

**Democratic Support**

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#plymplanning

Planning Committee

Thursday 7 April 2016
4.00 pm
Council House, Plymouth

Members:

Councillor Nicholson, Joint Chair in the Chair

Councillor Stevens, Joint Chair

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

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

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Tracey Lee

Chief Executive

Planning Committee

Agenda

Part I – Public Meeting

1. Apologies

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

2. Declarations Of Interest

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

3. Minutes (Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 10 March 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. 47 Hemerdon Heights, Plymouth - 16/00196/FUL (Pages 7 - 12)

Applicant:	Mr Nick Cox
Ward:	Plympton St Mary
Recommendation:	Grant Conditionally

6.2. 51 Furzehill Road, Plymouth - 16/00260/FUL (Pages 13 - 20)

Applicant: Mr Andrew Chan
Ward: Efford & Lipson
Recommendation: Refuse

**6.3. Derrys Department Store, 88 Royal Parade, Plymouth (Pages 21 - 48)
- 16/00028/FUL**

Applicant: Thames Bank Property Company Ltd
Ward: St Peter & The Waterfront
Recommendation: Grant conditionally subject to S106
Obligation - approval subject to the
completion of a S106 agreement delegated to
Assistant Director for Strategic Planning and
Infrastructure to refuse if not signed by
target date (11th April 2016) or other date
agreed through an extension of time

**6.4. Derrys Department Store, 88 Royal Parade, Plymouth (Pages 49 - 74)
- 16/00030/FUL**

Applicant: Thames Bank Property Company Ltd
Ward: St Peter & The Waterfront
Recommendation: Grant conditionally subject to S106
Obligation - approval subject to the
completion of a S106 agreement delegated to
Assistant Director for Strategic Planning and
Infrastructure to refuse if not signed by
target date (11th April 2016) or other date
agreed through an extension of time

6.5. 282 Outland Road, Plymouth - 15/01619/FUL (Pages 75 - 84)

Applicant: WM Morrison Supermarkets Plc
Ward: Peverell
Recommendation: Grant Conditionally

6.6. Former Downham Special School, Horn Lane, Plymouth - 15/01520/FUL (Pages 85 - 102)

Applicant: Rebecca Millman
Ward: Plymstock Radford
Recommendation: Grant Conditionally Subject to a S106
Obligation in accordance with agreed
timescales. Delegated authority to the
Assistant Director of Strategic Planning &
Infrastructure to refuse if not met

6.7. Former Hooe Lake Quarry, Land off Barton Road, Plymouth - 16/00175/FUL (Pages 103 - 124)

Applicant: Barratt David Wilson
Ward: Plymstock Radford
Recommendation: Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met

6.8. Longroom, 1 Pound Street, Plymouth - 15/01729/FUL (Pages 125 - 132)

Applicant: Miss Lorna Rice
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally

6.9. Longroom, 1 Pound Street, Plymouth - 15/01730/LBC (Pages 133 - 140)

Applicant: Miss Lorna Rice
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally

7. Planning Application Decisions Issued (Pages 141 - 168)

The Assistant Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions issued from 1 March 2016 to 23 March 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 169 – 72)

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 10 March 2016

PRESENT:

Councillor Stevens Joint Chair, in the Chair.

Councillor Nicholson, Joint Chair.

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

Apologies for absence: Councillors Darcy, Jarvis, Ricketts, Jon Taylor and Tuohy.

Also in attendance: Kristin Barnes (Democratic Support Officer), Mark Lawrence (Lawyer), Helen Rickman (Democratic Support Officer) and Stuart Wingfield (Strategic Growth Manager).

The meeting started at 4.00 pm and finished at 8.03 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.

115. **Declarations of interest**

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

Name	Minute No and Item	Reason	Interest
Councillor Mrs Aspinall	Minute 121- 47 North Road East, Plymouth – 15/02337/FUL	Public speaker speaking in objection on this item is known to her	Personal

116. **Minutes**

Agreed the minutes of the meeting held on 11 February 2016.

117. **Chair's urgent business**

Councillor Stevens drew attention to the fact that Councillor Mrs Nicholson would soon be retiring and this would be her last Planning meeting as a serving member of the Council. He asked the Committee to join him in thanking her for her service.

118. **Questions from members of the public**

There were no questions from members of the public.

119. **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.

120. **10 Severn Place, Plymouth - 16/00146/FUL**

Mr & Mrs P Elliott

Decision:

Application **GRANTED** conditionally.

