LBC)
Site Address 5 AND 6 THE CRESCENT PLYMOUTH
Case Officer: Jon Fox
Decision Date: 28/10/2015
Decision: Grant Conditionally

Item No 34

Application Number: 15/01624/FUL **Applicant:** Dr Vali Mirzayan and Mrs Mitra
Application Type: Full Application
Description of Development: Change of use of first and second floors to two flats (with associated works)
Site Address 134 NORTH HILL PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 23/10/2015
Decision: Grant Conditionally

Item No 35

Application Number: 15/01631/TCO **Applicant:** Mrs J Le Voi
Application Type: Trees in Cons Area
Description of Development: Cherry - reduce canopy spread by 50% to natural growth points
Site Address 18 THE SQUARE THE MILLFIELDS PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/10/2015
Decision: Grant Conditionally

Item No 36

Application Number: 15/01633/TPO **Applicant:** Mr Mike Bradley
Application Type: Tree Preservation
Description of Development: Fell one Oak.
Crown lift Eucalyptus to 5 metres above ground level.
Site Address TUDOR COURT, PLYMBRIDGE LANE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/10/2015
Decision: Split Decision Tree

Item No 37

Application Number: 15/01637/FUL **Applicant:** Mr N Wood
Application Type: Full Application
Description of Development: Rear conservatory and side garage
Site Address 68 SCOTT ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 38

Application Number: 15/01640/FUL **Applicant:** Mr Stuart Coles
Application Type: Full Application
Description of Development: New dormer bungalow to vacant site off Underwood Road
Site Address LAND TO REAR OF 13 UNDERWOOD ROAD PLYMPTON PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 06/11/2015
Decision: Application Withdrawn

Item No 39

Application Number: 15/01641/FUL **Applicant:** Mr Carter
Application Type: Full Application
Description of Development: Single storey rear/side extension, raised patio/decking, front porch and conversion of garage.
Site Address 16 CARISBROOKE ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 40

Application Number: 15/01645/TPO **Applicant:** Mr Sid Remmer
Application Type: Tree Preservation
Description of Development: Woodland management - Coppicing
Site Address TULGEY WOODS PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/10/2015
Decision: Grant Conditionally

Item No 41

Application Number: 15/01650/TCO **Applicant:** Mr David Blee
Application Type: Trees in Cons Area
Description of Development: Reduce crown of Pittisporum by one third and remove one side stem from Holly.
Site Address 274 STUART ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 42

Application Number: 15/01653/TCO **Applicant:** Alan Irvine
Application Type: Trees in Cons Area
Description of Development: Sycamore - remove 1 stem and reduce height by 4m and shape.
Site Address 3 LONGBROOK STREET PLYMPTON ST MAURICE
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 20/10/2015
Decision: Grant Conditionally

Item No 43

Application Number: 15/01654/TCO **Applicant:** Mr Andrew Jeffrey
Application Type: Trees in Cons Area
Description of Development: Horse Chestnut - fell
Site Address MOUNT STONE HOUSE, CREMYLL STREET PLYMOUTH
Case Officer: Jane Turner
Decision Date: 13/10/2015
Decision: Grant Conditionally

Item No 44

Application Number: 15/01656/ADV **Applicant:** Tesco Stores Ltd
Application Type: Advertisement
Description of Development: Advertisement consent for building signage - 2no. fascia signs and 1no. projecting illuminated internally.
Site Address FORMER VALE SERVICE STATION, ALEXANDRA ROAD MUTLEY PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 27/10/2015
Decision: Grant Conditionally

Item No 45

Application Number: 15/01657/FUL **Applicant:** Mr Sean Lee
Application Type: Full Application
Description of Development: Two storey side extension including balcony to rear
Site Address 11 NORMANDY HILL PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 04/11/2015
Decision: Grant Conditionally

Item No 46

Application Number: 15/01660/ADV **Applicant:** Tesco Stores Ltd
Application Type: Advertisement
Description of Development: Advert consent for site signage (4no. Adverts)
Site Address FORMER VALE SERVICE STATION, ALEXANDRA ROAD
MUTLEY PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 27/10/2015
Decision: Grant Conditionally

Item No 47

Application Number: 15/01667/FUL **Applicant:** Mr Tim Dunne
Application Type: Full Application
Description of Development: Demolition of existing detached garage and conservatory,
erection of two storey side extension with integral garage and
single storey rear extension
Site Address 17 ASHWOOD CLOSE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 03/11/2015
Decision: Grant Conditionally

