



**Democratic Support**

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Published 09 March 2016

#plymplanning

## PLANNING COMMITTEE

Thursday 10 March 2016  
4.00 pm  
Council House, Plymouth

**Members:**

Councillor Stevens, Joint Chair in the Chair

Councillor Nicholson, Joint Chair

Councillors Mrs Bowyer, Mrs Bridgeman, Darcy, Sam Davey, K Foster, Jarvis, Kelly, Ricketts, Jon Taylor, Kate Taylor and Tuohy.

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

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

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**Tracey Lee**

Chief Executive

# PLANNING COMMITTEE

## AGENDA

### PART I – PUBLIC MEETING

#### 1. Apologies

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

#### 2. Declarations Of Interest

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

#### 3. Minutes (Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 11 February 2016.

#### 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. 10 Severn Place, Plymouth - 16/00146/FUL

(Pages 7 - 12)

Applicant:	Mr & Mrs P Elliott
Ward:	Efford & Lipson
Recommendation:	Grant Conditionally

6.2. 47 North Road East, Plymouth - 15/02337/FUL **(Pages 13 - 40)**

Applicant: GE Developments Ltd  
Ward: Drake  
Recommendation: Grant Conditionally

6.3. 165 Armada Way, Plymouth - 16/00038/FUL **(Pages 41 - 60)**

Applicant: Plymouth City Council  
Ward: St Peter & The Waterfront  
Recommendation: Grant Conditionally

6.4. Drake's Island, Plymouth - 14/00001/FUL **(Pages 61 - 86)**

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

6.5. 84 & 86 Somerset Place, Plymouth - 15/02335/FUL **(Pages 87 - 94)**

Applicant: Ms Susan Aston  
Ward: Stoke  
Recommendation: Grant Conditionally

6.6. Mayflower House, 178-184 Armada Way, Plymouth - 15/01622/FUL **(Pages 95 - 120)**

Applicant: Guildhouse (UK) Ltd  
Ward: St Peter & The Waterfront  
Recommendation: Grant Conditionally subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director for Strategic Planning & Infrastructure to refuse if not met.

**7. Planning Application Decisions Issued **(Pages 121 - 142)****

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 2 February 2016 to 29 February 2016 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. Appeal Decisions**

**(Pages 143 -  
146)**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at:

<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

## Planning Committee

Thursday 11 February 2016

### PRESENT:

Councillor Nicholson, Joint Chair in the Chair.

Councillor Stevens, Joint Chair.

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

Apologies for absence: Councillors Sam Davey, Kelly and Ricketts.

Also in attendance: Peter Ford (Head of Development Management), Julie Parkin (Senior Lawyer) and Lynn Young (Democratic Support Officer).

The meeting started at 4.04 pm and finished at 6.28 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.*

### 101. 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 Tuohy	Minute 110 – Former Southway School, land west of Skerries Road, Plymouth – 15/01906/FUL	Board member of Plymouth Community Homes	Personal

### 102. MINUTES

Agreed the minutes of the meeting held on 14 January 2016.

### 103. CHAIR'S URGENT BUSINESS

There were no items of Chair's urgent business.

### 104. QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no questions from members of the public.

105. **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.

106. **6 THE TERRACE, MORICE YARD, HM NAVAL BASE, DEVONPORT, PLYMOUTH - 15/02056/FUL**

Defence Infrastructure Organisation  
Decision:  
Application **GRANTED** conditionally.

107. **6 THE TERRACE, MORICE YARD, HM NAVAL BASE, DEVONPORT, PLYMOUTH - 15/02058/LBC**

Defence Infrastructure Organisation  
Decision:  
Application **GRANTED** conditionally.

108. **PUBLIC PATH DIVERSION ORDER, DOWNHAM SCHOOL SITE**

The Strategic Director for Place submitted a report outlining proposals for a Public Path Diversion Order, under section 257 of the Town & Country Planning Act, to divert a public right of way located to the south of the former Downham Special School site, Horn Lane, Plymstock.

The Committee was satisfied that the evidence submitted by the applicant was robust enough and therefore **AGREED** to support confirming the Order and that it is referred to the Secretary of State for determination if the planning permission for the development be granted and the objections to the Order are not withdrawn.

109. **FORMER ST BUDEAUX SERVICE STATION, WOLSELEY ROAD, ST BUDEAUX, PLYMOUTH - 15/01712/FUL**

Kentucky Fried Chicken (Great Britain) Limited  
Decision:  
Application **GRANTED** conditionally.

The Committee heard from Councillor Bowie, ward councillor, speaking against the application

(The Committee heard from the applicant's agent)

110. **FORMER SOUTHWAY SECONDARY SCHOOL, LAND WEST OF SKERRIES ROAD, PLYMOUTH - 15/01906/FUL**

Plymouth Community Homes

Decision:

Application **GRANTED** subject to a S106 Obligation, delegated to the Assistant Director of Strategic Planning & Infrastructure to refuse if not signed within agreed timescales. The discharge of pre-commencement condition 4 relating to the Code of Practice during Construction was delegated to the Assistant Director for Strategic Planning & Infrastructure in consultation with the Joint Chairs.

(The Committee heard from Councillor Morris, ward councillor, speaking in support of the application)

(The Committee heard from the applicant's agent)

(Councillor Stevens' proposal for the discharge of pre-commencement condition 4 relating to the Code of Practice during Construction to be delegated to the Assistant Director for Strategic Planning & Infrastructure in consultation with the Joint Chairs, having been seconded by Councillor Nicholson, was put to the vote and declared carried)

111. **OLD MAYS NURSERY, VINERY LANE, PLYMOUTH - 15/01940/OUT**

Mr P Douglas

Decision:

Application **GRANTED** conditionally.

112. **165 ARMADA WAY, PLYMOUTH - 16/00038/FUL**

Plymouth City Council

Decision:

Application **DEFERRED** to allow further negotiations on the provision of dementia friendly parking spaces.

(Councillor Darcy's proposal to defer the application to allow further negotiations on the provision of dementia friendly parking spaces, having been seconded by Councillor Michael Leaves, was put to the vote and declared carried)

113. **PLANNING APPLICATION DECISIONS ISSUED**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 3 January – 1 February 2016.

114. **APPEAL DECISIONS**

Councillor Ken Foster welcomed the Inspector's decision in respect of the 1 South Hill appeal.

Peter Ford (Lead Planning Officer), highlighted to the Committee that whilst the Inspector had allowed the appeal in respect of 24 Merafield Road, the appellant's claim for costs was not awarded.

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

### **SCHEDULE OF VOTING** (Pages 5 - 6)

\*\*\*PLEASE NOTE\*\*\*

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



## PLANNING COMMITTEE – 11 February 2016

## SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	6 The Terrace, Morice Yard, HM Naval Base, Devonport, Plymouth - 15/02056/FUL	Unanimous				
6.2	6 The Terrace, Morice Yard, HM Naval Base, Devonport, Plymouth - 15/02058/LBC	Unanimous				
6.3	Public Path Diversion Order, Downham School Site	Unanimous				
6.4	Former St Budeaux Service Station, Wolseley Road, St Budeaux, Plymouth - 15/01712/FUL	Councillors Mrs Aspinall, Mrs Bowyer, Mrs Bridgeman, Darcy, Ken Foster, Michael Leaves, Nicholson, Mrs Nicholson, Stevens, Kate Taylor and Tuohy	Councillors Jarvis and Jon Taylor			
6.5	Former Southway Secondary School, Land West of Skerries Road, Plymouth - 15/01906/FUL  Amended recommendation	Unanimous				
6.6	Old Mays Nursery, Vinery Lane, Plymouth - 15/01940/OUT	Unanimous				
6.7	Coach Station - 16/00038/FUL  Proposal to defer the application	Councillors Mrs Bowyer, Darcy, Ken Foster, Michael Leaves, Nicholson and Mrs Nicholson  * Councillor Nicholson used his casting vote for this agenda item	Councillors Mrs Aspinall, Jarvis, Stevens, Jon Taylor, Kate Taylor and Tuohy	Councillor Mrs Bridgeman		

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# PLANNING APPLICATION REPORT



**Application Number** 16/00146/FUL

**Date Valid** 01/02/2016

**Item** 01

**Ward** Efford & Lipson

**Site Address** 10 SEVERN PLACE, PLYMOUTH

**Proposal** Rear extension, relocated raised decking and internal alterations

**Applicant** Mr & Mrs P Elliott

**Application Type** Full Application

**Target Date**

**28/03/2016**

**Committee Date**

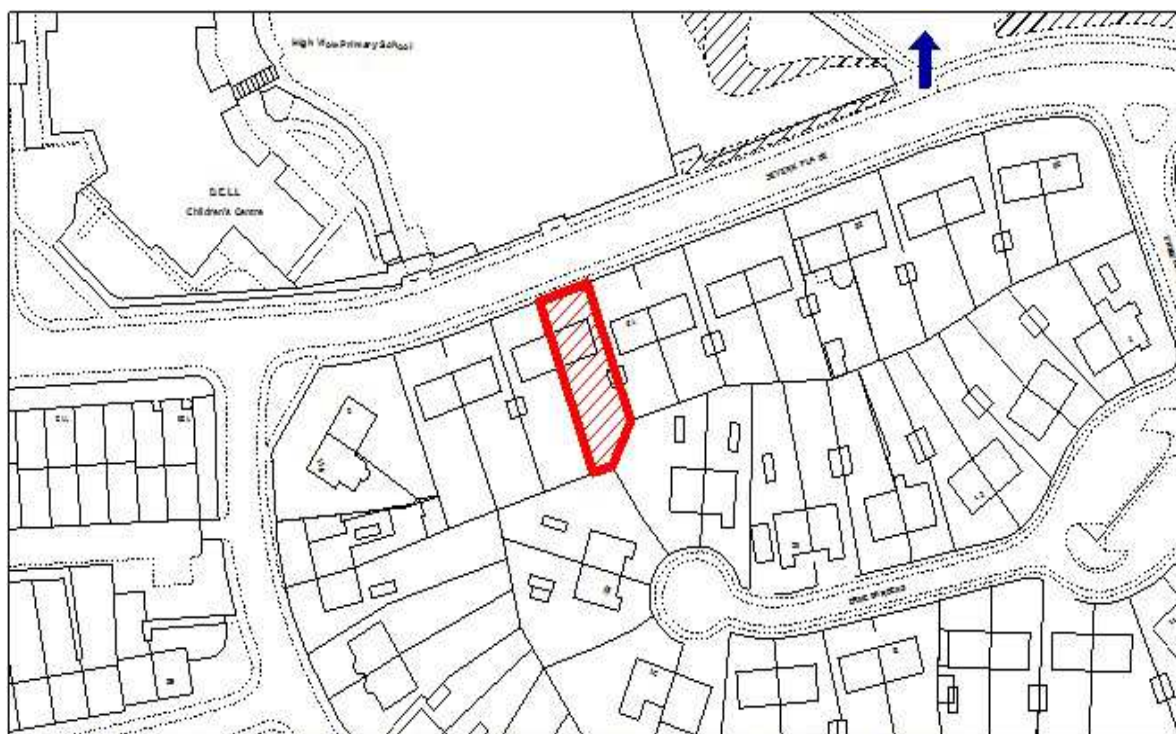
**Planning Committee: 10  
March 2016**

**Decision Category** Member/PCC Employee

**Case Officer** Alumeci Tuima

**Recommendation** Grant Conditionally

**Click for documents** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## 1. Description of site

10 Severn Place is a semi-detached property located in the Efford neighbourhood of the city. It fronts a highway and Primary School in a predominantly residential area.

## 2. Proposal description

The proposal seeks a rear extension, relocated raised decking and internal alterations.

## 3. Pre-application enquiry

None requested

## 4. Relevant planning history

11/01828/FUL: Rear lean-to conservatory, Conditional Approval;

04/00406/FUL: Single storey side extension (existing side porch to be removed), Conditional Approval;

01/01466/FUL: Erection of front porch, Conditional Approval.

## 5. Consultation responses

None requested

## 6. Representations

None received (Consultation Ends 1<sup>st</sup> March)

## 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.
2. 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 its impact on neighbouring amenity and the impact on the character and appearance of the area.
3. The site is elevated from the west end of the street and slopes downward toward the east/bottom end of the highway. It also fronts a Primary School in a predominantly residential area with relatively larger rear gardens.
4. The proposal seeks a single storey rear extension, a repositioned adjoining patio and external east elevation alterations. The rear extension will create additional kitchen and dining room space with a proposed footprint of approximately 24m<sup>2</sup>. This extension will replace the area of the existing patio and its impact on light, outlook and privacy is no more than what already exists. Adjoined to the rear extension is the repositioned existing patio which will be obscured on both side elevations by high timber larch lap fencing to the west and outbuildings to the eastern boundary.

5. Officers also note that a door and window will be installed at ground floor level on the eastern (side) elevation to maximise light although they will both be obscure glazed. It is to be noted that there is precedence in the area for the side elevation door which in this instance was removed some years ago and now reinstalled under this consent, taking into consideration the original build/design of the property.
6. Upon assessing the application it is noted that the proposal adheres to the 45 degree guideline and rear extension on paragraphs 2.2.35 and 2.2.51 respectively, of the Supplementary Planning Document. The extension is set down from the main dwelling and is not considered to be detrimental to neighbouring amenity in terms of loss of light, outlook or privacy.
7. It is not considered that the extension and rear patio will impact upon the neighbouring properties or the character of the area. The form, detailing and materials of the proposal match the existing features of the dwelling and are not considered to detract from the visual appearance of the surrounding area. The proposal has no significant impact on the neighbouring properties due to its size and is generally acceptable in appearance.

### 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 required

### 11. Planning Obligations

None required

### 12. Equalities and Diversities

None

### 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

#### 14. Recommendation

In respect of the application dated **01/02/2016** and the submitted drawings 141-04, 141-05, 141-06, 141-07, 141-10, 141-11, 141-12, 141-13, 141-14, 203/01, 203/03, 203/05, 203/06,203/07, 203/08,it is recommended to: **Grant Conditionally**

#### 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: 141-04, 141-05, 141-06, 141-07, 141-10, 141-11, 141-12, 141-13, 141-14, 203/01, 203/03, 203/05, 203/06,203/07, 203/08.

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

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

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

(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 granted planning permission.

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# PLANNING APPLICATION REPORT



**Application Number** 15/02337/FUL

**Date Valid** 17/12/2015

**Item** 02

**Ward** Drake

**Site Address** 47 NORTH ROAD EAST PLYMOUTH

**Proposal**

New development containing 37 student bedspaces (demolition of existing building)

**Applicant**

GE Developments Ltd

**Application Type**

Full Application

**Target Date**

**17/03/2016**

**Committee Date**

**Planning Committee: 10  
March 2016**

**Decision Category**

Major - more than 5 Letters of Representation received

**Case Officer**

Christopher King

**Recommendation**

Grant Conditionally

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## 1. Description of site

Known as 'Reservoir Court', the site in question was originally constructed as a reservoir fed by a small branch of the historic Plymouth Leat, which is shown on the 1856 (1:500) map which notes it as being "Reservoir (for supplying the Victualing Yard)" and on the 1892 (1:500) map it is marked as "Admiralty Reservoir". The application site is located on the southern side of North Road East, on the northern fringe of the City Centre and University Area Action Plan.

The site currently provides a small, low quality single storey building with associated parking for an insurance company (A2 Use Class). The site has a Plymouth limestone wall running along all boundaries meaning the site is almost entirely obscured from the street view by the old reservoir wall. The site is relatively level, with no specific amenity value to the area. The adjacent and surrounding buildings are residential and University buildings, demonstrating a mix of 2, 3 and 4 storey contemporary, early 20<sup>th</sup> century and Victorian buildings. North Road East contains some grade 2 listed buildings, although none are directly adjacent or opposite the application site

## 2. Proposal description

This application proposed the demolition of the existing office building (Use Class A2) to provide a new development containing 37 student bed spaces. The three and four storey building proposes thirty seven bed spaces, including twenty four (24) self-contained studio flats, two (2) self-contained 1 bed flats, and two (2) cluster flats containing eleven (11) ensuite rooms.

The ground floor of the building includes:-

- One Cluster Flat with 5 bedrooms and 37m<sup>2</sup> of communal space
- One Studio Flat
- 85m<sup>2</sup> of Communal Space
- Secure under-croft parking area for five cars (one disabled space) and two motorcycles, and includes the bin store and access to the plant room.
- 125m<sup>2</sup> outdoor amenity space, including a purpose built smoking shelter and cycle store for 39 bikes

The First Floor of the building includes:-

- One Cluster Flat with 6 bedrooms and 37m<sup>2</sup> of communal space
- Seven Studio Flats
- Two 1 Bed Flats

The Second Floor of the building includes:-

- Ten Studio Flats

The Third Floor of the building includes:-

- Six Studio Flats

The 1 bed flats are 30.3m<sup>2</sup> and the studio flats range between 21.5m<sup>2</sup> and 31.6m<sup>2</sup> in size and all of these flats have private bathrooms, kitchen facilities and laundry facilities. The eleven cluster rooms range between 18m<sup>2</sup> and 22m<sup>2</sup> in size, and their kitchen/laundry facilities are in the communal rooms.

### 3. Pre-application enquiry

Following refusal of planning permission for application 15/01251/FUL, a post refusal meeting was held, whereby officer's discussed the decision of the committee, and provided advice to potentially make the scheme more acceptable. Officers were given the opportunity to review and make comment on the amended plans prior to submission. The plans that have been subsequently submitted are generally consistent with what was reviewed by officers.

Pre-application advice was provided for the previously refused application, which had reviewed design and layout proposals, and established officer support of the principle of development on this site.

### 4. Relevant planning history

APP/N1160/W/15/3138482 – Appeal to the Planning Inspectorate of refusal planning application 15/01251/FUL – Decision Pending

15/01251/FUL - Demolition of existing building and replace with student accommodation (39 apartments) – Refused

### 5. Consultation responses

Economic Development Department – No Objections, as site does not require specific protection, and there is a good range of local employment options.

Environment Agency – Does not object in principle; stating that the application should be determined in line with Lead Local Flood Authority advice. Also requests evidence of SWW acceptance.

Historic Environment Officer – No Objections with conditions relating to materials and archaeology

Lead Local Flood Authority - No objections, however has requested the submission of additional information which will be conditioned should planning permission be granted.

Local Highways Authority – No Objections

Low Carbon Team – No Objections with conditions recommended

Natural Infrastructure Team– No Objections with conditions recommended

Plymouth University – No Comments Received

Police Architectural Liaison – No Objections

Public Protection Service – No Objections with conditions

Urban Design Officer – No Objections with conditions relating to materials

### 6. Representations

Prior to the submission of the planning application, the applicant held a public consultation event to discuss the revised proposal with local residents. This event was held between 4pm and 8pm on Wednesday 9<sup>th</sup> December 2015, at 24 Queen Anne Terrace, North Hill. The event was attended by the applicant, members of the applicants design team, and 7 members of the public. In addition to

this, the applicant has discussed the proposals with Ward Cllrs, Trevi House and the Suzanne Sparrow Plymouth Language School.