121. **47 North Road East, Plymouth - 15/02337/FUL**

GE Developments Ltd

Decision:

Application **REFUSED** on the grounds that it was contrary to policies CS02, CS05 and CS34.

(The Committee heard from Councillor Singh, ward councillor, speaking against the application)

(The Committee head from Councillor Ricketts, ward councillor, speaking against the application)

(The Committee heard representations against the application)

The Committee heard from the applicant's agent)

(Councillor Singh, having spoken against the application, was not present for the debate and did not vote on this item)

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

122. **165 Armada Way, Plymouth - 16/00038/FUL**

Plymouth City Council

Decision:

Application **GRANTED** conditionally.

123. **Drake's Island, Plymouth - 14/00001/FUL**

Rotolok (Holdings) Ltd

Decision:

Application **REFUSED** subject to a request that Cabinet give consideration to the inclusion of a positively worded policy for Drakes Island in the Plymouth Plan, which sets out the nature of development that the local planning authority would support and clearly identifies constraints and mitigation measures to enable such development to be implemented.

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

124. **84 & 86 Somerset Place, Plymouth - 15/02335/FUL**

Ms Susan Aston

Decision:

Application **REFUSED** on the grounds that it was contrary to policies CS03 and CS34 sub-sections 3, 4 and 6.

(The Committee heard from Councillor Sam Davey, ward councillor, speaking against the application)

(The Committee heard representations against the application)

(The Committee heard representations in support of the application)

(A Planning Committee site visit was held on Tuesday 8 March 2016 in respect of this application)

(Councillor Davey, having spoken against the application, was not present for the debate and did not vote on this item)

(Councillor Nicholson's proposal to refuse on the grounds it was contrary to policies CS03 and CS34 sub-sections 3, 4 and 6, having been seconded by Councillor Stevens, was put to the vote and declared carried)

125. **Mayflower House, 178-184 Armada Way, Plymouth - 15/01622/FUL**

Guildhouse (UK) Ltd

Decision:

Application **GRANTED** 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.

(The Committee heard from the applicant's agent)

(A Planning Committee site visit was held on Tuesday 8 March 2016 in respect of this application)

126. **Planning application decisions issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 2 February 2016 to 29 February 2016.

127. **Appeal decisions**

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

Councillor Nicholson expressed his appreciation to Kate Saunders and her Planning colleagues following the successful appeal in respect of land off Cundy Close.

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 – 10 March 2016

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	10 Severn Place, Plymouth – 16/00146/FUL	Unanimous				
6.2	47 North Road East, Plymouth – 15/02337/FUL Amended Recommendation to Refuse	Councillors Mrs Aspinall, Mrs Bowyer, Mrs Bridgeman, Mrs Foster, K Foster, Kelly, Nicholson, Mrs Nicholson, Stevens and Kate Taylor	Councillors Sam Davey and Morris			Councillor Singh (spoke in his capacity as a ward councillor and therefore did not vote on this item)
6.3	165 Armada Way, Plymouth – 16/00038/FUL	Unanimous				
6.4	Drake's Island, Plymouth – 14/00001/FUL Amended Recommendation to Refuse subject to a request that Cabinet give consideration to the inclusion of a positively worded policy for Drakes Island in the Plymouth Plan, which sets out the nature of development that the local planning authority would support and clearly identifies constraints and mitigation measures to enable such development to be implemented.	Councillors Mrs Aspinall, Mrs Bowyer, Sam Davey, K Foster, Morris, Nicholson, Mrs Nicholson, Singh, Stevens and Kate Taylor		Councillors Mrs Bridgeman, Mrs Foster and Kelly		
6.5	84 & 86 Somerset Place, Plymouth – 15/02335/FUL	Councillors Mrs Aspinall, Mrs Bowyer, Mrs Bridgeman, Mrs Foster, K Foster, Kelly, Morris, Nicholson, Mrs Nicholson, Singh, Stevens and Kate Taylor				Councillor Sam Davey (spoke in his capacity as a ward councillor and therefore did not vote on this item)
6.6	Mayflower House, 178 - 184 Armada Way, Plymouth – 15/01622/FUL	Unanimous				