Item No 48

Application Number: 15/01669/PRDE **Applicant:** Mr and Mrs Neil Smith
Application Type: LDC Proposed Develop
Description of Development: Formation of room in roof with rear dormer
Site Address 6 MAIDENWELL ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 04/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 49

Application Number: 15/01672/TPO **Applicant:** Eraglow Building Ltd
Application Type: Tree Preservation
Description of Development: Ash - reduce to below parapet level.
Site Address 2 NELSON GARDENS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 29/10/2015
Decision: Grant Conditionally

Item No 50

Application Number: 15/01677/FUL **Applicant:** Mr Paris Oxinou
Application Type: Full Application
Description of Development: Change of use from restaurant to 3 bedroom residential apartment on ground and part of first floor
Site Address MEZE GRILL, SUTTON WHARF PLYMOUTH
Case Officer: Kate Price
Decision Date: 04/11/2015
Decision: Application Withdrawn

Item No 51

Application Number: 15/01678/LBC **Applicant:** Mr Paris Oxinou
Application Type: Listed Building
Description of Development: Alterations in conjunction with change of use from restaurant to residential 3 bedroom apartment on ground and part of first floor
Site Address MEZE GRILL, SUTTON WHARF PLYMOUTH
Case Officer: Kate Price
Decision Date: 04/11/2015
Decision: Application Withdrawn

Item No 52

Application Number: 15/01680/TPO **Applicant:** Woodside Court Management C
Application Type: Tree Preservation
Description of Development: Sycamore - reduce height by 4-5m, spread by 2-3m to natural growth points.
Site Address WOODSIDE COURT, UNDERWOOD ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 02/11/2015
Decision: Grant Conditionally

Item No 53

Application Number: 15/01681/FUL **Applicant:** Thompson and Jackson
Application Type: Full Application
Description of Development: Rear extension to building
Site Address 4 ST LAWRENCE ROAD PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 05/11/2015
Decision: Refuse

Item No 54

Application Number: 15/01690/FUL **Applicant:** J Foulkes & C Baker
Application Type: Full Application
Description of Development: Single storey rear extension.
Site Address 31 LAIRA PARK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 20/10/2015
Decision: Grant Conditionally

Item No 55

Application Number: 15/01698/LBC **Applicant:** Mr Lynne Williams
Application Type: Listed Building
Description of Development: Install a conservation roof light
Site Address FURSDON HOUSE, BLUNTS LANE PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 22/10/2015
Decision: Grant Conditionally

Item No 56

Application Number: 15/01699/FUL **Applicant:** OXF Architects
Application Type: Full Application
Description of Development: The construction of three houses together with an overall Tree Management Strategy for the site
Site Address VACANT SITE AT FITZROY ROAD PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 29/10/2015
Decision: Grant Conditionally

Item No 57

Application Number: 15/01704/TPO **Applicant:** Mrs Julie James
Application Type: Tree Preservation
Description of Development: Re-pollard group of Sweet Chestnut trees.
Site Address 16 PARKER CLOSE PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 29/10/2015
Decision: Grant Conditionally

Item No 58

Application Number: 15/01708/FUL **Applicant:** Mr Graham Parsons
Application Type: Full Application
Description of Development: Conversion of existing garage into home office and hypnotherapy suite
Site Address 15 BLACKSTONE CLOSE ELBURTON PLYMOUTH
Case Officer: Mike Stone
Decision Date: 22/10/2015
Decision: Grant Conditionally

Item No 59

Application Number: 15/01716/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: Demolition of single storey warehouse building and associated works
Site Address 23 HOW STREET PLYMOUTH
Case Officer: Christopher King
Decision Date: 15/10/2015
Decision: Grant Conditionally

Item No 60

Application Number: 15/01718/TCO **Applicant:** Mr Clive Ribbons
Application Type: Trees in Cons Area
Description of Development: Sycamore - Reduce crown by 2-3m and lift over payment and traffic lights
Site Address 36 MANNAMEAD ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/10/2015
Decision: Grant Conditionally

Item No 61

Application Number: 15/01720/TPO **Applicant:** Mr Anthony Parson
Application Type: Tree Preservation
Description of Development: Oak tree:- shorten branches adjacent corner of property only by 3 metres average
Site Address 6 GOODWIN CRESCENT PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 02/11/2015
Decision: Grant Conditionally