A total of twenty (20) letters of representation have been received, of which nineteen (19) object to the planning application, and one (1) provides observations/comments. The principle issues highlighted in the 19 letters of objection are summarised as follows:-

### Planning Issues:-

- Design of front elevation, including materials palette is not good enough with little enhancement made to the revised plans. Still largely the same plan as the previous application that was refused
- There are highways issues associated with the buildings, such as refuse collection, parking and congestion along North Road East and the surrounding area
- Building is overbearing, blocking out sunlight into basement flats on opposite site of North road East; and a loss of privacy meaning residents opposite will have to keep curtains closed meaning it will significantly impact the quality of life of local residents
- The building is not a positive addition to the street scene, or the area's identity and heritage, is out of keeping for the area, is too high, and too big, resulting in an over concentration of dwellings in one location
- Management of the property requires specific consideration, and should be all year round, not just term time
- The city is already overpopulated with students, and there is much student accommodation being proposed which outstrips demand. There is also no justified need for more student accommodation
- Loss of much needed employment site close to the city centre and the proposal will not provide jobs as stated in the submitted documents, and the proposal would still adversely impact the neighbourhood and community cohesion
- Developers have not grasped that this is an unwanted proposal as students are careless about the local environment, and the proposal will cause an increase in anti-social behaviour, including noise, litter and damage to public and private property
- Poor standard of accommodation for future residents, and no space set aside for storage of cleaning materials, office space and res/refreshments area
- Why is this being treated different to HMOs which are being refused in the local area
- Some houses of the same size already in the street would be a better fit
- The proposal is unsustainable
- Contravention of council visions, aims and stated policies
- Possible historic feature on the site
- Design faults and anomalies with the plans
- Windows are too small
- Where are builders going to park during the construction phase

### Non-Planning Issues:

- The council should classify all student resident as businesses and charge rates/tax to assist with policing/clean up as a result of the students
- The proposal is not university land is not owned by the university
- Right to light issues
- No different to military accommodation, however students do not remain disciplined outside of controlled environments
- Only one staircase shown internally, and with external fire escape

Members will recall that Trevi House raised objections on the previous application, however in this instance; they have submitted a letter of representation which has provided balanced comments on the proposal. The letter is summarised as follows:-

- Has addressed the overlooking into Trevi House
- The scale and massing of the proposal is still of concern.
- Trevi House is surrounded by taller buildings other than on its northern elevation so the step back of the 2<sup>nd</sup> and 3<sup>rd</sup> floors is good for Trevi House
- Developer has engaged well with Trevi House since the refusal of the previous planning application
- The Developer offered to work with Trevi House to include superior sound insulation and design to reduce impact on Trevi Houses sensitive operations and noise throughout the construction period
- The planning authority should ensure that the design and layout of the external communal areas is such that noise impact on Trevi can be ameliorated to acceptable levels. Site management needs to be all year round
- The developer/applicant has offered to work closely with Trevi House throughout its construction period to help dovetail construction operations to have least impact on Trevi Houses most sensitive periods of operation which is welcomed
- Whilst the changes in design of this application would have a relatively reduced impact on Trevi House operations and its ongoing employment, the Council needs to consider the wider economic impact of removing a designated employment site from the City Centre

### 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 City Centre & University 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:*

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*
- *Planning Obligations & Affordable Housing 2<sup>nd</sup> 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. This application turns on the following policies of the Local Development Framework Core Strategy:-  
CS01 (Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment), CS04 (Future Employment provision), CS05 (Development of Existing Sites), CS18 (Plymouths Greenspace), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS32 (Designing out Crime), CS33 (Planning Obligations) and CS34 (Planning Application Considerations).
3. The proposal will also be considered against the following policies contained within the Emerging Plymouth plan Part One:-  
Policy 12 (Delivering strong and safe communities and good quality neighbourhoods), Policy 15 (Meeting local housing needs), Policy 18 (Delivering sufficient land for new jobs), Policy 20 (Delivering sufficient land for new homes to meet Plymouth's housing need), Policy 28 (Promoting Plymouth's heritage), Policy 29 (Place shaping and the quality of the built environment) and Policy 30 (Safeguarding environmental quality, function and amenity).
4. In addition, this application also turns on the following proposals of the City Centre and University Area Action Plan:-  
CC04 – A Sustainable City Centre Neighbourhood  
CC05 - Combined Heat and Power, District Heating and Cooling  
CC16 – University of Plymouth Campus

5. The principal issues relating to this application are considered to be impact towards neighbouring residential amenity, design and character of the building, and impact towards local employment and employment land.

### 5 year housing supply

6. When determining applications for residential development it is important to give consideration to housing supply. (Note: this does include student accommodation developments that result in additional dwellings to the dwelling stock i.e. cluster flats)
7. 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”
8. 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.”
9. 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.
10. 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.
11. 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.
12. 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.

### Previous Planning Application

14. Planning application 15/01251/FUL was for 39 purpose built student flats which was refused by planning committee for the following three reasons:-

- Design – The committee considered that the design of the north elevation did not contribute positively to the area's identity and heritage in terms of scale and density layout. In particular the design of the proposed building is harmful to the adjacent Victorian terraces and 5-6 Endsleigh Garden
- Detrimental to community cohesion and local employment opportunities – The committee considered that the proposal would adversely impact the neighbourhood within which the site is located, and would negatively impact the range of employment opportunities available for local people. Whilst the loss of the employment land was a concern to members, the primary concerns of the committee related to Trevi Houses operational viability. There were significant concerns that the proposal would result in Trevi House having to re-locate, and with it, the loss of numerous local jobs.
- Loss of amenity and privacy - The committee concluded that the proposal would result in a demonstrable loss of residential amenity to 5-6 Endsleigh Gardens (south of the application site) in terms of visual impact, scale and loss of privacy caused by overlooking.

15. The application hereby submitted has attempted to address the three refusal reasons through significant alterations to both the front and rear elevations, which officers have reviewed and provided advice.

### Principle of Development and Policy Background

16. The Council's planning policy framework in the form of the adopted Core Strategy, AAPs and emerging Plymouth Plan supports the provision of purpose built student accommodation, as outlined below.

17. At the strategic level policy CS15 of the Core Strategy identifies that 17,250 new homes are required to be built in the city by 2021, and these are required to meet the current and future needs of the population including students.

18. The application site is located within the CCI6 allocation of the City Centre and University AAP which supports mixed use development and identifies that the area will evolve into a high quality mixed use campus with areas of student accommodation. Therefore this development would be supported in principle through the AAP subject to the development being of sufficient quality.

19. The AAP identifies that the focus of the activity within the campus will be ensuring that all first year students have the offer of purpose built accommodation and this proposal will help support this objective.



20. The Emerging Plymouth Plan continues to welcome and support the Universities within the City and the student population. Policy I identifies that it is important to that every student feels welcome and have access to quality accommodation near their place of study. Policy 15 supports purpose built student accommodation in the form of cluster flats and studio developments where these are in locations close to the education establishment, support wider regeneration objectives, are acceptable in terms of impact on their existing residential areas, and which provide decent accommodation with support facilities.
21. This site is located within the University Campus as defined in proposal CC16 of the City Centre and University AAP and therefore is a very suitable location, and was not contested when the previous planning application was being considered. As identified in the City Centre and University AAP this area is a focus for regeneration and the City Centre and University is identified within the Draft Plymouth Plan as a Strategic Growth Area.
22. Through the implementation of planning permissions for purpose built student accommodation there will inevitably be less pressure placed on the existing housing stock within the City. This is likely to reduce the demand for student HMOs within communities. If these developments were not supported through planning policy then there would be a greater impact on the existing housing stock as the need generated from the student population would be met through existing houses.
23. The Local Planning Authority does have Council Tax data which demonstrates that there has been a reduction of the number of dwellings occupied by student's year on year, since purpose built accommodation has been delivered, and will be looking to publish this data in the summer of 2016 as part of a housing topic paper.
24. Paragraph 2.8.46 of the Development Guidelines SPD adds that the Council will support purpose built student accommodation as long as it is well designed, provides a decent of standard of accommodation and is suitably located to minimise any negative impacts on residential amenity.
25. In lieu of the above points, officers consider that the principle of the proposal is acceptable at this site, and as suggested in paragraph 10.2 of the Core Strategy will help achieve the goals of the Core Strategy by promoting 'a wide choice of housing types, to meet the needs of all members of the community'.
26. The University indicated in its consultation response for the previously refused application would help to meet some of the unmet demand for student accommodation in the City, and the massing of the scheme seems in keeping and the layout, size and density of the rooms appear to be suitable for contemporary requirements.
27. Notwithstanding the comments made in paragraphs 16-25, the committee did not raise direct concerns over the principle of student accommodation, and as such, officers consider that the principle of student accommodation on this site is acceptable.

### Loss of Employment Land

28. The proposal would result in the loss of 322sqm of A2 office space and there is no provision within the proposed development for any future employment space other than ancillary employment associated with the building's ongoing management (cleaners/manager for example). The site is relatively undeveloped and the Economic Development Department has advised previously that the building is not of a high enough quality to continue to operate

long term, and note that redevelopment of the site at current market rates would have viability challenges.

29. The applicant has stated that the existing tenant of the site will be relocating to smaller premises within an established business park in Plymouth as they only employ eight staff, and the size of the current office exceeds their needs. Economic Development Department's consultation response considered a viable employment, and the application has not been accompanied by extensive evidence to suggest it would be difficult to re-let.
30. Notwithstanding this however, Economic Development Department do not consider that the site requires special protection and should the local planning authority consider there are clear environmental, regeneration and sustainable community benefits to this proposal then it does not object to the loss of employment on this site.
31. As the development site is in close proximity to North Hill, and the train station, which has significant vacant office space, officers consider that the application site is located in close proximity to adequate, and underused office space. In addition, Economic Development Department currently considers that the neighbourhood has a good range of local employment opportunities, which is qualified in the Mutley and Greenbank Sustainable Neighbourhood Assessment. The loss of this employment land in this location is therefore not considered contrary to policies CS04 or CS05 of the Core Strategy by officers.
32. Officers and the Economic Development Department recognise that the application site sits within Proposal CCI6 of the City Centre and University which identifies the land as being within the University Campus. The AAP does not seek to retain this land specifically for employment purposes, and there is an emphasis on providing university led development which should be supported as part of the aims of the AAP when considered appropriate by officers.
33. Although viable, officers consider that the sites employment use retention is not necessary to meet the area's current or longer term economic development needs. The proposal will support the University, which is one of the largest employers in the city; and in officers view, the proposal will not be demonstrably harm the vibrant employment hub of North Hill as noted in the AAP. On balance officers consider that the proposal will help support the development of Plymouths learning infrastructure in accordance with policy CS04 (7); as well as policy CS05 with specific regard to criteria 2 and 5.

### Design

34. The application proposes a 3 and 4 storey building that does not try to replicate existing building styles in the area; however it reflects local design features such as the protruding bays, rear tenement and material palate.
35. Members will be aware that the previous planning application was refused on design grounds, for not contributing positively to the area's identity and heritage in terms of scale and density layout. The Council's Urban Design and Historic Environment officers have reviewed the proposed building in its context, and consider that the proposal is respectful of the adjacent buildings in the area, and will not have an impact on the listed terraces within North Road East. The retention of the majority of the important reservoir wall is also welcomed, as is the re-cycling of the stone in the plinth of the building.

36. Officers consider that the height of the building is acceptable, being slightly lower than the adjacent Victorian properties, and that the step in the western part of the building means that it does not dominate the terrace to the west, or the terrace to the north. Furthermore, the stepping back of the 2<sup>nd</sup> and 3<sup>rd</sup> floors, which reduces its massing, significantly reduces the impact the building will have to the properties directly south in officers view. With the 6m southern site boundary wall remaining in-situ, the building will have a lesser impact, causing no demonstrable loss of outlook.
37. Officers have considered the alterations the applicant has made to the design of the building, specifically massing and materials. A dark, reflective cladding on the top floor/attic will reduce the apparent massing/height of the building, and there appears to be a greater symmetry in the front elevation which is achieved through material changes. The proposed render will need to be of high quality so that it does not discolour quickly, and the plinth will utilise natural stone to reflect the area. The materials have been conditioned to ensure high quality materials are used in the construction of this building should planning permission be granted. Furthermore, it should be noted that the 8 jobs are not being lost, just displaced within the city.
38. The LPA recognises the efforts of the applicant to address the refusal reasons, and it is the view of officers that the external appearance of the building does now accord with policy CS02 and CS34 of the Core Strategy, and will not demonstrably harm the character or appearance of the adjacent properties or the street scene.

### Internal Layout

39. The significant alterations to the massing of the proposal when compared to the previously refused application have resulted in alterations to the internal layout and configuration of the accommodation. There is a reduction in bed spaces from 39 to 37; however the most significant change is the introduction of cluster flats which were not proposed in the last application.
40. The Council's Development Guidelines SPD does not specify internal space standards of student accommodation unlike for open market accommodation; therefore officers must consider whether the size of proposed rooms and flats for students are acceptable.
41. Having reviewed similarly approved schemes within Plymouth, officers are satisfied that a good standard of private amenity is being provided for the prospective occupiers, and therefore accords with policy CS15 (5).
42. In addition, the application proposes 157m<sup>2</sup> of communal space for the students, which equates to 75% more than the previously refused application.
43. Members will be aware that that previous planning application on this site was not refused on space standards or layout, and although there have been alterations to the proposal in this regard, officers consider the application remains in accordance with policies CS15 and CS34 of the Core Strategy. Future occupiers will be afforded a good standard of accommodation that is comparative with other student developments approved in the city, with good facilities and amenity features.

### Neighbouring Residential Amenity

44. The previous planning application which was refused on this site was designed without any detailed consultation with Trevi House, a specialist facility caring for vulnerable women and children located directly south of the site occupying 5-6 Endsleigh Gardens.
45. The committee concluded that there would have been a demonstrable and harmful loss of amenity for the clients at Endsleigh Gardens as direct result of significant overlooking, and as such planning permission was refused.
46. The revised plans that have been submitted for consideration as part of this application acknowledges that Endsleigh Gardens provide residential accommodation with greater consideration given to the amenity issues. Significant alterations to the rear elevations of the building have been proposed which in officers view now removes all overlooking, and any perceived overlooking.
47. The ground and first floor elevations have south facing windows, however they are below the height of the existing boundary wall, and as such do not allow a line of site to into Trevi House buildings or courtyard area. The second and third floor is now set back quite significantly; with high level obscure glazed corridor windows, and bedroom windows that face east and west removing overlooking into Trevi House. It is worth noting that insertion of these East and West facing windows will cause overlooking to adjacent sites. Officers are satisfied that the proposed roof lights in the pitched roof will not cause any overlooking either and will provide additional light into first floor flats.
48. As members will be aware, there were concerns raised by residents regarding loss of amenity and privacy into dwellings on the opposite side of North Road East and further consider have been raised with the current application.
49. There will be student flats on all levels that have windows that face north, however it is the view of officers that the construction of this building in this location will be a continuation the established building line along North Road East, and will create a normal street relationship. North Road East, located in a built up urban area, has for much of its length, dwellings of differing heights facing one another. Officers therefore consider that the proposal is acceptable in this area of the city, and is not a reasonable reason for refusal.
50. Some other residents have expressed concern with regards to loss of light into basement flats caused by the height of the proposed building. Officers have visited basement flats in properties along North Road East where there is already a significant reduction in natural light entering the flats; however this was not raised as a reason for refusal when the previous application was considered by the planning committee.
51. Comments surrounding right to light have been noted, however this is not a planning consideration, and is subject to separate legislation.
52. Anti-social behaviour is a concern in any part of the city, and officers recognise that developments such as this, adjacent to the university can lead to fear and anxiety amongst residents. To address this issue, officers have attached appropriate planning conditions requiring the submission of a bespoke student accommodation management plan. The applicant will be required to submit a detailed, bespoke plan that will ensure a well-managed and maintained building. The plan will need to incorporate noise prevention, refuse collection, parking, emergency contacts, and tenancy contracts will need to be detailed, and submitted for approval.

53. A Pre-Commencement Method of Construction condition has been attached to ensure suitable details are submitted to, and approved by the LPA to protect the amenity of neighbouring dwellings and the area during the construction phase. This should include how construction traffic will be managed, and how overlooking into Trevi house is prevented when contractors are working on the higher elements of the proposed buildings

### Employment and Social Cohesion

54. Numerous letters of representations have been submitted to the LPA suggesting that the increase of student residences in this area is unsustainable, and will have a negative impact on existing areas, contrary to policy CS01 of the Core Strategy.
55. The Economic Development Department no longer object to the loss of employment land and they have also stated that the neighbourhood has a good range of local employment opportunities which is qualified in the Mutley and Greenbank Sustainable Neighbourhood Assessment. Officers therefore consider that proposal will not have a detrimental impact towards local businesses, and will not cause harm to the vitality of the area.
56. One of the key issues raised during the committee meeting for the previous application was the impact that overlooking would have on 5-6 Endsleigh Gardens, and was the principle reason for the refusal reason. It was suggested that the overlooking, and loss of privacy and amenity would significantly jeopardise the viability of Trevi House, which occupies these dwellings, resulting in a loss of a range of employment types.
57. The revised application has now removed all overlooking into Trevi house, and has taken other measures to safeguard amenity for the occupiers of these dwellings. As noted in the letter or representation from Trevi House, the applicant has engaged with them to work proactively to reduce and mitigate the impact.
58. Officers are mindful of the location of the site which falls within proposal CCI6 of the adopted City Centre and University AAP that identifies the university campus area. As such, it is the view of officers that subject to the details of the proposal being acceptable, the proposed use accords with the strategic aim of the AAP and the Emerging Plymouth Plan Part One which supports 'purpose built student accommodation in the form of cluster flats and studio developments where these are in locations close to the education establishment, support wider regeneration objectives, are acceptable in terms of their impact on existing residential areas, and which provide decent accommodation with support facilities and appropriate provisions for on-going management of the development'
59. When considering the planning balance, it is important to consider the wider perspective and aims of the council, and it is the view of officers that purpose built student accommodation on land identified within the university campus will take the pressure of off less sustainable sites, with a greater distance from the university.
60. It is the view of officers therefore that proposal will not have a demonstrable loss towards local employment opportunities as the established businesses will not suffer from the proposed development. In turn, this will not demonstrably harm social cohesion, and the additional mitigation measures that are proposed will further protect existing residents from noise and anti-social behaviour which is the main concern amongst residents.

### Local Highways and Parking

61. Some of the Letters of Representation from local residents have raised concerns with regards to traffic generation and parking demands associated with the proposed development.
62. The proposal provides a small amount of car parking to serve the site, primarily to enable pick up and drop off of students and for persons servicing the site (cleaners/maintenance contractors) with a very similar layout to the previous application. However having reconsidered the layout of the parking area which was previously reconfigured to retain 5 spaces and a relocated refuse storage area, it is recognised that the vehicle parked in the disabled space would have some difficulty exiting the car park without reversing out onto North Road East and it is therefore considered necessary to alter the layout of the space slightly to enable all vehicles to enter and leave the site in a forward gear, and will be dealt with by way of condition.
63. The access to the site will be via an existing dropped crossing into the site which will be widened. Cycle parking will be provided at the rear and its provision will be conditioned. Gates will be provided to control vehicular entry to the site but these will be set back to allow vehicles to wait off the carriageway while waiting for gates to open. The 5 parking spaces will mean that the amount of traffic accessing the site will be low. Officers consider this will not demonstrably harm or prejudice the highway, and low vehicular activity will protect residential amenity.
64. Based on the above, the Local Highway Authority does not object to the proposal although planning conditions are recommended. A Travel Plan condition is also recommended to control the use of the parking areas to ensure they are not used as long stay parking spaces but instead used to service the flats, but also to ensure that arrivals at the accommodation at the start of term are spread throughout the day as is commonly done at University Accommodation around the country. The building will be excluded from the issue of parking permits within the residents parking zone in accordance with current policies. An informative will be added explaining this.
65. Concerns have been raised with regards to construction traffic generation and access, therefore such details are reserved by way of condition which will need to be agreed before construction commences.
66. A local highways or strategic transport contribution for the city was not requested due to the sustainable location of the city, and the low pressures that future residents will place on public transport and road network.
67. Officers consider that the proposal accords with policies CS28 and CS34 (8) of the Core Strategy, as well as the Development Guidelines SPD guidance on parking and cycle provision

### Natural Infrastructure and Landscaping

68. The application site has low ecological value, being almost entirely covered in hard surface with very little identifiable biodiversity.
69. The application has an accompanying Environmental Mitigation and Enhancement Strategy (EMES) which has been accepted by officers; however further information with regards to soft landscaping proposals (species and numbers etc.), and its implementation will be required. A Landscape Management Plan is required and will be dealt with by way of condition.

70. Officer considers that the proposal accords with policy CS19, specifically criteria 5 as the proposal will ensure biodiversity net gain within the application site.

### Sustainable Resources

71. Officers have reviewed the submitted Energy Statement, prepared by Energy Compliance Ltd and the proposed approach is considered acceptable. For consistency it is worth noting that the departure from policy CC05 (in part) has been justified by the fact that the development is on the edge of the City Centre AAP area, and the applicants are also proposing to comply with the future proofing requirements of this policy. The proposal is therefore considered to accord with policy CS20 of the Core Strategy, and Proposal CC05 of the City Centre and University AAP; however appropriate conditions have been attached to guarantee compliance.

### Drainage and Flood Risk

72. The site at present is entirely hard surfaced and this proposal will reduce the amount of hard surfacing with the addition of landscaping and new permeable surfaces. In addition, an underground attenuation tank is proposed, which will reduce the rate at which water enters the combined system.
73. South West Water (SWW) have indicated that there is no prospect of utilising a SuDs system or accessing a dedicated surface water sewer therefore an attenuated discharge to the public combined sewer will be permitted as proposed. SWW do however require separate foul and surface water drains to be laid on site/up to the point of connection to the public sewer to allow the opportunity of fully separating flows at some future date.
74. The Lead Local Flood Authority has requested that the discharge rate be agreed with SWW, and if planning permission is granted, a detailed design will be required to ensure that it accords with policy CS21 of the Core Strategy. These details will be conditioned.

### Historic Environment

75. This site is not within a Conservation Area, but there are two terraces of Grade II listed buildings in relatively close proximity to the site: 15-39 North Road East (odds) and 34-40 North Road East (evens), although given their distance from the site, the impact on them will be relatively minimal.
76. There are concerns over the height, however having discussed this with the urban design officers, the use of specific materials on the attic of the building will reduce the apparent height and bulk. It will be important that all the materials are of a high quality, and that the historic stone wall is retained as much as possible, and the stone removed from the front wall is reused where possible. These details will be conditioned, and in addition, Historic Environment Officers suggest an archaeology condition in case anything of historic interest is identified during construction.

## 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 £79,505.36 (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 (which includes agreement of details for any pre-commencement conditions) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

Further evidence of the nature and timings of the use may be required as part of the CIL liability process.