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PLANNING APPLICATION REPORT



Application Number 16/00196/FUL

Date Valid 05/02/2016

Item 01

Ward Plympton St Mary

Site Address 47 HEMERDON HEIGHTS, PLYMOUTH

Proposal Single storey side extension & rear conservatory

Applicant Mr Nick Cox

Application Type Full Application

Target Date

01/04/2016

Committee Date

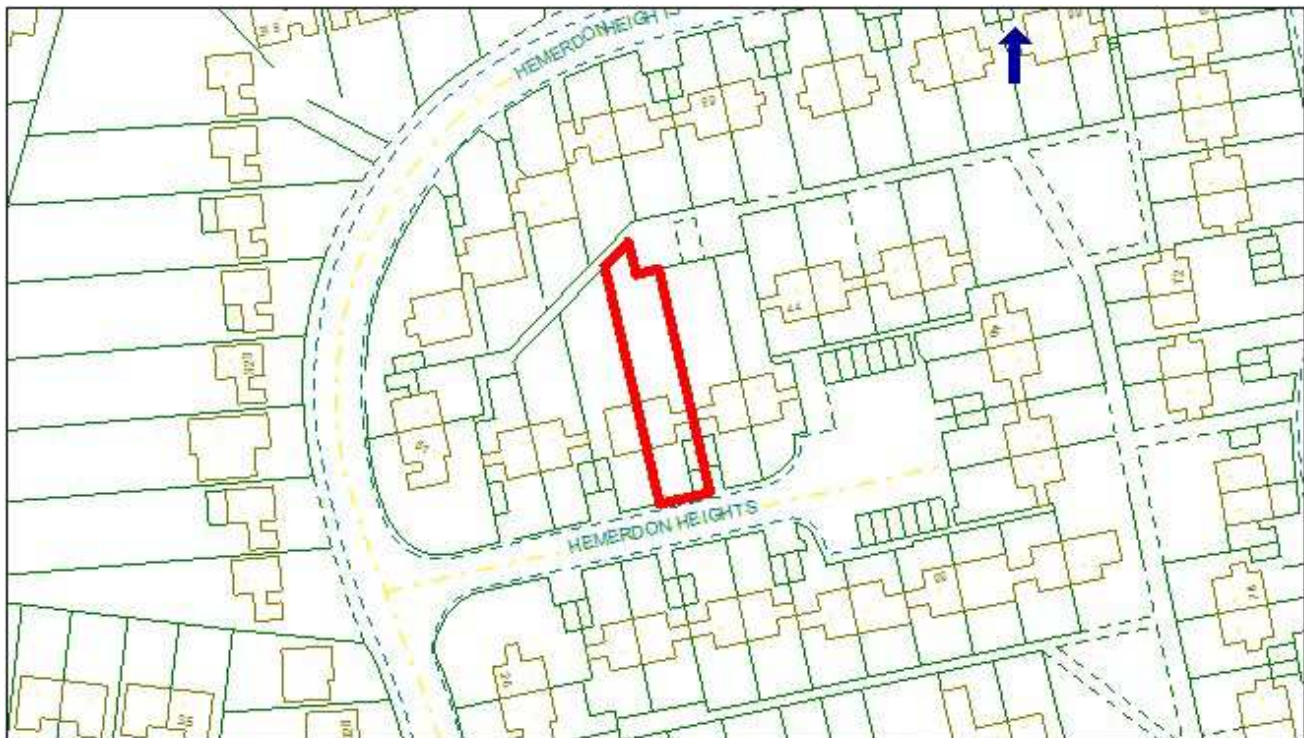
**Planning Committee: 07
April 2016**

Decision Category Member/PCC Employee

Case Officer Amy Thompson

Recommendation Grant Conditionally

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1. Description of site

47 Hemerdon Heights is a semi-detached property located in the Plympton area of the city.

2. Proposal description

Single storey side extension & rear conservatory.

3. Pre-application enquiry

None.

4. Relevant planning history

Neighbouring Properties

30 Hemerdon Heights

13/00992/FUL- Single storey side extension – Granted Conditionally.

37 Hemerdon Heights

06/00464/FUL- Enlargement of single-storey side extension by extension to its rear- Granted Conditionally.

08/01787/FUL- Rear Conservatory- Granted Conditionally.

5. Consultation responses

None.

6. Representations

None.