Item No 62

Application Number: 15/01728/GPD **Applicant:** Mr Neil Mercer
Application Type: GPDO Request
Description of Development: Change of use from B1 office(s) to C3 residential – (1 dwelling)
Site Address THE STUDIO, ALTON PLACE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 26/10/2015
Decision: Prior approval required

Item No 63

Application Number: 15/01732/FUL **Applicant:** Mrs Samantha Boorman
Application Type: Full Application
Description of Development: Single storey side extension and porch to entrance door
Site Address 1 WOODLAND DRIVE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 05/11/2015
Decision: Grant Conditionally

Item No 64

Application Number: 15/01735/FUL **Applicant:** Mrs Pam Cooper
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address FROGMORE BARN, FROGMORE COURT PLYMOUTH
Case Officer: Mike Stone
Decision Date: 20/10/2015
Decision: Grant Conditionally

Item No 65

Application Number: 15/01736/FUL **Applicant:** Ms Tina Wright
Application Type: Full Application
Description of Development: First floor change of use from residential to hairdressing salon (C3 to A1)
Site Address 448 CROWNHILL ROAD PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 27/10/2015
Decision: Grant Conditionally

Item No 66

Application Number: 15/01740/FUL **Applicant:** Buckclose Ltd
Application Type: Full Application
Description of Development: Erection of two storey rear extension to house in multiple occupation
Site Address 4 AMITY PLACE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 05/11/2015
Decision: Grant Conditionally

Item No 67

Application Number: 15/01744/PRDE **Applicant:** Mr John Morriss
Application Type: LDC Proposed Develop
Description of Development: Hip to gable conversion with rear dormer
Site Address 81 COMPTON AVENUE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 27/10/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 68

Application Number: 15/01753/FUL **Applicant:** Mr & Mrs R Hill
Application Type: Full Application
Description of Development: Proposed alterations to the existing porch and garage roof
Site Address 48 PRINCESS AVENUE PLYMSTOCK PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 29/10/2015
Decision: Grant Conditionally

Item No 69

Application Number: 15/01754/LBC **Applicant:** Plymouth City Council
Application Type: Listed Building
Description of Development: Amendment to application 14/01990/LBC first floor separation
Site Address CIVIC CENTRE, ARMADA WAY PLYMOUTH
Case Officer: Kate Price
Decision Date: 14/10/2015
Decision: Grant Conditionally

Item No 70

Application Number: 15/01759/FUL **Applicant:** Mr Nick Chislett
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 35 WEST PARK DRIVE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 04/11/2015
Decision: Grant Conditionally

Item No 71

Application Number: 15/01760/ADV **Applicant:** Marks and Spencer
Application Type: Advertisement
Description of Development: Replacement of existing signage
Site Address MARKS AND SPENCERS, 1 CORNWALL STREET CITY CENTRE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 27/10/2015
Decision: Grant Conditionally

Item No 72

Application Number: 15/01763/FUL **Applicant:** Mr & Mrs N C Howard
Application Type: Full Application
Description of Development: Rear hard standing, alterations to garden levels, and alterations to rear of roof
Site Address 15 BIRCHAM VIEW PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/10/2015
Decision: Grant Conditionally

Item No 73

Application Number: 15/01765/FUL **Applicant:** Mr & Mrs D P Harris
Application Type: Full Application
Description of Development: Side extension
Site Address 11 DUDLEY GARDENS PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 05/11/2015
Decision: Grant Conditionally

Item No 74

Application Number: 15/01768/FUL **Applicant:** Mr Truscott
Application Type: Full Application
Description of Development: Car port
Site Address 34 VALLEY WALK, GLENHOLT PARK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 05/11/2015
Decision: Grant Conditionally

Item No 75

Application Number: 15/01771/TPO **Applicant:** Mr R Wilkinson
Application Type: Tree Preservation
Description of Development: Oak tree - Crown lift to 5.2 metres over Leatfield Drive for highway clearance, Crown lift to no more than 4-4.5 metres over Drakes Close, reduce crown spread over road and Drake's Close by a maximum of 1.5 metres.
Site Address 1 DRAKES CLOSE DERRIFORD PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 02/11/2015
Decision: Grant Conditionally

Item No 76

Application Number: 15/01778/FUL **Applicant:** Mr and Mrs G Hosking
Application Type: Full Application
Description of Development: Side extension
Site Address 19 NURSERY CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 23/10/2015
Decision: Grant Conditionally