## 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.

Obligations have been requested by council officers with respect to Natural Infrastructure projects. These were raised during the pre-app process, and have been agreed in principle:-

- £9,057 for Local Greenspace, for the provision and maintenance of greenspace and access improvements at Victoria Park
- £16,430 for Playing Pitches for the provision and maintenance of baseball facilities at Central Park

The Management fee is £1334 and has been calculated using the Local Planning Authority Planning Fees Policy

## 12. Equalities and Diversities

This proposal has considered that there is a wide range of prospective students that university will look to find accommodation for by providing two accessible units for persons with disabilities, located on the ground floor of the building.



### 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the Local Development Framework and the City Centre and University AAP and is therefore recommended for conditional approval subject to the completion of a S106 agreement.

### 14. Recommendation

In respect of the application dated **17/12/2015** and the submitted drawings 914-407 Proposed Section AA; 4\_406\_Typical Room Sizes; 914\_405\_3D Street Scenes; 4\_404A\_3D Street Scenes; 914\_403A\_Proposed Elevations; 914\_402D\_Proposed Floor Layouts; 914\_401A\_Proposed Site Plan: 914\_303 Existing Sections: 914\_302 Existing Elevations: 914\_301 Existing Site Layout: Site Location Plan: Design and Access Statement; Energy Statement prepared by Energy Compliance Ltd 17/12/2015; Phase I Environmental Desktop Report prepared by JGP dated 03/08/2015: Preliminary Ecological Appraisal prepared by green ecology dated June 2015; Ecological Mitigation & Enhancement Strategy prepared by green ecology dated June 2015, 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 due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

#### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 914-407 Proposed Section AA; 4\_406\_Typical Room Sizes; 914\_405\_3D Street Scenes; 4\_404A\_3D Street Scenes; 914\_403A\_Proposed Elevations; 914\_402D\_Proposed Floor Layouts; 914\_401A\_Proposed Site Plan: 914\_303 Existing Sections: 914\_302 Existing Elevations: 914\_301 Existing Site Layout: Site Location Plan: Design and Access Statement; Energy Statement prepared by Energy Compliance Ltd 17/12/2015; Phase I Environmental Desktop Report prepared by JGP dated 03/08/2015: Preliminary Ecological Appraisal prepared by green ecology dated June 2015; Ecological Mitigation & Enhancement Strategy prepared by green ecology dated June 2015

#### 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: EXTERNAL MATERIALS**

(3) 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: PROVISION OF DRAINAGE WORKS**

(4) No development shall take place until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Details shall include details of an attenuated flow rates agreed with SWW and full details of attenuation tank including a schedule of maintenance

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, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012

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: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

(5) No development shall take place until a construction environment management plan incorporating method statements to demonstrate how the new drainage system and water environment is protected during the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before construction commences

Reason:

To enable consideration to be given to any effects of the drainage regime on the environment and landscape features in accordance with Policy CS20 and 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.

Justification: To demonstrate that the water environment is not subjected to any adverse effects as a result of the construction process

## PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

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

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

Justification: To ensure the landscaping can be properly incorporated within the development proposals

## PRE-COMMENCEMENT CONDITION: DISTRICT HEATING FUTURE PROOFING

(7) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how the development has been designed to be compatible with and allow future connection to a local district heating network in line with current best practice.

Reason:

To ensure that the in accordance with Policy CC05 of the City Centre Area Action Plan, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

Justification: To ensure the proposal can adequately incorporate future district heating technology

### PRE-COMMENCEMENT: ACCESS (CONTRACTORS)

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

#### Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained during construction

### PRE-COMMENCEMENT CONDITION: METHOD OF CONSTRUCTION

(9) No development shall take place until a bespoke method of construction has been submitted to and approved in writing by the Local Planning Authority, in consultation with Trevi House. The details should include contractor working hours, pollution control methods, and screening proposals to protect the residents of 5-6 Endsleigh Gardens (Trevi House).

#### Reason:

In the interests of neighbours' amenities and to preserve privacy during the construction phase in accordance with policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraph 17 of the National Planning Policy Framework 2012

Justification: To ensure that residents of Trevi House, occupying 5-6 Endsleigh Gardens are adequately protected, specifically privacy and amenity during the construction phase

### PRE-COMMENCEMENT: ARCHAEOLOGY

(10) No construction shall be commenced until the applicant (or their agent or successors in title) has made provision for a programme of archaeological work. This is to include an archaeological watching brief on all below ground works, aimed at providing information of the location and nature and extent of any surviving remains.

All of the above to be agreed in accordance with a written scheme of investigation (which shall previously have been submitted to and approved in writing by the Local Planning Authority). The development shall be carried out in strict accordance with the approved scheme, or such other details as may be agreed in writing by the Local Planning Authority

#### Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework

Core Strategy (2006-2021) 2007, 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: CONTAMINATED LAND

(11) 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-occupation Conditions**

### PRE-OCCUPATION: CYCLE PROVISION

(12) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 37 bicycles to be securely parked in a secure and covered location. 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.

### PRE-OCCUPATION: LANDSCAPE MANAGEMENT PLAN

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

### PRE-OCCUPATION: STUDENT ACCOMODATION MANAGEMENT PLAN

(14) Before the building is first occupied, a management plan for the operation of the accommodation hereby approved, particularly in relation to noise and anti-social behaviour. The plan shall include contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the building or its curtilage and shall include a commitment to keep this information up to date, shall be submitted to the Local Planning Authority. The management plan shall thereafter be adhered to strictly at all times.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Plymouth's adopted Development Guidelines Supplementary Planning Document 2010.

### PRE-OCCUPATION: TRAVEL PLAN

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

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local

Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

### PRE-OCCUPATION: CAR PARKING PROVISION

(16) The building shall not be occupied until the agreed car parking area 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.

### PRE-OCCUPATION: MAXIMUM CAR PARKING PROVISION

(17) The building shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for a maximum of 5No cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

#### Reason:

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

### Other Conditions

#### CONDITION: NOISE

(18) The noise emanating from any plant (LAeqT) should not exceed the background noise level (LA90) at anytime as measured at the façade of the nearest adjacent residential properties.

#### Reason:

To protect the amenity of future residents and to avoid conflict with Policy CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CONDITION: BIODIVERSITY

(19) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (Green Ecology, July 2015) for the site.



Reason:

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

**CONDITION: SOFT LANDSCAPE WORKS**

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

**CONDITION: STUDENT ACCOMODATION**

(21) The occupation of the accommodation hereby approved shall be limited to students in full-time education only.

Reason:

The accommodation is considered to be suitable for students in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012, but its occupation by any other persons would need to be the subject of a further planning application for consideration on its merits.

**CONDITION: STONE**

(22) The stone removed from the front wall as part of the approved plans shall be retained and neatly stored onsite until construction begins. The retained stone shall be used in the construction of the building hereby approved unless otherwise agreed in writing by the local planning authority.

Reason:

To ensure that the materials used are in keeping with the appearance and 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.

**CONDITION: RENEWABLE ENERGY**

(23) The development shall be completed in accordance with the submitted Energy Statement prepared by Energy Compliance Ltd. This proposes the use of Solar 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 previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority details of the locations of the on-site renewable energy production methods (in this case Photovoltaic Cells) for approval. The on-site renewable energy production methods 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 development in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

### CONDITION: PRESERVATION OF SIGHT LINES

(24) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

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

### CONDITION: BEDROOMS

(25) No more than 37 rooms at the property shall be used as bedrooms. Only the rooms labelled "bedroom" on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms for communal facilities, has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

## **Informatives**

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

(1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://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: CONDITIONAL APPROVAL (WITH NEGOTIATION)**

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

### **INFORMATIVE: KERB LOWERING**

(3) Before the access[es] 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: RESIDENT PARKING PERMIT SCHEME**

(4) The applicant should be made aware that the property lies within a resident parking permit scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and purchasing visitor tickets for use within the scheme.

### **INFORMATIVE: STUDENT ACCOMODATION MANAGEMENT PLAN**

(5) With regard to the management plan, it is recommended that there is an appropriate selection process for tenants and that an appropriate anti-social behaviour clause is included in the tenancy agreement so that any anti-social behaviour or noise nuisance created by the tenants can be adequately addressed. Please note that should a noise nuisance be created at the property, then action may be taken in line with statutory nuisance provisions under the Environmental Protection Act 1990.

### **INFORMATIVE: NOISE IMPACT**

(6) The applicant should carry out a noise impact assessment prior to construction to identify if the plant room is likely to cause an impact on neighbouring residents. This will help assess if any further mitigation is required in the design and construction of the development, to ensure that the above condition is 17 of the approval can be met.

INFORMATIVE: CODE OF PRACTICE

(7) During development of the scheme approved by this planning permission, the developer should comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working. A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites is available from:

[http://www.plymouth.gov.uk/construction\\_code\\_of\\_practice.pdf](http://www.plymouth.gov.uk/construction_code_of_practice.pdf)

# PLANNING APPLICATION REPORT



**Application Number** 16/00038/FUL

**Date Valid** 07/01/2016

**Item** 03

**Ward** St Peter & The Waterfront

**Site Address** 165 ARMADA WAY, PLYMOUTH

**Proposal**

Minor material amendments to permission 15/00006/FUL for a new station and car park to include revised retaining wall design, improvements to central footpath to provide full ramped access, and associated changes to condition numbers 2, 4-9, and 13, 15 & 16

**Applicant**

Plymouth City Council

**Application Type**

Full Application

**Target Date**

**07/04/2016**

**Committee Date**

**Planning Committee: 10  
March 2016**

**Decision Category**

Assistant Director of Strategic Planning and Infrastructure

**Case Officer**

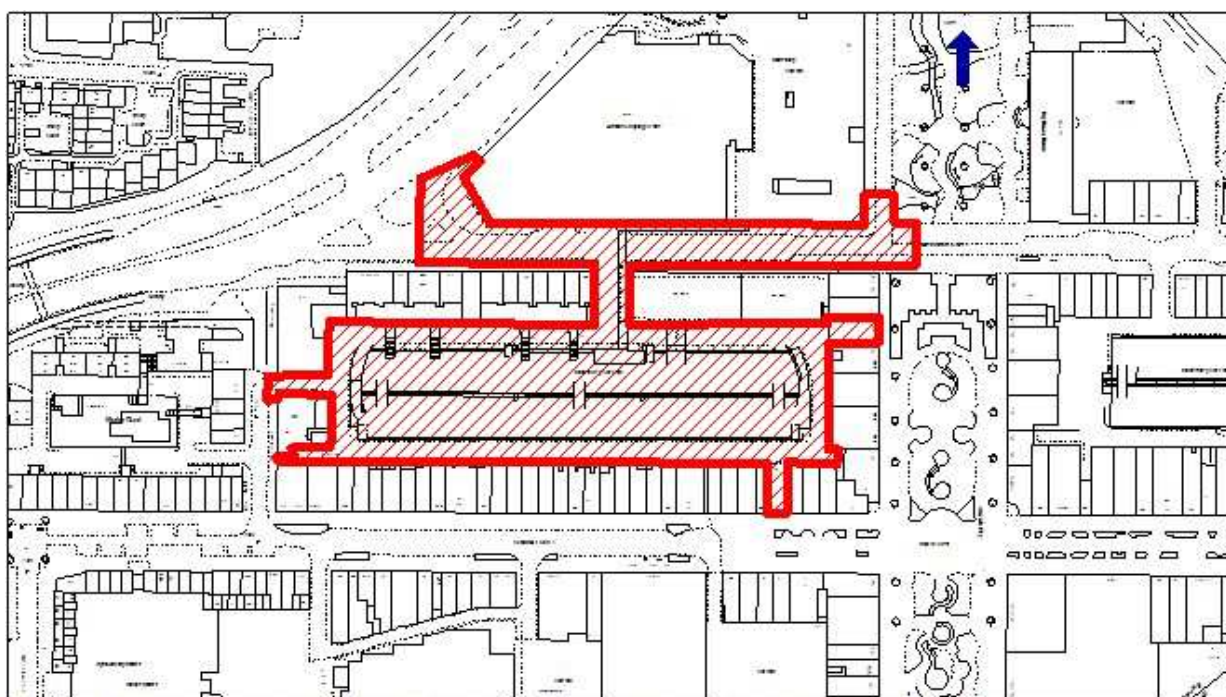
John Douglass

**Recommendation**

Grant Conditionally

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This application is being referred to committee because there are public interest reasons for the matter to be determined by the committee.

### **A. Report Update for 10 March 2016 Planning Committee**

This application was considered by Planning Committee on 11 February 2016. The draft minute for this item records the outcome as follows:

*Application **DEFERRED** to allow further negotiations on the provision of dementia friendly parking spaces.*

*(Councillor Darcy's proposal to defer the application to allow further negotiations on the provision of dementia friendly parking spaces, having been seconded by Councillor Michael Leaves, was put to the vote and declared carried)*

In response to committee's comments and following discussion with planning officers, the applicant has submitted revised plans and a revised statement justifying their proposal. The proposal is to convert one of the existing regular car parking spaces into a dementia friendly space. The applicant maintains that alternative locations are more suitable for blue badge shoppers' car parking and so has not increased the number of blue badge spaces. The applicant considers 'provision of the 3 no. Blue Badge bays and the single Dementia Friendly bay [to be] appropriate and proportionate to this specific car park.'

In considering potential locations for the dementia friendly spaces, the applicant notes the proximity of the proposed space to the ticket machine, and also points out that the two larger more accessible bays (adjacent to the pedestrian ramp) have been retained which will be a benefit for all car park users.

There is no planning policy within the city's development plan that requires dementia friendly parking spaces, nor is there any guidance that confirms what form and arrangement they should take. Neither the city's or the Dementia Action Alliance's guidance 'Checklist for dementia friendly environments' contains specific advice on car parking. However, planning officers are assured that the project team have consulted and taken advice from relevant officers in the Council's parking services function (who have been involved in delivering the city's other dementia friendly spaces) and conclude that these officers consider the proposal satisfactory.

Planning and Transport officers have also sought guidance from relevant officers and despite difficulties accessing relevant guidance conclude that the proposal is acceptable. On this basis, officers recommend that the Committee support the project's proposal.

The remainder of the report below is identical to that presented to Planning Committee on 11 February 2016, with the exception of minor changes to relevant conditions which reflect the updated scheme drawings.

## I. Description of site

The site comprises the site of the former Mayflower West multi-storey car park, which is to the rear of shops on Armada Way, Cornwall St, Market Way and Mayflower St, as well as an area of Mayflower St where highway works are proposed. A fuller description of the site is set out in the report to consent 15/00006/FUL. Since that report demolition of the car park has been completed, including the emergency exit bridges from the vacant nightclub on Mayflower St.

Works to construct the coach station (in accordance with consent 15/00006/FUL) recently commenced on site.

## 2. Proposal description

The application proposes a series of minor changes to the approved scheme which have emerged during the detailed design period and following continued discussion with stakeholders, operators and the preferred contractor. The 'minor material amendment' application process is such that it is only the amendments to the scheme that are to be considered by the committee and not the principle of the coach station in this location.

The changes are presented on submitted drawing C2118/009 'Site Plan – Minor Material Amendments', and described in the 'supporting notes' document, and a schedule of superseded and proposed drawings is also submitted. In summary the changes are as follows:

- i. Retaining wall design changed from stone-filled gabion baskets (Coach Station) and exposed structural concrete (car park) to 'aggregate faced reinforced gravity block retaining wall system' (Allan block or equivalent)
- ii. Number of trees planted in perimeter planting belt reduced to 39, with average spacing of 6.5m in between. Tree species now specified as Fastigate Oak (35) and Pinus Strobus (4).
- iii. New ramp added alongside previously proposed steps to southern part of central walkway (to ensure full accessibility from North to South via central route), with associated changes as follows:
  - o Taxi spaces reduced from 6 to 5 spaces
  - o Accessible drop off and pick up in car park reduced from 3 to 2 spaces
- iv. 9 regular drop off and pick up spaces converted to regular car parking spaces
- v. Disabled parking in shoppers car park reduced from 5 to 3 spaces (space immediately outside facilities building rear entrance retained)
- vi. Coach access ramp revised to improve coach access and exit
- vii. Minor change in proposed construction/finish to Coach turning area (grouted Macadam now proposed)
- viii. External lockers omitted
- ix. Underground bin stores omitted and replaced by custom bin store enclosures at ground level
- x. Minor changes to canopies (over coach boarding area)

### 3. Pre-application enquiry

The proposals were subject to extensive pre-application engagement under reference I4/00880/MAJ. Informal advice has also been given since application I5/00006/FUL was decided.

### 4. Relevant planning history

Planning application I5/00006/FUL was APPROVED following consideration at planning committee on 12 March 2015. The current application seeks minor material amendments to the development it consented, which was described as follows:

Construction of new seven-bay coach station and 97 space car park including change of use of ground floor of 165 Armada Way from financial institution (use class A2) to coach station facilities building.

### 5. Consultation responses

#### Local Highway Authority

Raises no objection to the changes and is satisfied that an adequate process is in place to check the Highway Works to be undertaken on behalf of the Highway Authority.

#### Police Architectural Liaison Officer

Makes recommendations in relation to CCTV, to include the fact that cameras should cover the indoor waiting area and alighting bus passengers.

#### Public Protection Service

No comments to make.

As the consultation period is still live, further consultation responses will be confirmed by way of the addendum report.

### 6. Representations

At the time of writing, no letters of representation have been received. As the consultation period is still live (until 09 February), further consultation responses will be confirmed by way of the addendum report.

### 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 City Centre & University Area Action Plan and Sutton Harbour 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:

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

## 8. Analysis

### Minor Material Amendment Application

I. This application is made under Section 73 of the Town and Country Planning Act, which allows conditions attached to a planning permission to be deleted or amended. This section of the Act is used to allow amendments to approved permissions that are minor but sufficiently 'material' to require a revised planning permission ('minor material amendments'). Such amendments are made by way of a change to the drawing numbers listed under the 'approved plans' condition

(condition 2 in the case of 15/00006/FUL). Section 73 makes clear that ‘the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted’, and shall either grant the new permission subject to revised condition(s), or if they consider that the conditions should remain the same as previously the application should be refused.

2. Where an application under section 73 is granted, the effect is to issue a new planning permission, sitting alongside the original permission, which remains intact and unamended (hence the applicant would be able to continue to construct the existing permitted scheme even if the amendments now being sought were refused). As well as any amended conditions, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.
3. Essentially therefore it is only those matters that the applicant is asking to be considered through the amendment application that are to be considered, although any conditions relevant to the wider consent that have not yet been discharged will be reattached to the permission. Where information required by condition has been submitted and agreed, but the relevant element has not yet been complied with on site, a reworded condition is attached to require compliance with the approved detail.
4. The proposals comprise several significant changes, as well as a number of more minor changes. Rather than consider the changes issue by issue, this report considers the proposed changes in turn, starting with the most significant ones.

### Retaining wall design

5. Although the gabion baskets previously proposed presented the opportunity for a high quality treatment, the applicant advised that the gaps in between the gabion baskets would be used as litter traps. In addition, the wire forming the baskets would ultimately rust in the long term, requiring replacement.
6. The revised proposal comprises of concrete/reconstituted stone structural blocks designed to appear like stone. Two different colours of block would be laid in a pattern (set out in one of the submitted drawings) to give some variety resulting in a more natural appearance. Whilst the wall will have a different appearance to the previously proposed gabion solution, it has clear benefits in terms of maintenance and longevity. Officers ultimately consider that its appearance will be satisfactory, and a further benefit of the proposed change is that the system will also be used around the car park, where bare cast concrete was previously proposed. In this respect the proposed change delivers a significant improvement when considered site-wide.

### Tree Planting

7. The previously approved plans indicatively suggested a higher number of trees to be planted around the perimeter than are now proposed. However, the landscaping (including proposed tree planting) was previously subject to a planning condition so was not prescribed in detail. A detailed scheme is now submitted in support of the planning application. It proposes 39 trees around the perimeter and at coach ramp entrance, with low ground cover planting below. The trees are considered sufficient to adequately screen views of the rear of surrounding buildings and the types of trees proposed (a variety of Oak which grows to 17-22m with a limited canopy of up to 3.5m) will provide a biodiversity benefit to this hard landscaped area of the city. The ground cover planting comprises hardy evergreens which are designed to be relatively low maintenance yet are described as ‘high flowering’ so will give an attractive finish to coach visitors and those using the shoppers car park. Overall the landscaping is considered high quality and will bring significant improvements to the appearance and biodiversity of this area.

## New Pedestrian Ramp

8. The North-South route through the site has been amended in response to comments made by consultees who had raised concerns that this route was not proposed to be fully accessible. The revised arrangement resolves this shortcoming and officers consider it a significant improvement to the scheme. In particular it will give full accessibility to Cornwall Street for car park users via the entrance adjacent number 60, close to Armada Way. The improvements to this ramp have resulted in other changes to the 'drop-off area' as set out below.

## Changes to Taxi and Other Drop-off

9. Although the number of dedicated taxi and private hire drop-off spaces has been reduced to 5, this enables a further space to have a significant kerb to the side for wheelchairs exiting taxis via a side ramp. As the spaces will be for short-term drop-off only the turnover will be high and the reduced number of spaces is considered sufficient. For the same reasons, the reduced number of wider (accessible) drop-off spaces is acceptable.