7. Relevant Policy Framework

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

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

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

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

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

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

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

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

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

- Development Guidelines Supplementary Planning Document

8. Analysis

- (1) This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.
- (2) The proposal seeks to erect a single storey side extension which will be located behind the existing detached garage, and a rear conservatory. The proposed side extension would replace an existing utility room and W.C with an extension that would be the full depth of the existing house at approximately 8.1 metres and be approximately 3.8 metres wide. The proposed rear conservatory would be 3.5 metres deep and 4.8 metres wide.
- (3) It was noted that from the site visit that the property is situated on a slope from east to west, with the properties situated to the east set above the application site.
- (4) Due to the side extensions position behind the existing garage and the proposed conservatory being situated at the rear the proposal is not considered to have a detrimental

impact on the character or appearance of the area. The proposal would be largely screened from public view and the proposal incorporates a pitched roof which will mimic that of the existing property. It is considered that proposed materials and design is in keeping with the original dwelling and is not considered to detract from the visual appearance of the surrounding area.

- (5) The proposed side extension and rear conservatory complies with the 45 degree guideline as outlined in the development Guidelines SPD that considers the loss of light to habitable room windows for neighbouring properties, and is also considered to be acceptable having taken into account the position, size and orientation of the proposal and the position and type of neighbouring window. From the site visit it was noted that between the proposed site and the adjoining neighbour there is a fence with a trellis on top and a hedge which acts as screening between the two properties. The proposal is also considered to not have a detrimental impact on the neighbours privacy or outlook.

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 **05/02/2016** and the submitted drawings Location plan, 1014/1, 1014/2, 1014/3, 1014/4., 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: Location plan, 1014/1, 1014/2, 1014/3, 1014/4.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Informatives

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

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

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

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

INFORMATIVE: PROPERTY RIGHTS

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

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PLANNING APPLICATION REPORT



Application Number 16/00260/FUL

Date Valid 22/02/2016

Item

Ward Efford & Lipson

Site Address 51 FURZEHILL ROAD, PLYMOUTH

Proposal Retrospective change of use to HMO (Class C4 3-6 persons).

Applicant Mr Andrew Chan

Application Type Full Application

Target Date

18/04/2016

Committee Date

**Planning Committee: 07
April 2016**

Decision Category Assistant Director of Strategic Planning & Infrastructure

Case Officer Chris Cummings

Recommendation Refuse

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This application has been referred to by the Assistant Director for Strategic Planning & Infrastructure for public interest.

1. Description of site

51 Furzehill Road is a two-storey mid-terrace property in the Efford and Lipson ward of Plymouth. It is currently in use as Use Class C4, shared dwellinghouse occupied by between 3 and 6 unrelated individuals. To the rear is a courtyard and parking area leading onto a rear access lane.

2. Proposal description

Retrospective change of use to HMO (Use Class C4 – 3 to 6 individuals)

3. Pre-application enquiry

None

4. Relevant planning history

14/01413/OPR - Conversion to student let and rear extension – Ongoing

5. Consultation responses

Local Highway Authority – No objections raised due to adequate off-road parking provision. The property will be excluded from the CPZ operating in the areas. It is recommended that secure cycle storage for 5 cycles be provided.

Public Protection – No objections, but recommend a suitable management plan be put in place to prevent anti-social behaviour.

6. Representations

One letter received. The primary concerns were:

- Too many HMO's
- Parking problems
- Waste and noise concerns

7. Relevant Policy Framework

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

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

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

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

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

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

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

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

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

- 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 primary considerations for this application are the Policy CS01 (Development of Sustainable Linked Communities), CS15 (Overall Housing Provision), CS34 (Planning Application Considerations), CS22 (Pollution) and the Development Guidelines SPD in respect of the character of the area, amenity of occupants, impact on neighbour amenity and the impact on the highway network.

Background

3. The property was drawn to the attention of the Council in the form of a planning compliance enquiry when work was being carried out to convert the property from a single family dwelling to a house of multiple occupation. This was after the introduction of the Article 4 Direction in September 2012 requiring changes of use from a C3 single dwellinghouse to a C4 HMO.