Item No 77

Application Number: 15/01780/TPO **Applicant:** Mrs Maria Crocker
Application Type: Tree Preservation
Description of Development: Oak tree - reduce whole crown by 6-8 metres to natural growth points due to decay at base.
Site Address 52 SHUTE PARK ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 03/11/2015
Decision: Grant Conditionally

Item No 78

Application Number: 15/01786/FUL **Applicant:** Tony Trevall
Application Type: Full Application
Description of Development: Two storey rear extension
Site Address 12 CHURCH HILL ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 05/11/2015
Decision: Grant Conditionally

Item No 79

Application Number: 15/01787/EXDE **Applicant:** Mr Neil Thacker
Application Type: LDC Existing Develop
Description of Development: Hardstanding
Site Address 159 BRENTFORD AVENUE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 05/11/2015
Decision: Issue Certificate - Lawful Use

Item No 80

Application Number: 15/01788/FUL **Applicant:** Mr Tony Weaving
Application Type: Full Application
Description of Development: Change of use of dwellinghouse (C3) to House in Multiple Occupation (C4) with rear cycle storage.
Site Address 326 OLD LAIRA ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 04/11/2015
Decision: Application Withdrawn

Item No 81

Application Number: 15/01789/FUL **Applicant:** Mrs Helen Dolmore
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 34 MONTACUTE AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 29/10/2015
Decision: Grant Conditionally

Item No 82

Application Number: 15/01793/31 **Applicant:** Mewstone Assets Ltd
Application Type: GPDO PT31
Description of Development: Notification of demolition of existing units
Site Address 1 BELGRAVE LANE MUTLEY PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 02/11/2015
Decision: Prior approval not req

Item No 83

Application Number: 15/01805/FUL **Applicant:** Funky Poppy
Application Type: Full Application
Description of Development: Variation of condition 9 of planning permission 15/01102/FUL to allow mix of A1 and A3 uses
Site Address 140 VAUXHALL STREET PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 05/11/2015
Decision: Grant Conditionally

Item No 84

Application Number: 15/01806/FUL **Applicant:** Mr J P Barlow
Application Type: Full Application
Description of Development: Change of use from (Class A1) shop to tattoo studio (sui generis)
Site Address 21 BILBURY STREET PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 04/11/2015
Decision: Grant Conditionally

Item No 85

Application Number: 15/01809/FUL **Applicant:** Ms Jen Jayaraja
Application Type: Full Application
Description of Development: Alterations to house to provide rear terrace and replacement windows and doors.
Site Address 1 CROW PARK, FERNLEIGH ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 29/10/2015
Decision: Grant Conditionally

Item No 86

Application Number: 15/01816/FUL **Applicant:** SMWW Committee
Application Type: Full Application
Description of Development: Replacement doors and windows to communal areas
Site Address 17-27, 37-47, AND 38-48 WASHBOURNE CLOSE AND 1-25 WRIGHT CLOSE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 05/11/2015
Decision: Grant Conditionally

Item No 87

Application Number: 15/01823/FUL **Applicant:** AMS SW Ltd
Application Type: Full Application
Description of Development: Use of previously approved two storey extension and previously constructed extension as separate dwelling
Site Address 8 DERRY AVENUE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 06/11/2015
Decision: Application Withdrawn

Item No 88

Application Number: 15/01824/FUL **Applicant:** Mr Sean McCall
Application Type: Full Application
Description of Development: Front porch balcony and roof dormers
Site Address 3 THE QUAY PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 04/11/2015
Decision: Grant Conditionally

Item No 89

Application Number: 15/01825/PRDE **Applicant:** Mr Gregory Secker
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site Address 17 FARM CLOSE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 04/11/2015
Decision: Issue Certificate - Lawful Use (Pro)

Item No 90

Application Number: 15/01826/FUL **Applicant:** Hybrid Group
Application Type: Full Application
Description of Development: Use of lower ground floor as gymnasium (use class D2)
Site Address 22 CLARE PLACE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 29/10/2015
Decision: Grant Conditionally

Item No 91

Application Number: 15/01852/FUL **Applicant:** SMWW Committee
Application Type: Full Application
Description of Development: Replacement doors and windows to communal areas
Site Address ST MICHAELS CLOSE PLYMOUTH
Case Officer: Aidan Murray
Decision Date: 04/11/2015
Decision: Grant Conditionally

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