10. The applicant advises that the six regular drop-off spaces previously proposed have been removed to secure further revenue for the car park. On the basis that coach passengers can be dropped off very quickly in any of the spaces in the car park officers raise no objection to this change.

## Disabled and electric car parking spaces

11. The number of disabled parking spaces within the car park (designed for use by shoppers who hold blue badges) has been reduced from 5 to 3. The applicant points out that there is existing provision of more conveniently located blue badge spaces for shoppers on both Cornwall St and in a dedicated car park within Woolworths West. Officers agree that this level of provision is acceptable.

12. Two car parking spaces will be dedicated to electric car charging. The submitted drawing no. 29237/2001/1200B 'proposed traffic signs and road marking' suggests that these would be the two spaces in the north western corner of the site. The previous condition will be reworded to ensure the necessary charging facilities for electric car users are provided to encourage the use of such vehicles (in recognition of the benefits they bring to local air quality and in limiting CO2 emissions which contribute to climate change).

## Cycle Parking

13. The additional cycle lockers referred to in the applicant's statement did not form part of the previous permission, but were being discussed as a potential improvement to the facilities on site. Whilst it is unfortunate that these longer-stay facilities cannot be provided they cannot be insisted on by this application. However the application continues to propose 5 cycle hoops (offering sufficient parking for 10 bicycles) in the coach boarding area in a similar location to the 5 previously proposed.

## Coach access ramp

14. Although the previous scheme had been proven to be workable by way of tracking diagrams, the ramp has been splayed following feedback from the coach operators to make the site more easily accessed. Officers agree that this offers an improvement and support this change.

## Bin Stores

15. At the time of the last application, underground bin stores were being considered as a means of improving the appearance of the coach station surroundings. However, paragraph 17 to the previous committee report confirmed that these had been ruled out by the time the application was determined due to the need for a specialist collection vehicle. The application indicates that a total of 32 new bin stores are proposed (20 twin and 6 single enclosures, plus adaptations to

the alcoves at the rear of Iceland and the new City Centre library), but full details are not yet provided. A condition therefore remains necessary to secure these details.

### Other Minor Changes

16. The proposed finish for the Coach turning area will remain subject to a condition requiring a sample for approval.
17. The external lockers were to be provided at the request of the parking services team but the main coach company does not wish to provide this service. Concerns have also been raised about their vulnerability and future maintenance liability. The lockers were not a requirement of any planning policy and no objection is raised to their loss.
18. The changes to the canopy would reduce cost by adopting straight rather than curved forms. These changes are not considered material as they will barely be noticeable on site.

### Amended Conditions

19. The following conditions can be amended/deleted on the basis of the information submitted with this application, and following the discharge of some conditions by application 15/002299/CDM. Any conditions not listed remain the same:

1/ (Time limit for commencement): As construction of the scheme approved by 15/00006/FUL has already commenced on site, no time limit condition is required. Consequently this condition is no longer required.

2/ (Approved documents): the approved document list has been updated and additional documents listed as required (see below)

3/ (Contaminated land): sections 1, 2 & 3 of the condition were discharged by 15/02299/CDM (relevant documentation has been added to the approved documents condition). Condition reworded to control 'Unexpected Contamination' only (previously section 4)

4/ (Highway Details): the majority of details were discharged by 15/02299/CDM (relevant documentation has been added to the approved documents condition). Condition amended to request details of shared surface area. Safety and Highway aspects of highway design and construction adequately covered by separate Highway Authority processes as set out in statement submitted with application 15/02299/CDM

5/ (Noise and Air Quality Management Plan): the details were discharged by 15/02299/CDM (relevant documentation has been added to the approved documents condition). Condition retained in reworded form to ensure compliance with submitted documentation.

6/ (Code of Practice during Construction): the details were discharged by 15/02299/CDM (relevant documentation has been added to the approved documents condition). Condition retained in reworded form to ensure compliance with submitted documentation.

7/ (Surface Water Drainage Scheme): the details were discharged by 15/02299/CDM (relevant documentation has been added to the approved documents condition). Condition retained in reworded form to ensure compliance with submitted documentation.

8/ (Design Details): the condition is amended to reflect proposed use of 'Allan Block' retaining wall system in lieu of Gabion basket walls and omission of luggage lockers. Details of the fencing to be provided around the car park and coach station have also been provided with this application so these can be removed from the list of requirements.

9/ (Soft Landscape & Biodiversity): the condition is amended to reflect submission of further landscape information in support of this application

13/ (Further Environmental Improvements): The changes to the rear elevation of 165 are noted and considered acceptable, and changes proposed as part of the library application are also noted. The extension of the Allan Block system around the site is also noted as a further environmental improvement. Although a plan showing the locations for the proposed bin stores were submitted with this application, further information is required. The part of the condition that requires the bin store detail therefore remains necessary and is reattached.

15/ (Delivery of Particular Elements of Scheme): The condition remains necessary, but is subject to a minor change to reflect the fact that the blue badge spaces have reduced from 5 to 3.

16/ (Electric Car Charging): This condition has been reworded to require the delivery of car charging points on 2 of the car parking spaces as set out in the application details.

17/ (Coach Access Route): Although a revised plan submitted with the application shows coach access only from the west, this condition remains relevant as worded so is to be retained.

### 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 use proposed is zero rated for CIL purposes so no CIL is payable.

### 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.

As reported in the previous committee report, the Highway Works proposed to ensure the safe operation of the Coach Station are proposed as part of the application and will be carried out by/on behalf of PCC as Highway Authority. Consequently no legal agreement is needed to secure these works.

The Public Protection Team has confirmed that the financial contribution of £1509.75 sought to enable air quality on Mayflower St to be monitored (for a period of 6 months prior to opening of the facility and 6 months afterwards) has already been paid, and that monitoring equipment is already in place.

## 12. Equalities and Diversities

The amendments propose improvements to accessibility across the site by way of a new ramp suitable for wheelchair use (as well as for buggies and those less able to use steps). Although there is some reduction in disabled car parking, the applicant points out that there are better located facilities elsewhere in the city centre, and that the 3 spaces retained are sufficient. On the whole the scheme therefore proposes an overall improvement in accessibility.

## 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. The changes proposed are relatively minor and the overall benefits of the scheme to this area of the city are therefore maintained. Conditions are recommended (in a reworded manner where relevant) as set out below.

## 14. Recommendation

In respect of the application dated **07/01/2016** and the submitted drawings 2118-001 Rev 5 Existing and Proposed Site Plans

- 2118-002 Rev 3 Proposed coach station plan
- 2118-003 Rev 2 Existing and Proposed South elevation
- 2118-004 Rev 2 Existing and Proposed East Elevation
- 2118-005 Rev 1 Existing and Proposed West Elevation
- 2118-006 Rev - Existing Plans and Elevations
- 2118-007 Rev 2 Proposed Plans and Elevations
- 2118-008 Rev 3 Existing and Proposed Signage Elevations
- 2118-009 Rev 1 Proposed Minor Amendment plan
- 2118-010 Rev 1 Proposed Fencing Layout
- 2118-L90-000 Rev 3 Coach Overrun Barrier
- 2118-L-90-004 Rev 4 Pedestrian Barriers
- View 1 Sheet Rev A 3D visual of coach station
- View 2 Sheet 3D visual of coach station internal unit
- View 3 Sheet Rev A 3D visual of coach station canopy
- 29237/2001/101A Topographical survey
- 29237/2001/2700B Existing Utilities
- 29237/2001/100 Location Plan
- 29237/2001/102J General Arrangement
- 29237/2001/103B Contour Plan

29237/2001/104A Cross sections

29237/2001/105B Proposed access routes

29237/2001/106B Vehicle swept area

29237/2001/107B Vehicle swept area

29237/2001/108B Visibility splays

29237/2001/109A Vehicle swept paths

29237/2001/110B Future Responsibility Plan

29237/2001/1100B Paved areas and surface finishes

29237/2001/1300B Street Lighting classes and CCTV

29237/2001/500B Drainage Water Strategy

150/1 Rev B External Works Planting Plan

150-2 New Trade waste bin enclosures measures

051-08 Allan Block retaining wall visual options

150-10 Vertical Bar steel railing detail

-Peter Brett Associates Phase I Ground Condition Assessment, August 2014, Ref: 29237/3501 (Rev: 00) (Received 08 December 2015).

-Peter Brett Associates Report on Phase I Ground Condition Assessment, September 2014, Ref: 29237/3501 (Rev 0) (Received 08 December 2015).

-Geotechnics Limited Factual Report, March 2015, Project No: Project Number: PE141163 (Received 08 December 2015).

-Peter Brett Associates Ground Investigation Report, April 2015, Ref: 29237/3501 (R002/Rev0) (Received 08 December 2015)

34024/2002/1102 Public Realm Sections (received 08 January 2016)

- Statement 'Discharge of Planning Condition Number 7 - Surface Water drainage' (dated 8 December 2015, received 11 December 2015)

- 34024/2002/501 - Proposed Drainage Schedules and Long Sections (Received 08 December 2015)

-Drainage Calculations Issued 04.01.2016 1in10yr storm only (Received 04 January 2016)

-Drainage Calculations Issued 19 June 2015 (Received 04 January 2016)

- Agent Email Providing Drainage Calculations (Received 06 January 2016)

- Agent Email Providing Hydrobrake Information (Received 06 January 2016)

- RainClean Product Literature (Received 13 January 2016)

-29237/2001/500 Rev C Updated 'Surface Water Strategy' drawing (Received 13 January 2016),it is recommended to: **Grant Conditionally**

**15. Conditions**

CONDITION: APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2118-001 Rev 5 Existing and Proposed Site Plans

- 2118-002 Rev 3 Proposed coach station plan
- 2118-003 Rev 2 Existing and Proposed South elevation
- 2118-004 Rev 2 Existing and Proposed East Elevation
- 2118-005 Rev 1 Existing and Proposed West Elevation
- 2118-006 Rev - Existing Plans and Elevations
- 2118-007 Rev 2 Proposed Plans and Elevations
- 2118-008 Rev 3 Existing and Proposed Signage Elevations
- 2118-009 Rev 1 Proposed Minor Amendment plan
- 2118-010 Rev 1 Proposed Fencing Layout
- 2118-L90-000 Rev 3 Coach Overrun Barrier
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- 29237/2001/101A Topographical survey
- 29237/2001/2700B Existing Utilities
- 29237/2001/100 Location Plan
- 29237/2001/102J General Arrangement
- 29237/2001/103B Contour Plan
- 29237/2001/104A Cross sections
- 29237/2001/105B Proposed access routes
- 29237/2001/106B Vehicle swept area
- 29237/2001/107B Vehicle swept area
- 29237/2001/108B Visibility splays
- 29237/2001/109A Vehicle swept paths
- 29237/2001/110B Future Responsibility Plan
- 29237/2001/1100B Paved areas and surface finishes
- 29237/2001/1300B Street Lighting classes and CCTV
- 29237/2001/500B Drainage Water Strategy
- 150/1 Rev B External Works Planting Plan
- 150-2 New Trade waste bin enclosures measures
- 051-08 Allan Block retaining wall visual options



150-10 Vertical Bar steel railing detail

-Peter Brett Associates Phase I Ground Condition Assessment, August 2014, Ref: 29237/3501 (Rev: 00) (Received 08 December 2015).

-Peter Brett Associates Report on Phase I Ground Condition Assessment, September 2014, Ref: 29237/3501 (Rev 0) (Received 08 December 2015).

-Geotechnics Limited Factual Report, March 2015, Project No: Project Number: PE141163 (Received 08 December 2015).

-Peter Brett Associates Ground Investigation Report, April 2015, Ref: 29237/3501 (R002/Rev0) (Received 08 December 2015)

34024/2002/1102 Public Realm Sections (received 08 January 2016)

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.

### CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

(2) 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.

### **Pre-commencement Conditions**

#### **PRE-COMMENCEMENT: HIGHWAY DETAILS**

(3) The proposed paved areas and surface finishes shall be completed in accordance with the details set out on approved drawing 29237/2001/1100B unless alternative details are submitted to and approved in writing by the Local Planning Authority.

Details of the construction and surface treatment of the proposed shared surface area to the southern perimeter road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of this part of the works. The works shall be completed in accordance with that approval prior to the first use of the Coach Station hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To provide a road and footpath pattern that secures a safe and convenient /environment and a satisfactory quality of public realm in accordance with Policies CS28 and BCS34 of the Plymouth Local Development Framework Core Strategy 2007.

#### **COMPLIANCE: NOISE AND AIR QUALITY MANAGEMENT PLAN**

(4) The Coach Station hereby approved shall be operated in accordance with the measures set out in the Noise and Air Quality Management Plan 'Peter Brett Associates: PCS - Condition 5 - Noise and Air quality management plan Rev 2.pdf

(24/12/15)' submitted with application 15/02299/CDM on an ongoing basis unless an alternative plan is submitted to and approved in writing by the Local Planning Authority (in which case the facility shall be operated in accordance with that approval).

Reason:

To protect the site and its immediate surroundings from pollution in the form of noise and vehicle emissions in order to ensure a reasonable environment for users of the facility and for existing residential occupiers, and to ensure that future development introducing uses sensitive to such pollution is not deterred by the proposal, in order to comply with policies CS22 and CS34, and Area

Vision 3 (City Centre) of the adopted City of Plymouth Core Strategy Development Plan Document 2007, and the National Planning Policy Framework 2012.

## COMPLIANCE: CODE OF PRACTICE DURING CONSTRUCTION

(5) Construction of the development shall be carried out in accordance with the construction management plan 'South West Highways: 2015 12 23 - Const Phase HS Plan A.pdf (23/12/15)' submitted with application 15/02299/CDM.

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 .

(6) The surface water drainage system for the development hereby approved shall be constructed in accordance with the details approved by application 15/02299/CDM (including plan 29237/2001/500B approved by this consent) prior to the first use of the development hereby approved (unless alternative details are first submitted to and approved in writing by the Local Planning Authority) and 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 the requirements of Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

## BEFORE ELEMENT COMMENCES: DESIGN DETAILS

(7) Full details of the following external parts of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the scheme. The works shall thereafter be carried out in accordance with that approval prior to the first use of the Coach Station hereby approved unless an alternative timetable is agreed in writing in advance by the Local Planning Authority:

- a. Allan Block retaining wall system (Sample)
- b. Access ramp to rear of 165 Armada Way
- c. Canopy,
- e. Barrier to coach access ramp
- f. External seating,
- h. Information screens
- i. Signage,
- j. Shop fronts to front and rear
- k. Granite paving sample

- l. Kerb edge sample to granite paving areas
- m. Edgings to planting area
- n. Coach apron surface samples

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

### BEFORE ELEMENT COMMENCES: SOFT LANDSCAPE & BIODIVERSITY

(8) Further details of proposed soft landscape works and a programme for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance that approval (and in conjunction with the drawings hereby approved) prior to the first use of the Coach Station hereby approved unless an alternative programme is agreed in writing in advance by the Local Planning Authority. These details shall include:

- b. Planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection (as relevant).
- D. Details of how the scheme will deliver a net on-site gain in biodiversity, and if this is not achieved through planting, other means of delivering biodiversity gain (for example bird boxes or similar)
- e. Landscape Management Plan detailing how each element will be managed and maintained, and including a commitment to replace any dead or defective planting stock for a period of 5 years.

Reason:

To ensure that satisfactory soft landscape works and biodiversity gains are delivered in accordance with Policies CS18, CS19 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.

### BEFORE ELEMENT COMMENCES: KITCHEN EXTRACT EQUIPMENT

(9) No mechanical extract equipment required in association with cooking on the premises shall be installed on the premises unless details of the equipment are first submitted to and approved in writing by the Local Planning Authority. Details shall include position on the building, visual appearance, details of hours of operation of the equipment, details of noise levels, odour control measures, and the manufacturer's instructions along with a description of the cooking equipment proposed.

Any mechanical extract equipment shall be provided in accordance with the details approved prior to the use of any cooking equipment that requires the equipment, and shall thereafter be maintained in accordance with that approval. The noise emanating from equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

## Reason:

In the absence of details of a mechanical extract system to protect the residential and general amenity of the area from odour emanating from cooking activity in accordance with the requirements of policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the site is suitable only for the preparation of simple types of food which do not require mechanical extract equipment unless details are first submitted to the Local Planning Authority for review and approval.

## BEFORE ELEMENT COMMENCES: AIR CONDITIONING EQUIPMENT

(10) No condensers or other equipment required in association with air conditioning/climate control within the premises shall be installed unless details of that equipment are first submitted to and approved in writing by the Local Planning Authority. Details shall include position on the building, visual appearance, details of hours of operation of the equipment, details of noise levels, and the manufacturer's instructions.

Any equipment shall be provided in accordance with the details approved prior to its use at the premises, and shall thereafter be maintained in accordance with that approval. The noise emanating from equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

## Reason:

To enable consideration of the impacts of any air conditioning equipment which may be required in future to protect the residential and general amenity of the area in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## **Pre-occupation Conditions**

### PRE-OCCUPATION: SAFETY AND SECURITY

(11) Full details of the package of proposed safety and security measures for the site shall be submitted to and approved in writing by the Local Planning Authority, and provided in accordance with that approval prior to the first use of the Coach Station hereby approved unless an alternative programme is agreed in writing in advance by the Local Planning Authority. These details shall include:

- a. External artificial lighting for all areas of the site, including location and appearance of all light fittings, luminance levels (including details which demonstrate that lighting levels will not be harmful to the amenity of any surrounding occupiers), and where appropriate timing of use/means of control
- b. CCTV system, including details of camera locations and coverage and monitoring, management and maintenance arrangements
- c. Help button, including details of operation and response, management and maintenance arrangements

Reason:

To ensure that the site is safe and secure for all users at all times in accordance with policy CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 58 and 69 of the National Planning Policy Framework 2012.

### PRE-OCCUPATION: FURTHER ENVIRONMENTAL IMPROVEMENTS

(12) Details of proposed arrangements to screen existing commercial waste receptacles shall be submitted to and approved in writing by the Local Planning Authority, and thereafter provided in accordance with that approval prior to the first use of the Coach Station hereby approved.

Reason:

To improve the visual amenity of the area and improve the visitor arrival experience in accordance with Policies CS02 and 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-OCCUPATION: SIGNAGE AND WAYFINDING STRATEGY

(13) Details of a package of vehicular and pedestrian directional signage and wayfinding measures shall be submitted to and approved in writing by the Local Planning Authority and provided in accordance with that approval prior to the first use of the Coach Station hereby approved unless an alternative timetable is agreed in writing in advance by the Local Planning Authority. The measures could include creative wayfinding measures such as public art interventions as well as traditional signage.

Reason:

To ensure that the facility is easy to find and that visitors arriving at the facility can readily access other parts of the city to satisfy relevant parts of policies CS02, CS06, CS28, CS34, of the Plymouth Local Development Framework Core Strategy 2007, policy CC03 of the Plymouth Local Development Framework City Centre and University Area Action Plan (2006-2021) 2010, and paragraphs 30, 58, and 69 of the National Planning Policy Framework 2012.

### PRE-OCCUPATION: DELIVERY OF PARTICULAR ELEMENTS

(14) The following elements shall be provided in accordance with the details shown on the drawings hereby approved prior to the first use of the relevant part of the scheme unless alternative details are first submitted to and approved in writing by the Local Planning Authority. The relevant part of the scheme shall be permanently maintained and remain available for its intended purpose in accordance with that approval and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Prior to first use of the coach station:

- a. Cycle parking stands
- b. Taxi/private hire drop off spaces within car park area
- c. Other drop off and pick up spaces (to be clearly signed as such)
- d. Blue badge space adjacent rear entrance to 165 Armada Way

Prior to first use of the car park:

- e. 3 no. blue badge parking bays

Reason:

To ensure that the development is accessible by a range of transport modes to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **Other Conditions**

#### **CONDITION: DEMENTIA FRIENDLY CAR PARKING SPACE**

(15) No less than one dementia friendly car parking space, with appropriate signage, shall be provided in the car park hereby approved prior to its first use unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of providing shopper's car parking facilities suitable for use by dementia sufferers and their carers.

(16) A scheme for the provision of electric car charging points for the shoppers' car park shall be submitted to and approved in writing by the Local Planning Authority and provided in accordance with that approval prior to the first use of the new car park hereby approved.

Reason:

In accordance with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 35 of the National Planning Policy Framework.

#### **CONDITION: COACH ACCESS ROUTE**

(17) Coaches shall access and egress the site via the preferred route from Western Approach unless exceptional circumstances (such as highway closures) dictate otherwise, or unless an alternative route plan has first been submitted to and approved in writing by the local planning authority.

Reason:

In accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and policies CC04 and CC06 of the Plymouth Local Development Framework City Centre and University Area Action Plan (2006-2021) 2010 in the interests of pedestrian and highway safety within the city centre and because the air quality impacts of regular coach access via Mayflower St from the east have not been fully assessed.

## **Informatives**

### **INFORMATIVE: TRAFFIC REGULATION ORDERS**

(1) Traffic Regulation Orders will be required in order to implement and enforce the proposed one way street in Mayflower Street and the proposed alterations to parking controls within the public highway. The applicant should contact Plymouth Transport and Highways in order to initiate the necessary procedures.