Character of the area

4. High concentrations of HMO's can have a detrimental impact on areas in terms of noise, anti-social behaviour, street parking and poorly maintained properties.
5. The Development Guidelines SPD First Review states that a threshold of 25% of properties in HMO use is considered to be an appropriate ceiling to maintain balanced communities within the Article 4 area. Changes of use that would result in a concentration higher than 25% will normally be resisted.
6. From the data available to the Council the percentage of licensed HMOs and Council Tax exempt properties in the census output area is in the band 41-50% and contiguous census output area for this location falls within the band 31-40%.
7. A desktop data survey of residential properties within 100 metres of the application site shows that between 60-66% of properties are already in use as some form of multiple occupation. A recent appeal decision (13/1068/FUL) has clarified what can be considered when analysing this data. Only those properties that can be demonstrated to be in HMO use should be counted and this would give a figure of 29%, above the ceiling set out in the Article 4 Direction.
8. The current position already shows a multiple occupancy rate above the 25% figure recommended in the Development Guidelines SPD as necessary for balanced communities. Any increase in HMO properties is likely to worsen an already significant imbalance between single dwellings and HMOs in the area. In this respect the proposal is therefore considered unacceptable.

Amenity of occupants

9. Policy CS15 (Overall Housing Provision) states that conversions into HMOs will only be permitted where the gross floor area of the property exceeds 115sqm. This property has a floor space of approximately 170sqm, exceeding this figure.
10. There is no planning policy set for minimum standards for bedrooms, but all 5 bedrooms are larger than the 6.5sqm set out in Guidance for the Licensing of Housing in Multiple Occupation which relates to Housing legislation. The smallest room is 8.34sqm in size. One bathroom and one shower room are proposed. A communal kitchen and living/dining room are proposed on the lower ground floor. At the rear is a courtyard and parking area that is approximately 115sqm. A size of 50sqm communal space is recommended in the Development Guidelines SPD for terraced dwellings.

Impact on neighbour amenity

11. No additions or extensions are proposed, so the new use would not result in any loss of light or privacy to neighbours. One letter of objection was been received, specifically mentioning concerns regarding noise and waste issues. The use of the property by 5 adults would generate more comings and goings than a single family dwellinghouse, and the use as an HMO would be more intensive use. The addition of a management plan condition would be seen as useful tool to help control anti-social behaviour.

Transport and Highway Considerations

12. There is a controlled parking zone in place to the front of the houses on Furzehill Road. The Local Highways Department have indicated that this property would be excluded from the scheme. There are 4 off-street parking spaces which address any demands from the HMO. There is space in the rear for secure cycle storage and storage for a minimum of 5 cycles should be provided. The property is within walking distance of Plymouth University, the City Centre and Mutley Plain district shopping centre. North Hill and Greenbank Road are near and both served well by public transport routes. It is considered a sustainable location where occupants could live and work car free.

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 development falls below the current charging threshold for the Community Infrastructure Levy.

11. Planning Obligations

No planning obligations have been sought in respect of this matter.

12. Equalities and Diversities

None

13. Conclusions

The application is considered to be contrary to the policy of maintaining sustainable communities in Core Strategy Policies CS01 (Development of Sustainable Linked Communities) and CS15 (Overall Housing Provision) and the Development Guidelines SPD and does not protect residential amenity contrary to Core Strategy policies CS22 (Pollution) and CS34 (planning application considerations) and paragraph 56 and 57 of the National Planning Policy Framework. It is recommended for refusal.

14. Recommendation

In respect of the application dated **22/02/2016** and the submitted drawings Site Location Plan 22022016, Floor Plans 22022016, Floor Plans and Elevations 16022016, it is recommended to:
Refuse

15. Reasons

OVERCONCENTRATION OF HMOS

(1) The property is situated in a location that has a high concentration of residential properties that in multiple occupation compared to those in use as single dwellinghouses. The Council therefore considers that the use of this single dwellinghouse as a C4 House in Multiple Occupation would be harmful to the balance and sustainability of community contrary to Policies CS01 and CS15 of the adopted City of Plymouth Location Development Framework Core Strategy (2006-2021) 2007, and the residential conversion policies contained in the adopted Development Guidelines SPD First Review and the National Planning Policy Framework.

REFUSAL (NO NEGOTIATION)

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

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).

Relevant Policies

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

CS28 - Local Transport Consideration

CS34 - Planning Application Consideration

CS22 - Pollution

CS01 - Sustainable Linked Communities

CS15 - Housing Provision

SPDI - Development Guidelines First Review

NPPF - National Planning Policy Framework March 2012

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PLANNING APPLICATION REPORT



Application Number 16/00028/FUL

Date Valid 11/01/2016

Item 03

Ward St Peter & The Waterfront

Site Address	DERRYS DEPARTMENT STORE, 88 ROYAL PARADE, PLYMOUTH		
Proposal	Partial demolition, change of use and extension of building to provide 500 student bedrooms with ancillary facilities, a hotel (Class C1) and 3161sqm of flexible commercial floorspace in use class A1, A2, A3, A4, A5 and/or D2 and associated works		
Applicant	Thames Bank Property Company Ltd		
Application Type	Full Application		
Target Date	11/04/2016	Committee Date	Planning Committee: 07 April 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Simon Osborne		
Recommendation	Grant conditionally subject to S106 Obligation - approval subject to the completion of a S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (11th April 2016) or other date agreed through an extension of time.		

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1. Description of site

The site is located at Derry's Cross in the Southwest area of the City Centre. It comprises a perimeter block of two buildings of varying height comprising of the four storey plus basement Derry's Department store in a predominately art deco style completed in 1962, and the three storey Riley's building in a more modern composition, with stone flank walls and infill curtain wall glazing.

The site is approximately 0.61ha in size with a total floor area of 20,850sqm GIA, of which approximately 13,850sqm GIA is the former department store.

The site overlooks the landscaped Derry's Cross roundabout and the Theatre Royal, Grosvenor Casino. It is bounded by Raleigh Street, Royal Parade, Courtenay Street and New George Street.

2. Proposal description

Partial demolition, change of use and extension of building to provide 500 student bedrooms with ancillary facilities, a hotel (Class C1) and 3161sqm of flexible commercial floorspace in use class A1 (shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafes, A4 (Drinking Establishments), A5 (hotfood takeaways) and/or D2 (assembly and leisure) and associated works.

The student provision comprises 500 student beds in a range of cluster flats and studio rooms, which are centred on large internalised courtyards providing outlook for the residents. Complementary uses have also been accommodated within the building for use by the occupants and include a gym, cinema and laundry area.

The whole ground floor and part of the basement level (below the current Argos unit) are proposed as flexible retail Class A1/A2/A3/A4/A5 and gym Class D2 uses.

The Riley Building block would be converted to a 100 room Hotel, with flexible A1-A5 and D2 uses to the ground floor. The existing retail unit on Courtenay Street will be retained.

The proposal involves the provision of 4 courtyards within the building and a single storey extension setback from the existing canopy and main façade. In addition there will be a 4 storey extension above the loading bay on Courtenay Street and a two storey extension on the Rileys building fronting new George Street.

3. Pre-application enquiry

An extensive pre-application enquiry took place over a number of months where consideration was given to the proposed design internal layout, uses access and highway issues, and quality of the accommodation. The Local Planning Authority adopted a positive, collaborative approach and a number of meetings were held with the applicant. Overall, officers considered the principle of the development was acceptable although further information and details would be required to support a formal application.

The proposal was also taken to the Devon Design Review Panel during the pre-application process as detailed in section 8 below.

In addition to the pre-app process the applicant has carried out public consultation activities which according to the submitted material included: letters to key local stakeholders; letters to 863 residential and commercial properties; a preview exhibition; a public exhibition event; and the continued provision of a consultation telephone, email and Freepost address. The following key stakeholders have been engaged with as part of the pre-application consultation process:

- Plymouth City Council St. Peter & the Waterfront ward (the site ward) members;
- Leader of Plymouth City Council;

- Relevant Plymouth City Council Cabinet Members;
- Joint Chair of Plymouth City Council Planning Committee;
- Plymouth community and civic organisations;
- Local hotels;
- Theatre Royal Plymouth;
- Plymouth City Centre Company;
- Local residents; and
- Plymouth University.

4. Relevant planning history

16/00030/FUL - Partial demolition, change of use and extension of building to provide 500 student bed spaces with ancillary facilities and 3135sqm of flexible commercial floor space in use classes A1, A2, A3, A4, A5 and/or D2 and associated works – Current application.

There are various applications and permissions for various minor works to the building including advertisements, air conditioning, and shutters for example – none of which are considered relevant to this application.

5. Consultation responses

Local Highway Authority – No objections subject to conditions.

Public Protection Service – No objections subject to conditions

Natural Infrastructure Team – No objections subject to conditions

Architectural liaison officer – No objections

Economic Development Department – Support application.

Twentieth Century Society – Concerns regarding the roof extension and the changes to the Riley Building.

Urban Designer – No objections subject to conditions.

City Centre Company – No comments received.

Low Carbon team – No objections subject to conditions.