### **INFORMATIVE: ADVERTISING**

(2) This permission does not give or imply any consent for the advertising material shown on the approved plans. Such advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.

### **INFORMATIVE: CONDITIONAL APPROVAL**

(3) 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: DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

(4) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

(5) You are hereby advised, if submitting a revised surface water drainage scheme for the scheme as required by condition 7 attached to this approval, to consult South West Water who are carrying out an Integrated Urban Drainage (IUD) study which covers this catchment which is identifying locations to take surface water out of the combined drainage system. Information about this study can be obtained via Richard Behan (SWW) and Alex Midlen (PCC). You are also advised to discuss your proposals with to the City Council's Principal drainage engineer Mr Andy Cottam (01752 398064). Please also note that the Environment Agency also queried whether project is able to make a 'reasonable and proportionate contribution' towards the development of an improved surface water drainage network for this part of the city.



# PLANNING APPLICATION REPORT



**Application Number** 14/00001/FUL

**Date Valid** 02/01/2014

**Item** 04

**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: 10  
March 2016**

**Decision Category**

Major - more than 5 Letters of Representation received

**Case Officer**

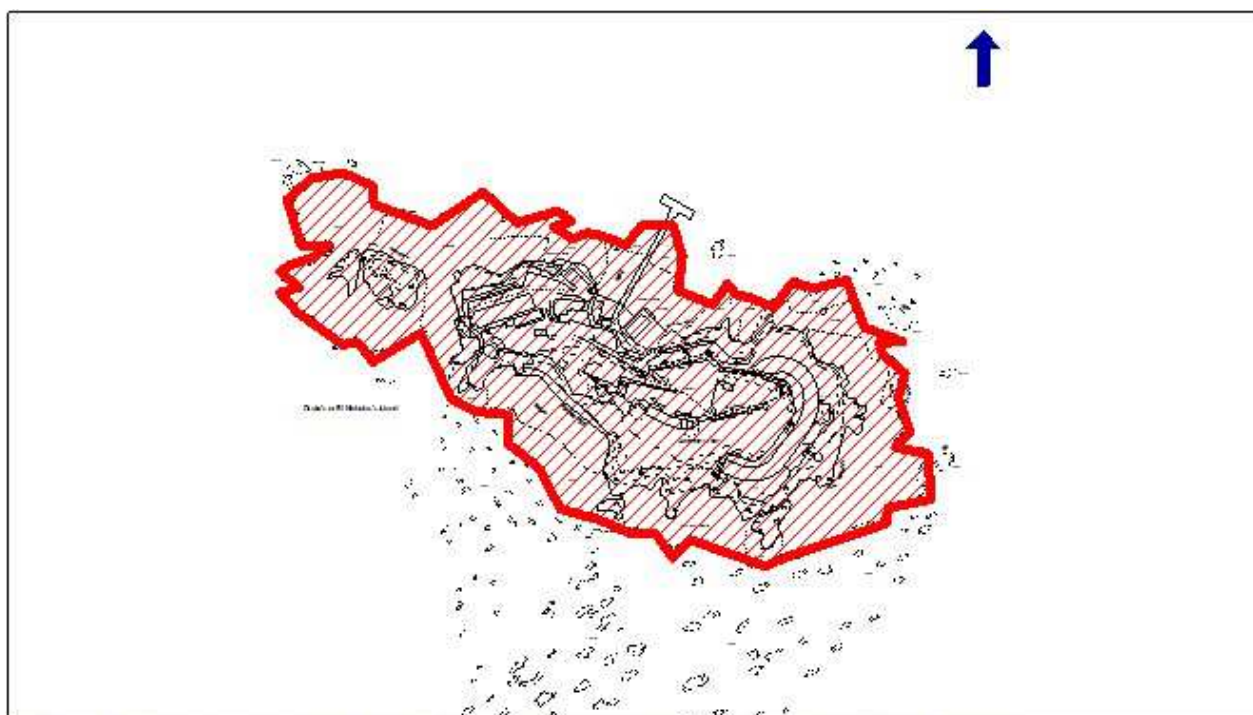
Matt Coombe

**Recommendation**

Refuse

**Click for documents**

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## Update

On considering this planning application on 19th November 2015, Planning Committee voted in favour of the following resolution:

“Deferred - Members were Minded to Grant the application however it was delegated to the Assistant Director for Strategic Planning and Infrastructure in consultation with the Joint Chairs, to liaise with the Secretary of State to investigate the options available for consideration and determination of the planning application.”

As requested by the Planning Committee, Officers contacted the National Planning Casework Unit regarding a possible referral to the Secretary of State. The National Planning Casework Unit has responded, advising the Council that its Planning Committee should “*determine the application on its merits, taking into account the relevant facts and any representations that have been made.*”

The National Planning Casework Unit letter goes on to say that if Members approve the application they “*would draw your attention to the advice of Natural England in its letter of 10 April 2015, which refers you to Section 28i(6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority:*

- 1. To 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*
- 2. Not to 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.”*

It is on this basis that officers again bring this planning application before Planning Committee. There is no change to the recommendation – for the reasons set out below, it remains recommended that this application be refused.

## 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-I, 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).

### **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.

### **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.

### **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

## 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 19<sup>th</sup> 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 10<sup>th</sup> 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](mailto: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 14<sup>th</sup> 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 5<sup>th</sup> 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.

## **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.

### 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 I2/00095/FUL and I2/00099/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 15<sup>th</sup> 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 readvertising of the application, which ran for 21 days from 19<sup>th</sup> 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 19<sup>th</sup> March 2015. Natural England responded to this in their letter of the 10<sup>th</sup> 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 14<sup>th</sup> 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 5<sup>th</sup> 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 23<sup>rd</sup> October 2015 and the HRA was published on the Council's website at this time. The planning application was readvertised with the completed HRA on 3<sup>rd</sup> November 2015.

The RSPB responded in a letter dated 5<sup>th</sup> 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 15<sup>th</sup> 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 27<sup>th</sup> 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.

## **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.

Officers therefore consider there is no other lawful option than to recommend that this planning application be refused.

### 13. 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**

## 14. 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).

## Informatives

### 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** 15/02335/FUL

**Date Valid** 07/01/2016

**Item** 05

**Ward** Stoke

**Site Address** 84 AND 86 SOMERSET PLACE, PLYMOUTH

**Proposal** Retrospective application for the removal of wall to form hard-standings at 84 and 86 Somerset Place

**Applicant** Ms Susan Aston

**Application Type** Full Application

**Target Date** **03/03/2016**

**Committee Date**

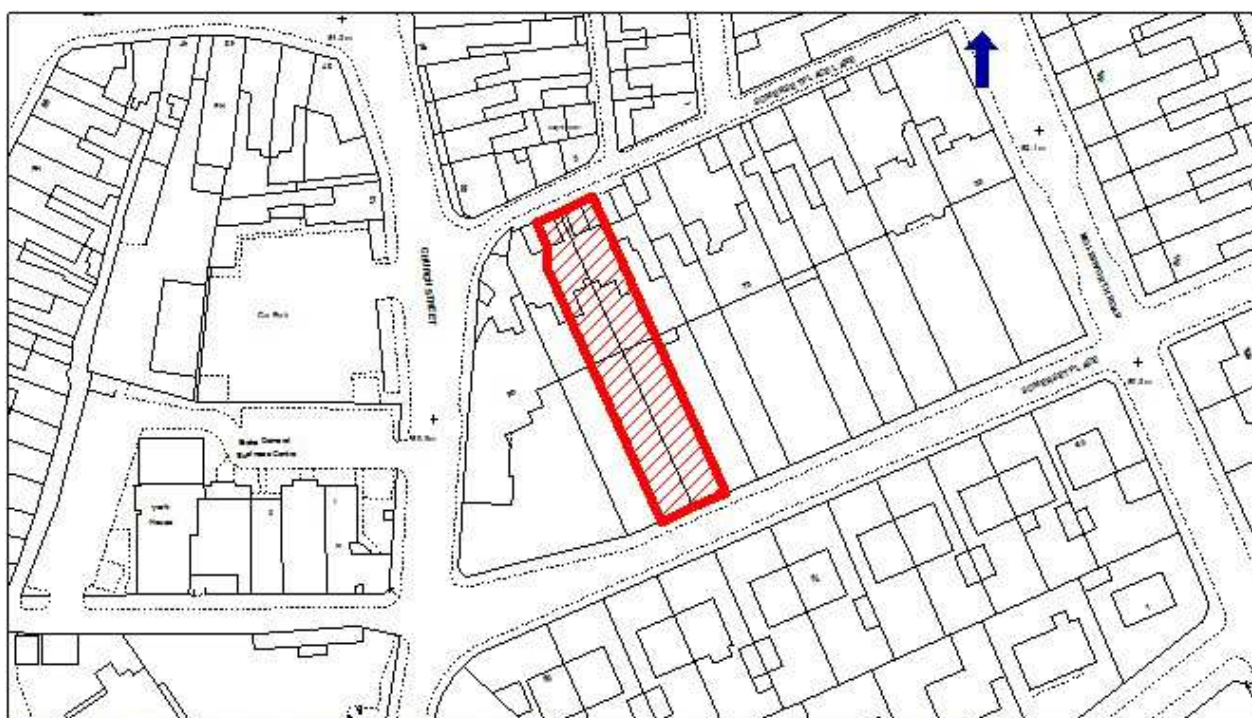
**Planning Committee: 10  
March 2016**

**Decision Category** Member Referral

**Case Officer** Amy Thompson

**Recommendation** Grant Conditionally

**Click for documents** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



This application has been referred to planning committee by Cllr Sam Davey

## 1. Description of site

84 and 86 Somerset Place are neighbouring properties that are part of a terrace in the Stoke Conservation Area.

## 2. Proposal description

Retrospective application for the removal of wall to form hard-standings at 84 and 86 Somerset Place

## 3. Pre-application enquiry

None.

## 4. Relevant planning history

No planning history but is currently an open enforcement case (15/02302/OPR).

## 5. Consultation responses

Local Highway Authority-No objection subject to appropriate mitigation, see comments below.

Public Protection- No objection.

Historic Environment- No objection subject to added conditions, see comments below.

## 6. Representations

9 letter of representation with main concerns of;

- Proposal could set a precedent on the north side of the street.
- Loss of the old flagstones, which has also been damaged through construction.
- Impact on boundary wall between 84 and 82 Somerset Place.
- Loss of on-road parking spaces.
- Parking is already provided to the rear of the property in garages.
- Negative impact on conservation area.
- The development started without planning permission.
- Obscure vision for users of the proposed hard-standing and could impact on the safety of the public, which includes school children, mobility scooters and cyclists.
- Road safety as Somerset Place is a narrow road that can be busy at peak times. The proposal could result in a collision.
- Loss of grass and wildlife habitat, could impact on flooding.

## 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), CS03 (Historic environment) 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 1<sup>st</sup> 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. This application is for retrospective consent for the removal of the front walls for 84 and 86 Somerset Place to form a hard-standing. The application was submitted due to a complaint being submitted to the planning enforcement team. When investigated the enforcement officer recommended that all works on site cease and a planning application be submitted for determination.
3. The applicant requires retrospective planning permission for the removal of the entire wall fronting onto Somerset Place from 84 and 86 Somerset Place due to being sited within a conservation area. Planning permission is required to demolish a boundary wall over a metre high and fronts a highway. However under the General Permitted Development Order the applicant is allowed to construct a hard-standing of any size, using permeable material without planning consent. It has been indicated in the proposed plans the parking area would be made out of permeable material and therefore planning permission is not required for the construction of the hard-standing.
4. The initial proposal sought to remove the entire wall along the frontage of 84 & 86 Somerset Place, erection of a hard-standing and erection a fence between the hard-standing a gardens of the two properties. However since the initial submission amendments have been made in response to comments received from the Local Highway Authority and concerns with the loss of on-street parking and allow vehicles to cross the kerb. The amendments to the proposal include a new boundary to the front of both properties and a 5 metres opening in the centre of the boundary to allow for a shared access to the hard-standing.
5. The Local Highway Authority have no objection to the proposal and have requested that conditions be added for details of the car parking area and sight lines are submitted to and approved in writing by the Local Planning Authority before commencing with the proposal.
6. 84 & 86 Somerset Place are located on the north side of Somerset Place. The majority of properties within this terrace are the oldest within the conservation area, however the properties in question were built after the war. Currently there is one hard-standing on the north of Somerset Place, and it is noted that a number of properties on the south side have hard-standings.
7. The Historic Environment Officer has stated that the removal of the entire front wall, piers and gate and the scale of the hard-standing does impact on the character of the north side of Somerset Place. However the Historic Environment officer has made recommendations for conditions, similar to the ones requested by the Local Highway Authority. The conditions request details to be submitted to the Local Planning Authority prior to commencing with the development for the proposed materials used for the hard-standing, the wall fronting Somerset Place, details of drainage and an informative will be added to ensure that any

damage caused to the pavement adjacent to the hard-standing is repaired. With these added condition the Historic Environment Officer states that the overall appearance and quality of the work would be improved and lessen the harm on the conservation area.

8. The application under consideration seeks planning permission retrospectively for the demolition of the boundary walls for 84 and 86 Somerset Place that front onto the highway, to form a hard-standing for both properties.
9. In August 2015 the Government announced a new national planning policy relating to intentional unauthorised development. The new policy applies to all planning decisions made by Local Planning Authorities, after then, including those made by Planning Inspectors where decisions are made on appeal to them. The new policy requires weight to be given in the decision making process where unauthorised development has been carried out intentionally. Unfortunately, the policy does not indicate exactly how much weight should be afforded to this in relation to the weight given to other material planning considerations that will apply. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally, as opposed to it possibly having been carried out unintentionally.
10. In reality, given the difficulties in interpreting these issues, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that in its opinion unauthorised development is being carried out, and that works have continued beyond that point. This does not apply in this case, and so it is considered that no weight should be afforded to this point in the determination of this application.
11. The concerns raised within the letters of representation regarding the impact on the loss of garden and wildlife habitat is not considered to be detrimental due to the scale of this development.
12. The proposal is not considered to have a detrimental impact on neighbour amenity or the character and appearance of the conservation area and is therefore recommended for the conditional approval.

### 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.

### 11. Planning Obligations

Not applicable.

## 12. Equalities and Diversities

None.

## 13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance. The application is recommended for conditional approval.

## 14. Recommendation

In respect of the application dated **07/01/2016** and the submitted drawings Site location plan, 2937-03.,it is recommended to: **Grant Conditionally**

## 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:Site location plan, 2937-03.

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: PROVISION OF SIGHT LINES

(3) No development shall take place until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the hard-standing is first brought into use.



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.

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

## PRE-COMMENCEMENT: PROVISION OF DRAINAGE WORKS

(4) No development shall take place until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012

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: DETAILS OF WALL

(5) No development shall take place until details of the boundary wall fronting onto Somerset Place have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

To ensure that the development can reasonably accommodate the external design and materials that are acceptable to the local planning authority.

## **Pre-occupation Conditions**

### PRE-OCCUPATION: CAR PARKING PROVISION

(6) The building shall not 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.

## Informatives

### INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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

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

### INFORMATIVE: KERB LOWERING

(3) Before the access hereby approved are first brought into use it will be necessary to secure dropped kerbs and footway crossing (single 5 metres) 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: DAMAGE TO PAVEMENT

(4) Any damage caused to the pavement adjacent to the hard standing will need to be repaired to avoid becoming dangerous.

# PLANNING APPLICATION REPORT



**Application Number** 15/01622/FUL

**Date Valid** 10/09/2015

**Item** 06

**Ward** St Peter & The Waterfront

<b>Site Address</b>	MAYFLOWER HOUSE, 178 TO 184 ARMADA WAY, PLYMOUTH		
<b>Proposal</b>	Demolition of existing building and erection of 18-storey building comprising 490 student bedrooms with associated facilities, 2,381 sq.m office (use class B1) and 793 sq.m retail unit (use class A1/A3)		
<b>Applicant</b>	Guildhouse (UK) Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>31/03/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 10 March 2016</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Kate Saunders		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse it not met.		

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## 1. Description of site

Mayflower House is located on the north west corner of the junction of Armada Way and Mayflower Street within Plymouth City Centre. The site forms part of a triangular shaped block identified in the City Centre and University Area Action Plan as 'The Northern Triangle'.

The site is bordered by the Salvation Army building to the north and retail units to the east. The area in front of the building, in Armada Way is largely pedestrianised with extensive and well-established areas of landscaping. Directly opposite Mayflower House is the 1980s Armada Centre which contains a number of retail units on the ground floor with Sainsburys located above. At the rear of the site is a public car park operated by Plymouth City Council

At the northern tip of this block is the site known as Beckley Court which is currently under redevelopment to accommodate a 22-storey gateway building that will provide over 500 student bedspaces alongside commercial uses on the lower ground and ground floor.

The site is currently occupied by a four/five storey office building which has food outlets at its southern end breaking out onto Mayflower Street and Armada Way at lower ground floor level. The site slopes by approximately 4-5metres north to south across its length.

## 2. Proposal description

Demolition of existing building and erection of 18-storey building comprising 490 student bedrooms with associated facilities, 2,381 sq.m office (use class B1) and 793 sq.m retail unit (use class A1/A3)

The composition of the building now includes lower ground/ground floor commercial unit and ancillary student facilities, 1st and 2nd floor of office accommodation and the 4th – 18th floor as student accommodation. The 18<sup>th</sup> floor will have a greatly reduced footprint providing a communal "sky lounge" for the student occupants. The inclusion of two floors of office accommodation from the original submission has resulted in the loss of a single floor of student accommodation with the height of the building also being increased by a single-storey.

## 3. Pre-application enquiry

15/00810/MAJ - Student accomodation / residential / retail, ancillary car parking

A detailed pre-application was held where all elements of the proposal were discussed, which included review by the Devon Design Panel. The principle of providing student accommodation in this location was supported although concerns were raised regarding the loss of employment space.

## 4. Relevant planning history

10/00297/FUL - Change of use from office (Use Class A2) to retail bakery and ancillary coffee shop – Granted conditionally

09/00396/FUL - Two air conditioning units on roof – Granted conditionally

08/01320/FUL - Installation of air conditioning unit on west elevation of existing plant room – Granted conditionally

06/01868/FUL - Installation of air condenser units on roof of building – Granted conditionally

06/00921/FUL - Additional three condensing units on roof – Granted conditionally

06/00824/FUL - Change of use of part of third floor from offices to use as interview, training and administration centre for temporary period until September 2011 – Granted conditionally

04/01583/FUL - Change of use and conversion of part of first floor from offices to use within Class D1 (School of Podiatry) – Granted conditionally

04/00777/FUL - Change of use and conversion of third floor from offices to use within Class D1 (School of Podiatry) – Granted conditionally

98/00513/FUL - Cladding of rear elevation, installation of replacement windows and construction of new entrance canopy – Granted conditionally

89/01565/FUL – Replacement windows and cladding to offices – Granted conditionally

89/00544/FUL – Erection of an additional storey of office accommodation – Granted conditionally

There have been further minor applications dating back beyond 1989 however they do not have any significant bearing on the consideration of this application.

### 5. Consultation responses

Economic Development – Support the application

Highways Authority – No objections subject to conditions

Lead Local Flood Authority – No objections subject to condition

Low Carbon Officer – No objections subject to condition

Natural Infrastructure Team – No objections subject to conditions

Public Protection Service – No objections subject to conditions

Urban Design – Further suggested design changes have been made to the applicant who will be addressing these matters prior to Planning Committee to allow the Urban Design Officer to support the application

### 6. Representations

Ten letters of representation have been received and raise the following issues:

- Agree with purpose built student accommodation in City Centre but feel the development is inappropriate for this location.
- Building is too tall and scale and massing inappropriate
- Out of contrast with low level development opposite
- Finer details of the design e.g. windows, materials are unappealing
- Application should be considered by the Devon Design Review Panel
- 6 stories is considered an appropriate building height in this location
- Design is unattractive and lacks longevity
- Is there a long-term market for this type of student accommodation in the city?
- There are enough students already and this will prevent families using the Hoe due to students unsociable behaviour.
- Will dilute the good impression provided by other listed landmarks on the Plymouth Skyline
- Damage City's architectural and social character in the future
- Building will appear as a large slab when viewed from a distance
- Building is imposing and unrelenting and does not deliver the attractive composition that was envisaged
- Repetitive windows on Armada Way lack distinctiveness

- Building base does not connect well to the ground
- Should be affordable housing not student accommodation
- Employment use should be retained on the site
- The arguments that the site is no longer viable for employment use are inadequate as maintenance and investment in the building should be taken in to account
- Retention for employment use is supported by the core strategy and NPPF
- Not an oversupply of other good quality office buildings in the City Centre
- The provision of some office floorspace (not as much as the existing building) is still contrary to the economic aims of the City.
- The applicant is likely to try and convert the office space to student use.
- Tall building does not fit in with the Abercrombie Plan

### 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 City Centre & University 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:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2<sup>nd</sup> 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 the determination of this application are CS01 (Sustainable Communities), CS02 (Sustainable Design), CS04 (Future Employment Provision), CS05 (Development of Existing Sites), CS06 (City Centre), CS15 (Overall Housing Provision), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).
3. The policies of most relevance from the emerging Plymouth Plan are Policy 12 (Delivering strong and safe communities and good quality neighbourhoods), Policy 15 (Meeting local housing needs), Policy 18 (Delivering sufficient land for new jobs), Policy 20 (Delivering sufficient land for new homes to meet Plymouth's housing need), Policy 29 (Place shaping and the quality of the built environment), Policy 30 (Safeguarding environmental quality, function and amenity) and Policy 42 (Improving Plymouth's City Centre).
4. The main planning considerations are the impact on employment (office) accommodation, design, impact on the character and appearance of the area, sustainability, contamination, noise and air quality. The consideration of these issues are explained in full below

#### Principle of Development

5. Mayflower House is an existing office building which spans approximately 33,512 sq. ft., with the majority being in use as office accommodation (B1a Use Class). The building currently supports 9 separate office tenants employing circa 150 staff within 75%, circa 23,300 sq. ft., of the available space.
6. Information has been supplied by the applicant detailing the marketing arrangements for the vacant office space. Officers are satisfied that adequate marketing has taken place but despite this approximately 25-30% of the overall floorspace has been remained vacant over the last 5 years.
7. The applicant has also sought to provide data on where existing tenants will relocate to within the City. The Local Planning Authority have been reassured that all, apart from one firm employing just two staff, have or will be relocating within the City. The majority of firms

are seeking new premises close to the City Centre with some choosing surrounding Waterfront locations.

8. Policy CS05 states that in assessing a proposal it is important to consider whether it would result in the loss of a viable employment site necessary to meet the area's current or longer term economic development needs. Officers consider that the levels of occupation within the building, which were maintained throughout the recession, are an indication that the building is a viable employment site. Therefore when the application was originally submitted without any office accommodation proposed officers raised concerns.
9. The applicant has sought to address the concerns raised and has worked in a proactive manner with officers in order to incorporate 2 floors of new "Grade A" office in to the development. "Grade A" accommodation is generally defined as the "most prestigious buildings competing for premier office users with rents above average for the area. Buildings have high quality standard finishes, state of the art systems, exceptional accessibility and a definite market presence". It has been an aspiration of the council to create a new, high quality, office quarter within the City Centre for many years.
10. Proposal CC14 of the City Centre and University Area Action Plan promoted the creation of a new office district at North Cross, centred around the Railway Station. The AAP has been adopted since 2010 and during this time no developments have come forward to support this vision. Policy 42 of the emerging Plymouth Plan also promotes the delivery of a vibrant mix of uses within the City Centre to include significant employment and office uses, including new Grade A office accommodation.
11. Office accommodation has not been delivered in the City Centre since the 1980s or earlier and as such the existing office stock is of a poor quality. The low rental levels in the office market within Plymouth have made single use office developments unattractive and unviable. Officers consider that the new office accommodation provided, as a significant component of this development, will help to attract new businesses in to the city and act as a catalyst for further office growth and development in the City Centre. The notable office entrance on Armada Way and the prominent and visible nature of the two office floors within the building will help to ensure the perception and feel of the area for employment use is strengthened.
12. Officers accept that the amount of new office space being provided, 22,400 sq. ft, is less than the level of office accommodation provided in the existing building. However taking in to account the long standing vacancies, which have been fully marketed, alongside the significant uplift in the quality of accommodation that will be delivered officers are fully supportive of the amount of office accommodation being provided as part of this scheme.
13. Discussions did take place during the course of the application to assess whether the existing building could be retained and upgraded to provide better quality accommodation. The applicant advised that whilst this would be physically possible the amount of investment that would be required made these works unviable. The student accommodation being provided as part of this proposal subsidises the creation of the highly desirable, "Grade A" office accommodation.
14. The site is situated within the area of the City commonly known as the "northern triangle". Proposal CC15 of the City Centre and University AAP supports redevelopment of the area with mixed use developments including office, residential, hotels and university uses such as student accommodation.



15. At the strategic level policy CS15 of the Core Strategy identifies that 17,250 new homes are required to be built in the city by 2021, and these are required to meet the current and future needs of the population including students.
16. The Emerging Plymouth Plan continues to welcome and support the Universities within the City and the student population. Policy I identifies that it is important that every student feels welcome and has access to quality accommodation near their place of study. Policy I5 supports purpose built student accommodation in the form of cluster flats and studio developments where these are in locations close to the education establishment, support wider regeneration objectives, are acceptable in terms of impact on their existing residential areas, and which provide decent accommodation with support facilities.
17. The application site is in close proximity to the main University Campus which is located just 150-200 metres away. The close proximity of this area to the University has already prompted other student accommodation to be constructed with the Unite (Discovery Heights) building on Cobourg Street and now Beckley Court which is in the early stages of construction.
18. Some of the letters of representation received on the application suggest it would be more beneficial for market and affordable housing to be provided in this locality. However whilst the Local Planning Authority is keen to encourage market housing to be delivered within the City Centre unfortunately developments of this nature are not forthcoming at present.
19. The implementation of planning permissions for purpose built student accommodation will however help to release market housing from the residential areas surrounding the University such as Mutley and Greenbank. The Local Planning Authority does have Council Tax data which demonstrates that there has been a reduction in the number of dwellings occupied by students, year on year, since purpose built accommodation has been delivered, and will be looking to publish this data in the summer of 2016 as part of a housing topic paper.
20. If these developments are not supported through planning policy then there would be a greater impact on the existing housing stock as the need generated from the student population would have to be met through existing housing.
21. The supporting Design and Access Statement highlights the strong need for further student housing in the City. The employment report prepared by Savills advises that currently only around 20% of students within the City can be provided with purpose built accommodation in either university halls or with private companies. Even taking in to account anticipated pipeline development this figure rises to around 29-33% which is still considerably below the UK average in respect of this provision at 40%.
22. The applicant has advised that whilst they are confident that there will continue to be a strong market for this form of student accommodation in the City into the future the construction of the building will allow for conversion to general residential accommodation if required.
23. The building is a framed structure; permitting maximum flexibility for both external and internal wall build up and location. The concrete frame incorporates a flat slab; this provides flexibility for future redistribution of services while maintaining the required degree of structural, fire and acoustic protection relevant for general residential uses. Furthermore the

floor to floor and floor to underside of slab heights permit flexibility for reversion to standard residential use in future.

24. All the above factors provide the level of flexibility required to facilitate any potential future conversion of the student accommodation to standard residential use, whether affordable housing or standard private residential.
25. The proposal results in the creation of a modern, high-quality, mixed use development that aligns with existing policy requirements. Officers consider that the further intensification of this part of the City Centre will positively benefit the function and vitality of the area. The increased footfall from both the commercial and residential elements of the development should help support other services creating further diversity and activity throughout the day and into the evening.
26. Officers consider that the mixed-use nature of the development is fully compliant with Policy CS05 and CS15 of Core Strategy alongside Proposal CCI5 of the City Centre and University AAP.

### Housing Provision

27. 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).
28. 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”
29. 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.”
30. 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.
31. 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.

32. 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”
33. 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.
34. 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

35. The application has gone through a detailed pre-application process where officers carefully considered the scale and massing of the building.
36. At pre-application stage the proposals were also considered by the Devon Design Review Panel. The proposals were at an early stage of production and the panel simply provided comments on the overall scale and massing of the development. The Panel welcomed the principle of the use and the intensification of the density in this particular urban block. They also supported the applicant’s aspiration to improve the quality of the built environment in this part of the City Centre. The Panel were keen to ensure that the proposal was being considered in the context of wider plans and aspirations for the City Centre. Officers are able to confirm that they are satisfied that the development is in keeping with future aspirations for the City Centre that are being progressed through Part Two of the emerging Plymouth Plan.
37. The letters of representation received raise concerns about the siting of such a tall building in this location. The site is located within the intensification part of the Tall Building Zone of Opportunity as set out in the adopted Core Strategy, Design SPD and City Centre & University AAP . It is advised that the zone of opportunity “can be punctuated at appropriate locations with tall buildings”. This followed the Mackay Vision which set out a “mini Manhattan” approach for the City Centre, the idea being to create a critical mass of population density here and support wider regeneration.
38. The tall building strategy for the city is already being delivered within the “Northern Triangle” with Beckley Court, which will be the City’s tallest building, currently under construction. Furthermore a number of other high quality tall buildings are located on the University Campus just a short distance away.

39. It is considered that a tall building can be justified on the site in principle, provided it is of the highest quality. The height of the proposed building is considered acceptable as it has a positive relationship with the scale of Armada Way, which is about 59m wide at this point and supports the adopted planning policy aspiration to intensify activity and living within the City Centre. The height is also justified on the basis that it marks a key townscape corner at the junction of Armada Way and Mayflower Street. Furthermore the building is sufficiently distant to not have a significant impact on the most valuable 20th Century historic buildings in the Beaux-Arts “Abercrombie Estate”.
40. The City Centre is characterised by buildings with a strong horizontal emphasis in massing and elevation patterns. The proposed building echoes this and the three dimensional form of the building is supported. The tapering soffit and parapet form of the primary Armada Way volume – echoing the wedge-like plinth below - is considered a simple, but elegant gesture.
41. The applicant has worked with the Local Planning Authority to continue to improve the quality of the design through the course of the planning application and a number of positive changes have already been secured.
42. A curtain walling system will be utilised to add the office “insert” to the building and this is characteristic with other development in the locality, including the mixed use British Legion office and student accommodation building opposite. The large levels of glazing will provide natural surveillance for the street and highlight the significance of the office element of the development within the building.
43. A number of amendments have also been made to the Armada Way frontage, increasing the levels of glazing to the common rooms and introducing oriel windows to the studio units. The proposed colour of the metal cladding system has also been amended following feedback from officers to reflect the colours found within Plymouth Limestone.
44. The commercial unit has also been increased in size in order to deliver maximum active frontage on the key corner of Mayflower Street and Armada Way. The enlarged commercial unit will positively address the street and encourage a greater level of activity in this slightly quieter area of the City Centre
45. The changes made to the key frontage along Armada Way provide greater modelling and interest to the elevation. However it is considered that given the buildings monumental scale further modelling would positively enhance the scheme.
46. Urban designers advised the applicant that further changes to the scheme should be given careful consideration. The amendments highlighted below include further changes to the Armada Way elevation as well as addressing the blank wall on the rear elevation.
47. The primary change would involve the relocation of the north common room to the end of the north wing. A frame would then be formed by the larger glazed common room windows at either end of the building which could be filled by a simple grid of oriel windows extending across the remainder of the Armada Way elevation, rather than just being limited to the studio units. It is considered this change will simplify and enhance the modelling of the primary frontage of the building. The extended use of Plymouth Limestone across the entire plinth of the building is a further request to enhance this elevation.
48. The current plan also proposes a blank wall to the rear elevation which the applicant has incorporated in order to avoid preventing future redevelopment of the wider block. However urban designers consider that subsequent developments along Mayflower Street are

unlikely to extend beyond approximately 6 stories in height and therefore windows could be installed above the 8<sup>th</sup> floor.

49. At the time of writing this report it has been confirmed that the further design changes highlighted above will be incorporated within the development and amended plans will be provided at the earliest opportunity. An update will be provided to the committee through an addendum report.
50. The red line of the application is focussed only on the areas under the applicant's ownership. However the applicant has acknowledged that in order to construct the proposal a wider area will be needed. Separate agreements will be required with the Highways Authority and the Land and Property Team to approve these details.

### Standard of Accommodation

51. The development will provide a range of accommodation in the form of various sized cluster flats and individual studios to appeal to a full range of students from first years to postgraduates.
52. The applicant has been informed by student housing experts within Savills who are aware of the requirements of modern students and what facilities they require. The development therefore provides a full range of support facilities including a dedicated reception, large scale amenity space on the upper ground floor alongside a gym, laundry and cycle storage. Furthermore an additional amenity space will be provided on the top floor with an associated roof garden which will benefit from outstanding views towards the Hoe.
53. All the student bedrooms will be of a good size, exceeding sizes within recommended Council guidelines, and will house all the required facilities. The cluster flats will be served by their own kitchen/living areas which will have high levels of glazing and will be welcoming to future occupiers.
54. Officers consider the accommodation will be of a high standard and will be in accordance with Policy CS15 of the Core Strategy.

### Highways

55. The application site is situated in a sustainable location in the City Centre, on the corner of Armada Way and Mayflower Street, and backs onto a public car park (Mayflower Street northeast), The application traffic assessment indicates the change of use from offices to a student use would result in an associated change in the traffic impact, with an increase in pedestrian traffic and a decrease in vehicle traffic.
56. The main pedestrian access to the student accommodation would be from Armada Way, with a secondary access to the rear public car park. The new development would not include the existing portico area and ramp, which would be removed, the area of which may revert to or be re-adopted/adopted as public highway.
57. The floor area of the lower ground and ground floor commercial use would be increased to 793 sqm, with the primary access from Mayflower Street and staff and operational access and egress from the rear car park. Bin storage and a delivery service area would be provided at the rear of the building, accessed via the public car park, where the perimeter road is adopted public highway. The delivery and service area is intended to be used primarily for the

proposed commercial space but could be used by the student accommodation as and when necessary, for example when students are moving in or out of the building.

58. The development would include just three car parking spaces, two of which would be allocated for use by disabled drivers, all allocated to the student accommodation. Cycle storage would be provided within the lower level of the building to encourage the use of cycling as a sustainable means of travel. 182 cycle spaces, about a third provision, would be provided which officers consider is acceptable given the City Centre location where a high number of walking trips would be likely.
59. A Travel plan has been submitted as part of the planning application, with the intention of encouraging the use of more sustainable means of travel, and would be operated as part of any planning consent and this is to be welcomed.
60. The Highways Authority note that the demolition and redevelopment of the site including the new foundations would cause significant and considerable disruption to public realm and highway on three sides, in Mayflower Street, Armada Way, and in the rear public car park access road. Therefore it is considered the developer would need to enter into a Section 278 Agreement with the Council as Highway Authority, to enable the redevelopment of the site and the reinstatement of the public realm and highway and this matter will be highlighted to the applicant by means of an informative.

### Land Quality

61. A preliminary risk assessment report (Wardell Armstrong Phase I Desk Study, August 2014, Report No: LO10379/R001) has been submitted in support of the planning application. The consultant recommendation is for further intrusive ground investigation.
62. The consultant recommendation and proposals are agreed and as such, conditions are recommended to support the required further site characterisation work, plus any other remediation and verification work that may subsequently also be necessary.

### Noise/Air Quality

63. The application has been supported by an Air Quality Assessment produced by Ramboll Environ and a Noise Assessment Report by Wardell Armstrong. The findings of both reports are supported which consider the potential “worst Case scenarios” when making recommendations for the proposal. Appropriate conditions will ensure the residential accommodation meets internal noise standards and a code of practice will suitably control dust and noise from the construction process.
64. Further details are also requested of the Combined Heat and Power plant in order to accurately assess and respond to the use of this equipment.

### Sustainability

65. The development proposes a gas-fired 79kW thermal Combined Heat and Power (CHP) unit to meet approximately 50% of the space heating and 70% of the hot water annual energy demand in all student accommodation spaces. The proposed design solution also allows for future connection to an area wide heat network, and space will be reserved within the building plant room for installation of a heat exchanger. The provision of this equipment results in the development achieving a 13.5% carbon saving. The additional 1.5% carbon saving will be achieved through the installation of solar panels.

66. The proposal therefore meets the policy requirements of CS20 alongside the key aspirations of proposal CC05 of the City Centre and University AAP. It is noted that an off-site contribution could have been secured in lieu of direct provision of the solar panels to use towards the development of the network however this is not considered essential.

### Biodiversity

67. The application is supported by an ecological appraisal that conforms to necessary guidelines. It has been identified that the building has no potential for roosting bats and no further surveys are required. Whilst the report also suggests the building is not suitable to support nesting birds officers consider that certain species, such as urban gulls, may find it attractive. Therefore if demolition works are scheduled to take place during the bird breeding season (March to August inclusive) then a nesting bird survey will be required within 24 hours prior to the commencement of works.
68. The appraisal also suggests that ecological enhancement of the building cannot be achieved given the proposed type of cladding and overall scale of the development. In order to comply with Policy CS19 of the Core Strategy a net biodiversity gain must be achieved and officers consider this is achievable through relatively small scale enhancements. A condition will therefore be required to agree and secure these improvements

### Drainage

69. The application has been supported by a flood risk and drainage strategy which has been informed by the surface water hierarchy. The applicant proposes to attenuate surface water in an underground tank prior to discharge to the combined sewer which has been agreed by South West Water.
70. Surface and foul water will be stored separately as this will allow a possible future connection of the surface water into the existing or a new surface water system. A pre-commencement condition will be required to agree specific details of the surface water drainage system.
71. This approach is in compliance with Policy CS21 of the Core Strategy

### Other Issues

72. The site is not in close proximity to traditional residential housing and in general the letters of representation received support the principle of student accommodation in this location. Despite the lack of concern about placing student housing in this location a management plan will be requested by condition to ensure the building is appropriately managed and does not have a detrimental impact on the quality of the surrounding area.
73. The inclusion of the roof garden also warrants careful management however officers accept that this will be set in from the edges of the building and will be contained by a 2-metre high glass screen. This will prevent risks being posed to either future occupiers or members of the public who may be passing by in the street below.

## 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 £0 as the development falls within the zero rated City Centre Zone.

## 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:

- £217,589 for the provision and maintenance of junior playing pitch facilities at Central Park

The applicant has agreed to pay the playing pitch contribution in full which will help to provide improved facilities for potential occupiers alongside existing residents of the City. Local greenspace contributions had also been requested towards improvements at Victoria Park but given the distance of this site from the development officers consider this contribution does not meet the requirements of Regulation 122 as it would not be directly related to the development as future occupiers of the development would be unlikely to use Victoria Park.

## 12. Equalities and Diversities

The building will incorporate a new commercial unit and office space which will be fully accessible. The student accommodation will also be provided in different formats to appeal to both undergraduate and postgraduate students of various backgrounds.

Furthermore the provision of purpose built student accommodation is likely to result in the release of traditional family accommodation within the City which will benefit a huge range of people looking for properties to both rent and purchase.

## 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. The development will create a high quality, mixed use development that will positively address Armada Way and generate further activity enhancing the vitality and function of the area.



The City has desired and sought to encourage the creation of a new, grade A office district within the City Centre for many years and officers consider that this development could act as the first building block in its creation

The university continues to be key economic driver for the City and its continued success means that suitable accommodation must be secured and delivered for its students. This development will provide high quality, managed accommodation in a location within the City Centre where further activity throughout the day is desired. The development will help to ensure the impact of students on traditional residential areas is reduced as existing housing stock is converted back in to family housing.

The design of the building has been enhanced and improved throughout the application process and further amendments are in the process of being secured in order to ensure this development will have a positive impact on the City's townscape for many years to come.

This mixed use development will have significant positive benefits for the City and accords with relevant local and national planning policy and is therefore recommended for approval subject to the signing of a S106 agreement.

### 14. Recommendation

In respect of the application dated **10/09/2015** and the submitted drawings A-00-001 - Site Location Plan, A-00-003 - Existing Floor Plans, A-00-004 - Existing Elevations, A-00-102 B - Proposed Lower Ground Floor Plan, A-00-103 B - Proposed Upper Ground Floor Plan, A-00-200 - Proposed Lower Office Floor, A-00-201 - Proposed Upper Office Floor, A-00-202 - Proposed Plans Floor 3, A-00-104 B - Proposed Plans Floors 4-14, A-00-105 B - Proposed Plan Floor 15, A-00-106 B - Proposed Plan Floor 16, A-00-107 B - Proposed Plan Roof, A-00-002 -A Existing and Proposed Street Elevations, A-00-101 B - Proposed Elevations, A-00-110 B - Proposed Long Sections, A-00-111 B - Proposed Cross Sections, Habitat Plan LO10379-002, Transport Assessment Project No. 15-229-01, Travel Plan Project No. 15-229, Delivery and Service Plan Project No. 15-229-03, Energy Strategy Project No. 1620000885, Preliminary Construction Management Plan Ref: 42332/rjw/February 2016 (V4 - Final), Ecological Appraisal Job No.LO10379 Report No. 001, Noise Assessment Report Job No.LO10379 Report No. 002, Phase I Desk Study Job No. LO10379 Report No. 001, Site location and search area LO10379-001 Flood Risk and Drainage Statement Job No.LO10379 Report No. 002,it is recommended to: **Grant conditionally subject to S106 Obligation**

### 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 due to the need to accelerate housing delivery in accordance with Strategic Objective 10(8) (Delivering Adequate

Housing Supply) of the Local Development Framework Core Strategy and Policy 46 of the Plymouth Plan

## CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: A-00-001 - Site Location Plan, A-00-003 - Existing Floor Plans, A-00-004 - Existing Elevations, A-00-102 B - Proposed Lower Ground Floor Plan, A-00-103 B - Proposed Upper Ground Floor Plan, A-00-200 - Proposed Lower Office Floor, A-00-201 - Proposed Upper Office Floor, A-00-202 - Proposed Plans Floor 3, A-00-104 B - Proposed Plans Floors 4-14, A-00-105 B - Proposed Plan Floor 15, A-00-106 B - Proposed Plan Floor 16, A-00-107 B - Proposed Plan Roof, A-00-002 -A Existing and Proposed Street Elevations, A-00-101 B - Proposed Elevations, A-00-110 B - Proposed Long Sections, A-00-111 B - Proposed Cross Sections, Habitat Plan LO10379-002

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.

## Justification for pre-commencement

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

## PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

(4) 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 Code of practice must

comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed. 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 for pre-commencement

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-COMMENCEMENT: SURFACE WATER DISPOSAL

(5) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable for construction;
- a construction quality control procedure;
- 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 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.

**Justification for pre-commencement**

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-DPC Level Conditions**

### **PRE-DPC LEVEL: BIODIVERSITY NET GAIN**

(6) Prior to reaching DPC (damp proof course) level further details shall be submitted to and approved in writing by the Local Planning Authority detailing how the development will achieve a biodiversity net gain. The development shall be carried out in accordance with the approved details prior to occupation of the development.

**Reason:**

To deliver net biodiversity gain in accordance with Policy CS19 of the Core Strategy and NPPF paragraphs 109 and 118.

### **PRE-DPC LEVEL: EXTERNAL MATERIALS**

(7) Prior to reaching DPC level 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.

### **PRE-DPC LEVEL: OFFICE SPECIFICATION**

(8) Prior to reaching DPC-level full details of the office accommodation shall be submitted to and approved in writing by the Local Planning Authority. The specification shall include details of:

- quality internal finish.
- ability to remodel the internal space.
- Integrated heating and cooling i.e. air-conditioning.
- High Speed Broadband access
- Space either above the ceiling or below the floor to accommodate the latest technological systems.

The works shall be carried out in accordance with the approved details.

Reason :

In order to ensure the quality of the office accommodation meets "Grade A" requirements and secures regeneration benefits in accordance with Policy CS05 of the Local Development Framework Core Strategy (2006-2021) 2007 and advice in the NPPF.

### **Pre-occupation Conditions**

#### **PRE-OCCUPATION: PROVISION OF PARKING AREA**

(9) 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, and paragraph 32 of the National Planning Policy Framework 2012.

#### **PRE-OCCUPATION: CYCLE PROVISION**

(10) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 182 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.

#### **PRE-OCCUPATION: SERVICING AREAS**

(11) Before the building hereby permitted is first brought into use, the rear servicing area shown on the approved plans shall be made available for use and shall not thereafter be used for any other purpose.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies

CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### PRE-OCCUPATION: ACCOMMODATION MANAGEMENT

(12) None of the rooms hereby permitted shall be occupied until details of the arrangements by which the accommodation is to be managed have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the property shall continue to be managed permanently in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements.

#### Reason:

To assist in protecting the residential amenities of the area, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

### PRE-OCCUPATION: SUSTAINABILITY

(13) The development shall be completed in accordance with the Energy Strategy dated February 2016, prepared by Ramboll. This proposes the use of a gas-fired 79kW thermal Combined Heat and Power (CHP) unit and a photovoltaic array of 43kWp. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

The on-site renewable energy production methods shall be provided in accordance with the energy strategy 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 is in accordance with Policy CS20, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

### PRE-OCCUPATION: MAINTENANCE SCHEDULE

(14) Prior to occupation of the development hereby approved a maintenance schedule for the building shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include full details for regular maintenance and cleaning and of the elevations. The schedule shall be operated for the lifetime of the development unless a variation to the schedule is agreed.

#### Reason:

In order to ensure the building is maintained to a high quality and continues to positively contribute to the townscape in accordance with Policy CS02 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and guidance in the NPPF.

## PRE-OCCUPATION: CHP SPECIFICATIONS

(15) Prior to occupation of the building the developer shall submit for written approval by the Local Planning Authority, a report detailing specifications of the Combined Heat and Power plant including proposed fuel etc, demonstrating that it is safe, will meet air quality objectives and will not be dispersed into any part of the building which could negatively impact human health.

### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including emissions to air and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021).

## PRE-OCCUPATION: NOISE STANDARDS

(16) 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 shall submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria. The developer shall ensure a number of monitoring locations are included in the report including but not limited to flats on the first floor.

### 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.

## Other Conditions

### CONDITION: STUDENT USE

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

### Reason:

The proposed development has been designed for the specific use as student accommodation. It is not suited to other residential uses without substantial alterations given the limited internal space per unit to comply with policy CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and guidance in the National Planning Policy Framework 2012 .



**CONDITION: BEDROOMS**

(18) No more than 490 rooms at the property shall be used as bedrooms. Only the rooms shown as "bedrooms" or "studios" on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

**Reason:**

The number of bedrooms proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms for communal facilities, has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

**CONDITION: SPECIFIED USE RESTRICTION**

(19) The office accommodation provided on the 1st and 2nd floor of the development hereby approved shall be used for Class B1a and for no other purposes (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

**Reason:**

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 and 123 of the National Planning Policy Framework 2012.

**CONDITION: ACTIVE COMMERCIAL WINDOW**

(20) The commercial unit hereby approved on the lower and upper ground floor shall retain an active window free from any applied vinyl advertisements, curtains, display stands or any other features that could restrict views in to the premises at all times, unless otherwise previously agreed in writing.

**Reason:**

To maintain the character and appearance of the existing shopping frontage. 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: ROOF PLANT**

(21) No additional roof plant, masts railings or other roof accretions shall be added to the building without the written consent of the Local Planning Authority.

Reason:

In order to ensure the building is maintained to a high quality and continues to positively contribute to the townscape in accordance with Policy CS02 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and guidance in the NPPF.

CONDITION: TRAVEL PLAN

(22) From first occupation of the building the Travel Plan by Odyssey Markides LLP dated February 2016 shall be operated. The Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. The name and contact telephone number of the appointed Travel Plan Co-ordinator shall be provided to the Local Planning Authority on occupation of the building. .

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 32 and 34 of the National Planning Policy Framework 2012. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

CONDITION: ODOUR FROM MECHANICAL EXTRACT VENTILATION

(23) Prior to the installation of any mechanical kitchen extract ventilation system, a scheme for the installation of the equipment to control the emissions of fumes and smell from the premises shall be submitted to and approved in writing by, the local planning authority and the approved scheme shall be implemented and maintained in accordance with the manufacturer's instructions.

Reason:

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

CONDITION: NOISE FROM KITCHEN EXHAUST AND AIR CONDITIONING

(24) Prior to the installation of any mechanical kitchen extract ventilation system or air conditioning system, information on the equipment and installation scheme, including methods to reduce any noise caused by the operation of any proposed extract ventilation system or air conditioning system shall be submitted to and approved in writing, by the Local Planning Authority. The noise emanating from equipment (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property. The approved extract ventilation system and air conditioning system shall be implemented and installed and thereafter be operated and maintained in accordance with the manufacturers' instructions.

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical extract ventilation system and/or air conditioning system and avoid conflict with Policy CS22 of the Plymouth Local development framework Core Strategy (2006- 2021) 2007

**CONDITION: DELIVERY/COLLECTION HOURS**

(25) No deliveries or refuse collections shall be taken at or dispatched from the site outside the following hours; 08.00 until 18.00hrs Monday to Saturday; nor at any time on Sunday, Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise and to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraph 123 of the National Planning Policy Framework 2012.

**CONDITION: OPENING HOURS**

(26) Any non-residential uses within use classes A1 or A3 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) hereby permitted shall not be open to customers outside the following times: 0600 - 2300 hours Monday - Sundays including Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

**Informatives**

**INFORMATIVE: [£0 CIL LIABILITY] DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

(1) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

**INFORMATIVE: CONDITIONAL APPROVAL [WITH NEGOTIATION]**

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

### INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

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

### INFORMATIVE: PUBLIC HIGHWAY APPROVAL

(4) 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: KITCHEN LAYOUT AND DESIGN

(5) There are many legal requirements that influence the layout and design of a food premises. The applicant is advised to contact the food safety and standards team prior to the installation of any equipment in any food rooms to ensure that it meets with the minimum requirements of the hygiene regulations.

### INFORMATIVE: DRAINAGE

(6) The drainage in a food preparation area should be fitted with a grease separator in line with Building Regulations Approved Document H and prEN 1825-1:2004, designed in accordance with prEN 1825 - 2:2002, or other effective means of grease removal.

### INFORMATIVE: TOILET FACILITIES

(7) Toilet and hand washing facilities must be provided for use by customers as well as staff as laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents must be referred to in order to determine the numbers of facilities required in each unit based on the number of covers and staff. The facilities must be adequately ventilated, with a minimum of 15 air changes per hour, to remove stale air and odour.

### INFORMATIVE: NESTING BIRDS

(8) If demolition works to the building are scheduled to take place during the bird breeding season (March to August inclusive) then a nesting bird survey will be required within 24 hours prior to the commencement of works. The survey should be undertaken by a suitably qualified ecologist and will need to conform to CIEEM guidelines.

## PLANNING COMMITTEE

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**Decisions issued for the following period: 2 February 2016 to 29 February 2016**

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**Note - This list includes:**

- Committee Decisions
- Delegated Decisions
- Withdrawn Applications
- Returned Applications

***Item No*        *1***

**Application Number:**        15/00794/ENV        **Applicant:** Aggregate Industries UK Limited

**Application Type:**            Mineral Review

**Description of Development:** Determination of new planning conditions as part of the 15 year review of old mineral permissions under the Environment Act 1995 – The purpose of periodic reviews is to ensure that the conditions attached to mineral permissions do not become outdated with the passage of time

**Site Address**                    MOORCROFT/HAZELDENE QUARRY ELBURTON ROAD  
PLYMOUTH

**Case Officer:**                 Alan Hartridge

**Decision Date:**                19/02/2016

**Decision:**                        Grant Conditionally

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***Item No*        *2***

**Application Number:**        15/01271/FUL        **Applicant:** Defence Infrastructure Organisat

**Application Type:**            Full Application

**Description of Development:** Proposed helipad and forward operating base to service the Fleet Helicopter Support Unit, comprising construction of helicopter landing site, demolition of three existing buildings, modification of part of an existing building, relocation of security fencing, construction of a new building to replace those demolished, and construction of a fuel bowser park

**Site Address**                    KINTERBURY POINT, HMAD BULLPOINT, HMNB  
DEVONPORT PLYMOUTH

**Case Officer:**                 Christopher King

**Decision Date:**                04/02/2016

**Decision:**                        Grant Conditionally

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**Item No 3**

**Application Number:** 15/01574/FUL **Applicant:** Mr Hamid Fawzi  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension  
**Site Address** 15 PARKFIELD DRIVE PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 25/02/2016  
**Decision:** Grant Conditionally

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**Item No 4**

**Application Number:** 15/01591/FUL **Applicant:** Babcock Marine  
**Application Type:** Full Application  
**Description of Development:** Insert new roller shutter door  
**Site Address** SO57, DEVONPORT DOCKYARD, SALTASH ROAD  
KEYHAM PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 18/02/2016  
**Decision:** Grant Conditionally

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**Item No 5**

**Application Number:** 15/01626/FUL **Applicant:** Taylor Wimpey Homes  
**Application Type:** Full Application  
**Description of Development:** Construction of 68 dwellings together with associated access, car parking, landscaping and drainage infrastructure.  
**Site Address** LAND OFF MILLER WAY PLYMOUTH  
**Case Officer:** Simon Osborne  
**Decision Date:** 29/02/2016  
**Decision:** Grant Subject to S106 Obligation - Full

---

**Item No 6**

**Application Number:** 15/01712/FUL    **Applicant:** Kentucky Fried Chicken (Great  
**Application Type:** Full Application  
**Description of Development:** Erection of a drive thru restaurant (A3/A5) and associated advertisements and car parking  
**Site Address** FORMER ST BUDEAUX SERVICE STATION, WOLSELEY ROAD ST BUDEAUX PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/02/2016  
**Decision:** Grant Conditionally

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**Item No 7**

**Application Number:** 15/01713/ADV    **Applicant:** Kentucky Fried Chicken (Great  
**Application Type:** Advertisement  
**Description of Development:** Erection of a drive thru restaurant (A3/A5) and associated advertisements and car parking  
**Site Address** FORMER ST BUDEAUX SERVICE STATION, WOLSELEY ROAD ST BUDEAUX PLYMOUTH  
**Case Officer:** Rebecca Boyde  
**Decision Date:** 12/02/2016  
**Decision:** Grant Conditionally

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**Item No 8**

**Application Number:** 15/01940/OUT    **Applicant:** Mr P Douglas  
**Application Type:** Outline Application  
**Description of Development:** Outline planning application for 12 detached dwellinghouses  
**Site Address** OLD MAYS NURSERY, VINERY LANE PLYMOUTH  
**Case Officer:** Alan Hartridge  
**Decision Date:** 15/02/2016  
**Decision:** Grant Conditionally

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**Item No 9**

**Application Number:** 15/01952/FUL **Applicant:** Devon & Cornwall Housing (DC)  
**Application Type:** Full Application  
**Description of Development:** Erection of building comprising 4x Social Rented houses and 4x Social Rented flats, parking and landscaping  
**Site Address** PLOT CORNER OF SAVAGE ROAD/KELLY CLOSE BARNE  
BARTON PLYMOUTH  
**Case Officer:** Robert McMillan  
**Decision Date:** 03/02/2016  
**Decision:** Grant Conditionally

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**Item No 10**

**Application Number:** 15/02056/FUL **Applicant:** Defence Infrastructure Organisat  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for removal of chimney and rebuilding  
**Site Address** 6 THE TERRACE, MORICE YARD, HM NAVAL BASE  
DEVONPORT PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 12/02/2016  
**Decision:** Grant Conditionally

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**Item No 11**

**Application Number:** 15/02058/LBC **Applicant:** Defence Infrastructure Organisat  
**Application Type:** Listed Building  
**Description of Development:** Retrospective application for removal of chimney and rebuilding  
**Site Address** 6 THE TERRACE, MORICE YARD, HM NAVAL BASE  
DEVONPORT PLYMOUTH  
**Case Officer:** Jess Maslen  
**Decision Date:** 12/02/2016  
**Decision:** Grant Conditionally

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## **Item No 12**

**Application Number:** 15/02071/FUL **Applicant:** Mrs E Doswell  
**Application Type:** Full Application  
**Description of Development:** Conversion of ground floor flat into two flats  
**Site Address** 27 HERBERT STREET PLYMOUTH  
**Case Officer:** Aidan Murray  
**Decision Date:** 10/02/2016  
**Decision:** Grant Conditionally

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## **Item No 13**

**Application Number:** 15/02092/FUL **Applicant:** Mr Colin Jones  
**Application Type:** Full Application  
**Description of Development:** Subdivision of unit to form two retail units  
**Site Address** 7 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Aidan Murray  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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## **Item No 14**

**Application Number:** 15/02105/EXUS **Applicant:** Plymouth Properties  
**Application Type:** LDC Existing Use  
**Description of Development:** Use of site as builder's yard  
**Site Address** VICTORIA PLACE, MILLBAY ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 11/02/2016  
**Decision:** Issue Certificate - Lawful Use

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## **Item No 15**

**Application Number:** 15/02152/31 **Applicant:** Babcock  
**Application Type:** GPDO PT31  
**Description of Development:** Demolition of Buildings N025, N029, N030 and N031  
**Site Address** BUILDINGS N025, N029, N030 & N031, DEVONPORT DOCKYARD, SALTASH ROAD KEYHAM PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 24/02/2016  
**Decision:** Prior approval not required PT31

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**Item No 16**

**Application Number:** 15/02173/FUL **Applicant:** Mr & Mrs L Baverstock  
**Application Type:** Full Application  
**Description of Development:** Single storey side extension and two storey rear extension  
**Site Address** 39 CORNWOOD ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 02/02/2016  
**Decision:** Grant Conditionally

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**Item No 17**

**Application Number:** 15/02183/FUL **Applicant:** Mr Robert Simpson  
**Application Type:** Full Application  
**Description of Development:** Erection of a new dwelling & garage (resubmission of approval 13/00052/FUL & 10/00230/FUL)  
**Site Address** LAND ADJACENT 865 WOLSELEY ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 04/02/2016  
**Decision:** Grant Conditionally

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**Item No 18**

**Application Number:** 15/02188/LBC **Applicant:** Mr James Yorke  
**Application Type:** Listed Building  
**Description of Development:** Part retrospective application for a new window and internal works  
**Site Address** 48 EMMA PLACE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 15/02/2016  
**Decision:** Grant Conditionally

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**Item No 19**

**Application Number:** 15/02200/FUL **Applicant:** Mr Daniel Morgan  
**Application Type:** Full Application  
**Description of Development:** Retrospective hardstanding  
**Site Address** 14 PIKE ROAD PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 18/02/2016  
**Decision:** Grant Conditionally

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**Item No 20**

**Application Number:** 15/02205/FUL **Applicant:** Mr Lee Nolan  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for hard standing and proposed garage  
**Site Address** 66 NORWICH AVENUE PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 11/02/2016  
**Decision:** Refuse

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**Item No 21**

**Application Number:** 15/02227/FUL **Applicant:** Mr Rob Heard  
**Application Type:** Full Application  
**Description of Development:** Change of use of ground floor office to flat  
**Site Address** 13 DEPTFORD PLACE PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 22**

**Application Number:** 15/02250/FUL **Applicant:** Mr Lee Duckett  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for raised decking  
**Site Address** 50 MERAFIELD DRIVE PLYMOUTH  
**Case Officer:** Aiden Murray  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 23**

**Application Number:** 15/02270/FUL **Applicant:** Mr Keith Rimmer  
**Application Type:** Full Application  
**Description of Development:** Vehicle crossing  
**Site Address** 9 DURNFORD STREET OPE PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 05/02/2016  
**Decision:** Refuse

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**Item No 24**

**Application Number:** 15/02287/FUL **Applicant:** Thompson and Jackson  
**Application Type:** Full Application  
**Description of Development:** Change of use to private dwellinghouse  
**Site Address** 12 HYDE PARK ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 03/02/2016  
**Decision:** Grant Conditionally

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**Item No 25**

**Application Number:** 15/02290/FUL **Applicant:** Mr & Mrs Douglas  
**Application Type:** Full Application  
**Description of Development:** 3x self contained flats  
**Site Address** 77-81 LAMBHAY HILL PLYMOUTH  
**Case Officer:** Aiden Murray  
**Decision Date:** 29/02/2016  
**Decision:** Grant Conditionally

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**Item No 26**

**Application Number:** 15/02319/FUL **Applicant:** St Andrews CofE Primary Schoo  
**Application Type:** Full Application  
**Description of Development:** Removal and replacement of canopy  
**Site Address** ST ANDREWS CHURCH OF ENGLAND PRIMARY SCHOOL, CITADEL ROAD PLYMOUTH  
**Case Officer:** Aiden Murray  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 27**

**Application Number:** 15/02321/FUL **Applicant:** Plymouth City Council  
**Application Type:** Full Application  
**Description of Development:** Access improvements and alterations to facades  
**Site Address** BUILDINGS A, B & C, TINSIDE EAST PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 05/02/2016  
**Decision:** Grant Conditionally

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**Item No 28**

**Application Number:** 15/02322/LBC **Applicant:** Plymouth City Council  
**Application Type:** Listed Building  
**Description of Development:** Access improvements and alterations to façade  
**Site Address** BUILDINGS A, B & C, TINSIDE EAST PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 05/02/2016  
**Decision:** Grant Conditionally

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**Item No 29**

**Application Number:** 15/02326/FUL **Applicant:** Mr and Mrs Luscombe  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension  
**Site Address** 40 WOODWAY PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 03/02/2016  
**Decision:** Grant Conditionally

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**Item No 30**

**Application Number:** 15/02332/FUL **Applicant:** Mr Dean Anderson  
**Application Type:** Full Application  
**Description of Development:** Two storey side extension  
**Site Address** 7 POWDERHAM ROAD PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 18/02/2016  
**Decision:** Grant Conditionally

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**Item No 31**

**Application Number:** 15/02336/FUL **Applicant:** Mr Michael Jory  
**Application Type:** Full Application  
**Description of Development:** Side extension and new driveway  
**Site Address** 16 ROTHBURY GARDENS PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/02/2016  
**Decision:** Grant Conditionally

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**Item No 32**

**Application Number:** 15/02340/FUL **Applicant:** Mr Steven Hawken  
**Application Type:** Full Application  
**Description of Development:** Erection of agricultural building  
**Site Address** RIDGE ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 18/02/2016  
**Decision:** Refuse

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**Item No 33**

**Application Number:** 15/02343/FUL **Applicant:** Mr & Mrs John Fisher  
**Application Type:** Full Application  
**Description of Development:** Two storey rear extension  
**Site Address** 20 NURSERY CLOSE PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 04/02/2016  
**Decision:** Grant Conditionally

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**Item No 34**

**Application Number:** 15/02346/LBC    **Applicant:** Mr Matthew Conyers  
**Application Type:** Listed Building  
**Description of Development:** Change of use from B1 (offices) to C3 (dwellings) 13 self-contained flats (previously approved 15/01618/LBC) with associated external works  
**Site Address**                                    5 & 6 THE CRESCENT PLYMOUTH  
**Case Officer:** Jon Fox  
**Decision Date:** 12/02/2016  
**Decision:** Grant Conditionally

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**Item No 35**

**Application Number:** 15/02353/FUL    **Applicant:** Mr Keith Hunt  
**Application Type:** Full Application  
**Description of Development:** Rear extension and first floor side extension  
**Site Address**                                    3 LOWER COMPTON ROAD PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 17/02/2016  
**Decision:** Grant Conditionally

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**Item No 36**

**Application Number:** 15/02356/TPO    **Applicant:** Mr Jon Oliver  
**Application Type:** Tree Preservation  
**Description of Development:** Cedar - trim by a maximum of 1m focusing on side rather than top growth.  
Sycamore - reduce side of canopy near house by 2m.  
Pine - fell  
**Site Address**                                    OAKFIELD, BORINGDON HILL PLYMOUTH  
**Case Officer:** Jane Turner  
**Decision Date:** 10/02/2016  
**Decision:** Grant Conditionally

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**Item No 37**

**Application Number:** 15/02357/GPD **Applicant:** Mrs Browns  
**Application Type:** GPDO Request  
**Description of Development:** Notification for Prior Approval for a Change of Use from Shops (Class A1), Financial and Professional Services (Class A2), Betting Offices, Pay Day Loan Shops and Casinos (Sui Generis) to Restaurants and Cafes (Class A3)  
**Site Address** 1A CLIFTON PLACE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 15/02/2016  
**Decision:** Prior approval required

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**Item No 38**

**Application Number:** 15/02358/FUL **Applicant:** Mr & Mrs Heesom  
**Application Type:** Full Application  
**Description of Development:** Front conservatory  
**Site Address** 1 PARSONS CLOSE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 05/02/2016  
**Decision:** Grant Conditionally

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**Item No 39**

**Application Number:** 15/02362/LBC **Applicant:** Plymouth City Council  
**Application Type:** Listed Building  
**Description of Development:** External & internal refurbishment  
**Site Address** MERCHANT HOUSE, 33 ST ANDREW STREET  
PLYMOUTH  
**Case Officer:** Kate Price  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 40**

**Application Number:** 15/02363/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:** Aiden Murray  
**Decision Date:** 16/02/2016  
**Decision:** Prior approval not req

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**Item No 41**

**Application Number:** 15/02367/FUL **Applicant:** Mr K Wilkes  
**Application Type:** Full Application  
**Description of Development:** Single storey rear extension.  
**Site Address** 103 LANCASTER GARDENS PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 19/02/2016  
**Decision:** Grant Conditionally

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**Item No 42**

**Application Number:** 15/02368/FUL **Applicant:** Mr & Mrs G Mcirvine  
**Application Type:** Full Application  
**Description of Development:** Hip to gable roof conversion, pitched roof over rear extension, and excavation to form lower ground floor level  
**Site Address** 28 POOLE PARK ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/02/2016  
**Decision:** Grant Conditionally

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**Item No 43**

**Application Number:** 15/02370/FUL **Applicant:** Mr David Rea  
**Application Type:** Full Application  
**Description of Development:** Loft conversion with rear dormer  
**Site Address** 9 KINGSLEY ROAD PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 29/02/2016  
**Decision:** Grant Conditionally

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**Item No 44**

**Application Number:** 15/02374/FUL **Applicant:** Mr David Milford  
**Application Type:** Full Application  
**Description of Development:** Side and rear extension  
**Site Address** 4 CLEVEDON PARK AVENUE PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 04/02/2016  
**Decision:** Grant Conditionally

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**Item No 45**

**Application Number:** 15/02382/FUL **Applicant:** Mr & Mrs C Davies  
**Application Type:** Full Application  
**Description of Development:** Private motor garage  
**Site Address** 185 DEVONPORT ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 05/02/2016  
**Decision:** Grant Conditionally

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**Item No 46**

**Application Number:** 15/02383/FUL **Applicant:** Mr Adam Tingle  
**Application Type:** Full Application  
**Description of Development:** Two storey side and single rear extensions  
**Site Address** 17 HOLLAND ROAD PLYMSTOCK PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 04/02/2016  
**Decision:** Grant Conditionally

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**Item No 47**

**Application Number:** 15/02385/TPO **Applicant:** Mrs Julie Hahn  
**Application Type:** Tree Preservation  
**Description of Development:** Sweet Chestnut - Fell  
**Site Address** 131 UNDERLANE PLYMSTOCK PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 18/02/2016  
**Decision:** Refuse

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**Item No 48**

**Application Number:** 16/00001/FUL **Applicant:** Mr Alex Duguid  
**Application Type:** Full Application  
**Description of Development:** Two storey side and rear extension  
**Site Address** SUNRISE, 36 BRIAR ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 49**

**Application Number:** 16/00003/ADV **Applicant:** Santander PLC  
**Application Type:** Advertisement  
**Description of Development:** Installation of 46inch television for moving advert signs  
**Site Address** 157 ARMADA WAY PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 04/02/2016  
**Decision:** Grant Conditionally

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**Item No 50**

**Application Number:** 16/00006/FUL **Applicant:** Mr G Rowe  
**Application Type:** Full Application  
**Description of Development:** Retrospective application for garage use as commercial store with office over  
**Site Address** 69 ORESTON ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 25/02/2016  
**Decision:** Grant Conditionally

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**Item No 51**

**Application Number:** 16/00009/FUL **Applicant:** Mr G Rowe  
**Application Type:** Full Application  
**Description of Development:** Rear conservatory  
**Site Address** 69 ORESTON ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 18/02/2016  
**Decision:** Grant Conditionally

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**Item No 52**

**Application Number:** 16/00017/PRDE **Applicant:** Mr Mark Russell  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Rear extension  
**Site Address** HIGHLANDS, NURSERY CLOSE PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 11/02/2016  
**Decision:** Issue Certificate - Lawful Use (Pro)

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**Item No 53**

**Application Number:** 16/00018/FUL **Applicant:** Office of the Police & Crime Co  
**Application Type:** Full Application  
**Description of Development:** Automated gates and perimeter fencing  
**Site Address** POLICE HEADQUARTERS, BUDSHEAD WAY PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 54**

**Application Number:** 16/00019/ADV **Applicant:** Lloyds Banking Group  
**Application Type:** Advertisement  
**Description of Development:** Illuminated fascia and 1x projecting sign  
**Site Address** 3 RALEIGH STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 55**

**Application Number:** 16/00021/FUL **Applicant:** Mr Doug Smith  
**Application Type:** Full Application  
**Description of Development:** Side extension  
**Site Address** 2 KENLEY GARDENS ERNESETTLE PLYMOUTH  
**Case Officer:** Amy Thompson  
**Decision Date:** 17/02/2016  
**Decision:** Grant Conditionally

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**Item No 56**

**Application Number:** 16/00027/FUL **Applicant:** Mrs Sally Knaggs  
**Application Type:** Full Application  
**Description of Development:** Change of use from C3 (Dwelling house) to C4 (House in Multiple Occupation)  
**Site Address** 15 GRENVILLE ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 18/02/2016  
**Decision:** Grant Conditionally

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**Item No 57**

**Application Number:** 16/00029/FUL **Applicant:** Miss Mary Hussey  
**Application Type:** Full Application  
**Description of Development:** Raised hardstanding  
**Site Address** 56 LEATFIELD DRIVE DERRIFORD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 19/02/2016  
**Decision:** Grant Conditionally

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**Item No 58**

**Application Number:** 16/00042/TCO **Applicant:** Plymouth Barbican Trust  
**Application Type:** Trees in Cons Area  
**Description of Development:** White Mulberry - Targeted end weight reduction of branches liable to failure  
**Site Address** ELIZABETHAN GARDEN REAR OF 39 to 40 NEW STREET PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 04/02/2016  
**Decision:** Grant Conditionally

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**Item No 59**

**Application Number:** 16/00043/FUL **Applicant:** Mr Mark Simon  
**Application Type:** Full Application  
**Description of Development:** Side extension  
**Site Address** 1 WENTWOOD GARDENS PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 15/02/2016  
**Decision:** Grant Conditionally

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**Item No 60**

**Application Number:** 16/00045/FUL **Applicant:** Mr Marie Penman  
**Application Type:** Full Application  
**Description of Development:** Fence and patio privacy (retrospective)  
**Site Address** 52 PRIORY DRIVE PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 29/02/2016  
**Decision:** Grant Conditionally

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**Item No 61**

**Application Number:** 16/00049/FUL **Applicant:** Mr & Mrs Tyson Willey  
**Application Type:** Full Application  
**Description of Development:** First floor side extension and front porch  
**Site Address** 8 SPARKE CLOSE PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 11/02/2016  
**Decision:** Grant Conditionally

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**Item No 62**

**Application Number:** 16/00052/PRDE **Applicant:** Mr & Mrs Simon Bench  
**Application Type:** LDC Proposed Develop  
**Description of Development:** Rear dormer  
**Site Address** 245 VICTORIA ROAD PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 11/02/2016  
**Decision:** Issue Certificate - Lawful Use (Pro)

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**Item No 63**

**Application Number:** 16/00063/GPD **Applicant:** Jane Filby  
**Application Type:** GPDO Request  
**Description of Development:** A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.28m, has a maximum height of 3.95m, and has an eaves height of 2.3m  
**Site Address** 6 SOUTH VIEW TERRACE PLYMOUTH  
**Case Officer:** Aiden Murray  
**Decision Date:** 19/02/2016  
**Decision:** Prior approval required

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**Item No 64**

**Application Number:** 16/00064/EXUS **Applicant:** Mr Ruhel Ahmed  
**Application Type:** LDC Existing Use  
**Description of Development:** Existing use as Class A5 (Hot Food Takeaway)  
**Site Address** GROUND FLOOR, 53 EBRINGTON STREET PLYMOUTH  
**Case Officer:** Chris Cummings  
**Decision Date:** 19/02/2016  
**Decision:** Issue Certificate - Lawful Use

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**Item No 65**

**Application Number:** 16/00065/FUL **Applicant:** QGM Development Services  
**Application Type:** Full Application  
**Description of Development:** Removal of condition 5 of application 15/02240/FUL for requirement of cycle storage  
**Site Address** 15 ST ANDREW STREET PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 23/02/2016  
**Decision:** Grant Conditionally

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**Item No 66**

**Application Number:** 16/00068/FUL **Applicant:** Plymouth Community Homes  
**Application Type:** Full Application  
**Description of Development:** Replacement garden boundary fence  
**Site Address** 11 HARWOOD AVENUE PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 18/02/2016  
**Decision:** Grant Conditionally

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**Item No 67**

**Application Number:** 16/00078/FUL **Applicant:** Mr Nicholas Toll  
**Application Type:** Full Application  
**Description of Development:** Change of use from single family dwelling house (C3) to House in Multiple Occupation, 4 bedrooms (C4)  
**Site Address** 124 GRENVILLE ROAD PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 18/02/2016  
**Decision:** Grant Conditionally

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**Item No 68**

**Application Number:** 16/00085/FUL **Applicant:** Mr John Black  
**Application Type:** Full Application  
**Description of Development:** Loft extension  
**Site Address** 56 DARWIN CRESCENT PLYMOUTH  
**Case Officer:** Alumeci Tuima  
**Decision Date:** 19/02/2016  
**Decision:** Grant Conditionally

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**Item No 69**

**Application Number:** 16/00087/GPD **Applicant:** Mr and Mrs G Goff  
**Application Type:** GPDO Request  
**Description of Development:** A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.75m, has a maximum height of 2.96m, and has an eaves height of 2.90m  
**Site Address** 205 RIDGEWAY PLYMOUTH  
**Case Officer:** Aiden Murray  
**Decision Date:** 16/02/2016  
**Decision:** Prior approval not req

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**Item No 70**

**Application Number:** 16/00091/31 **Applicant:** Babcock International  
**Application Type:** GPDO PT31  
**Description of Development:** Demolition of fuel tanks  
**Site Address** KEYHAM FUEL OIL DEPOT, GOSCHEN YARD  
DEVONPORT PLYMOUTH  
**Case Officer:** Aiden Murray  
**Decision Date:** 25/02/2016  
**Decision:** Prior approval not required PT31

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**Item No 71**

**Application Number:** 16/00098/FUL **Applicant:** Mr Roland Ward  
**Application Type:** Full Application  
**Description of Development:** First floor side and single rear extensions  
**Site Address** 81 LALEBRICK ROAD PLYMOUTH  
**Case Officer:** Alumecci Tuima  
**Decision Date:** 29/02/2016  
**Decision:** Grant Conditionally

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**Item No 72**

**Application Number:** 16/00101/TCO **Applicant:** Mrs Anna Kivell  
**Application Type:** Trees in Cons Area  
**Description of Development:** Silver Birch - Fell  
**Site Address** 15 THORN PARK PLYMOUTH  
**Case Officer:** Chris Knapman  
**Decision Date:** 26/02/2016  
**Decision:** Grant Conditionally

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**Item No 73**

**Application Number:** 16/00114/31 **Applicant:** Babcock International  
**Application Type:** GPDO PT31  
**Description of Development:** Notification of demolition of Buildings S027 and SO27A  
**Site Address** BUILDINGS S027 & SO27A, DEVONPORT DOCKYARD  
KEYHAM PLYMOUTH  
**Case Officer:** Mike Stone  
**Decision Date:** 24/02/2016  
**Decision:** Prior approval not required PT31

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**Item No 74**

**Application Number:** 16/00118/FUL **Applicant:** Miss Anina O'Brien  
**Application Type:** Full Application  
**Description of Development:** Erection of dwelling  
**Site Address** LAND ADJACENT 71 SEFTON AVENUE PLYMOUTH  
**Case Officer:** Aiden Murray  
**Decision Date:** 25/02/2016  
**Decision:** Grant Conditionally

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

Application Number **14/02351/FUL**  
Appeal Site **3 AND 4 SHERWELL ARCADE, GIBBON LANE PLYMOUTH**  
Appeal Proposal Raised central roof deck and spiral staircase  
Case Officer Opani Mudalige

Appeal Category REF  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 10/02/2016  
Conditions  
Award of Costs

Awarded To

Appeal Synopsis

Appeal dismissed. Inspector did not agree with the use of CS02 to refuse the application in that the he did not agree with Case Officer that there would be an impact to the character of the area. He was of the mind that the "immediate locality [was] diverse" and that the "proposal [was] reasonably subservient...and would be complementary to its setting". The Inspector did agree with the Case Officer on the use of CS13, CS22, and CS34 to refuse the application, as the proposal would have a major impact on the noise amenity of neighbouring properties due to its proposed elevated deck - thereby intensifying the use.

Application Number **15/00414/FUL**  
Appeal Site **LAND OFF CUNDY CLOSE PLYMOUTH**  
Appeal Proposal Variation of condition 17 of planning permission 11/00149/FUL for 12 detached dwellings to amend the energy strategy for the site by replacing the approved Energy Report by Carbon.gc Limited with the Energy Statement by JPS Sustainability Limited dated February 2015, resulting in a reduction in the amount of photovoltaic cells to be provided at the site  
Case Officer Kate Saunders

Appeal Category  
Appeal Type Informal Hearing  
Appeal Decision Dismissed  
Appeal Decision Date 11/02/2016  
Conditions  
Award of Costs

Awarded To

Appeal Synopsis

The inspector agreed with the LPA that the purpose of Policy CS20 was not solely to reduce carbon emissions but also to promote renewable energy production. Whilst the use of a "fabric first" approach by the appellant has contributed to a reduction in carbon emissions from the development the PV cells installed on only 3 of the dwellings fall considerably short of the 15% target for offsetting predicted carbon emissions through on-site renewable energy production. The development therefore unacceptably conflicts with Policy CS20.

The inspector considered that Policy CS20 was in compliance with Paragraphs 96 and 97 of the NPPF. The Inspector noted Policy 25 of the emerging Plymouth Plan but gave this little weight in his decision given it is not at a well advanced stage.

Application Number **15/00543/FUL**  
Appeal Site **THE OLD COACH-HOUSE, SEATON LANE MUTLEY PLAIN PLYMOUTH**  
Appeal Proposal Change of use from storage (B8) to residential dwelling (C3)  
Case Officer Aidan Murray

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 11/02/2016  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

Application Number **15/00621/FUL**  
Appeal Site **LAND ADJACENT TO 859 WOLSELEY ROAD PLYMOUTH**  
Appeal Proposal Erection of 4 storey dwelling with integral garage  
Case Officer Karen Gallacher

Appeal Category  
Appeal Type Written Representations  
Appeal Decision Dismissed  
Appeal Decision Date 06/02/2016  
Conditions  
Award of Costs Awarded To

Appeal Synopsis

Application Number **15/00832/FUL** **Page 145**  
Appeal Site **51 TAVISTOCK ROAD PLYMOUTH**  
Appeal Proposal **Erection of swimming pool for domestic and commercial use**  
Case Officer **Amy Thompson**

Appeal Category  
Appeal Type **Written Representations**  
Appeal Decision **Dismissed**  
Appeal Decision Date **24/02/2016**  
Conditions  
Award of Costs

Awarded To

#### Appeal Synopsis

Planning permission was refused for an additional training pool as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application the Inspector supported the Council's view that, given the limited size of the site and the additional vehicle movements and demand for parking on and around the site, the proposal would be detrimental to the safe and efficient operation of the highway network in the vicinity of the appeal site. The Inspector also noted that the sites access is highly restricted and close to a busy junction and the proposal would result in severely adverse highway safety impacts.

No appeal costs claims were submitted by, and/or awarded to, either party in this appeal

Application Number **15/00921/FUL**  
Appeal Site **26 PIKE ROAD PLYMOUTH**  
Appeal Proposal **Vehicle hardstanding**  
Case Officer **Aidan Murray**

Appeal Category  
Appeal Type **Written Representations**  
Appeal Decision **Allowed**  
Appeal Decision Date **02/02/2016**  
Conditions  
Award of Costs

Awarded To

#### Appeal Synopsis

Planning permission was refused for this front garden hardstanding, with access onto a classified road, as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application, and visited the site, the Inspector disagreed with the Council's assessment. Although the limited size of the front garden, means it would not be possible for a vehicle to enter and exit the site without being required to undertake some reversing manoeuvres on the highway, the Inspector observed several existing similar parking arrangements within a short distance of the appeal property that involve similar manoeuvres. The Inspector therefore concluded that, given these similar frontage parking areas nearby, the addition of another hardstanding would not have a severe adverse impact upon the existing function of Pike Road in terms of highway safety, and concluded that in this particular case there was no conflict with National Planning Policy Framework nor the aims and objectives of Policies CS28 and CS34 of the Core Strategy.

No appeal costs claims were submitted by, and/or awarded to, either party in this appeal.

Application Number **15/01345/FUL**  
 Appeal Site **1 SOUTH HILL HOOE PLYMOUTH**  
 Appeal Proposal Formation of driveway and hardstanding.  
 Case Officer Mike Stone

Appeal Category  
 Appeal Type Written Representations  
 Appeal Decision Dismissed  
 Appeal Decision Date 25/01/2016  
 Conditions  
 Award of Costs

Awarded To

#### Appeal Synopsis

Planning permission was refused for this front garden hardstanding, with access onto a classified road, as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application, and visited the site, the Inspector supported the Council's view that, given the limited size of the front garden, it would not be possible for a vehicle to enter and exit the site without being required to undertake some reversing manoeuvres on the highway. He concluded that this would be likely to endanger road users and pedestrians. The Inspector also noted that the presence of the front retaining wall would create concerns about pedestrian safety for users of the pavement at this point.

Application Number **15/01429/FUL**  
 Appeal Site **385 BLANDFORD ROAD PLYMOUTH**  
 Appeal Proposal Alterations to disabled access of front garden for car/bike off road parking (disabled access no longer required)  
 Case Officer Amy Thompson

Appeal Category REF  
 Appeal Type Written Representations  
 Appeal Decision Allowed  
 Appeal Decision Date 03/02/2016  
 Conditions  
 Award of Costs

Awarded To

#### Appeal Synopsis

Planning permission was refused for this front garden hardstanding, with access onto a classified road, as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations). It was also considered contrary to guidance contained in the Council's Design Guidelines Supplementary Planning Document.

Having reviewed the application, and visited the site, the Inspector disagreed with the Council's assessment. Although the limited size of the front garden, means it would not be possible for a vehicle to enter and exit the site without being required to undertake some reversing manoeuvres on the highway, the Inspector observed several existing similar parking arrangements within a short distance of the appeal property that involve similar manoeuvres. The Inspector therefore concluded that, given these similar frontage parking areas nearby, the addition of another hardstanding would not have a severe adverse impact upon the existing function of Blandford Road in terms of highway safety, and concluded that in this particular case there was no conflict with National Planning Policy Framework nor the aims and objectives of Policies CS28 and CS34 of the Core Strategy.

No appeal costs claims were submitted by, and/or awarded to, either party in this appeal.

#### Note:

Copies of the full decision letters are available at <http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>.