Environment Agency – still under consideration

Lead Local Flood Authority – Still under consideration

South West Water – awaiting response.

Historic England – No comments received.

Health and Safety Executive – No objections.

Public Health – No objections.

6. Representations

14 letters of objection have been received regarding this application. The issues raised are:

- Student rooms will not help to regenerate the west end. The student rooms will be vacant for several months a year.
- Hotel parking issues.
- Cinema not needed.
- This significant and historical building deserves a more ambitious reuse.
- It would be better for community/public/civic uses.
- If residential it should be a mix of market affordable and or retirement flats.
- Unlikely to encourage businesses.
- Loss of retail.
- Start the closing down of the independent quarter.
- Student market may not be sustainable.
- This is an iconic building.
- Suggestions that lease issues have caused the building to remain vacant and the Lease is due to end in 2021.
- Impact on tourism and visitor offer.
- Contrary to policy I and 29.5 of the Plymouth Plan and CS04 and CS05 of the Core Strategy and the City Centre area action plan.
- Anti-social behaviour.
- The site could have been the new library
- Impact of service arrangements on Argos including shutter height and layout together with construction issues.
- Inappropriate short term thinking.
- Impact of additional floor.

Non material planning issues

- No council tax and reduction in business rates

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 2nd Review Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to 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 principle of the change of use, design, impact on the character and appearance of the area, highways issues, sustainability, contamination, noise and air quality. The consideration of these issues are explained in full below

Principle of Development

5. 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.
6. Policy CC02 of the AAP which relates to the blocks in Royal Parade recognises the need to potentially alter buildings in order to retain viable and successful uses. It states that proposals that seek to widen the use mix of buildings, introducing residential and office uses may be acceptable as long as they retain active groundfloor frontages.
7. Strategic Objective 4 of the Area Action Plan which relates to the West End and Independent District states that it supports proposals which introduce more homes and student accommodation in the West End.
8. Objective 1 of Area vision 3 (City Centre) seeks to diversify the current functions of the City Centre to give it more life outside of shopping hours including intensification of residential, office, and cultural uses. Policy CC04 of the AAP requires developments to contribute to a sustainable neighbourhood by ensuring that amongst others a well-integrated mix of housing types is delivered allowing households of a range of sizes and incomes, and people of all ages.
9. The site has stood predominantly vacant since 2010 when the core department store ceased trading. Since then a number of ancillary units have also closed and more of the site has become vacant, further impacting the vitality and viability of the area. Whilst the site would ideally be brought forward as a department store again, in view of the presence of House of Fraser, Debenhams and M&S in the city and the general downward trend of department store shopper numbers the Council's Economic Development Department considers this unlikely. In response to officer's concerns at pre-application stage the ground floor is now proposed as uses that will result in active frontages which will retain the vibrancy and vitality on this important and prominent corner within the city centre. It is considered necessary to restrict the A5 (hot food takeaways) use to one unit to ensure that there is not an over concentration of similar uses in the area and the vibrancy is maintained in accordance with policy CS06.

10. The proposed hotel would contribute to the objectives of the city and Plymouth Plan Policy 36 as it gears up to Mayflower 400 and the increase in the Visitor Economy as well as helping to address an identified under provision of hotel beds, particularly in central locations. Furthermore a 100 bed hotel would be anticipated to provide in the region of 20 jobs for local people.
11. 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.
12. The Emerging Plymouth Plan continues to welcome and support the Universities within the City and the student population. Policy 1 identifies that it is important that every student feels welcome and has 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.
13. The application site is in relatively close proximity to the main University Campus which is located within 10-15 minutes walking distance and the proposal would help to regenerate an important but mostly vacant building.
14. Some of the letters of representation received 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.
15. 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.
16. If these developments are not supported through planning policy then there could 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.
17. The supporting Planning Statement submitted with the application highlights the strong need for further student housing in the City. It refers to a Knight Frank report (2015) which highlights that at the time of the report the number of beds provided by a combination of the halls of residence and the private sector schemes totals 5,120. (This figure is likely to have risen since the report was published) This represents just 21.7% of the total student population and leaves 18,470 (78.3%) of the students unable to access university or private sector accommodation. Even if the consented pipeline of development comprising 1,721 bed

spaces (at the time of the report) were to be completed, there would still be an undersupply, with 16,749 (71.0%) students still unable to access purpose built accommodation.

18. A number of concerns have been raised about the student market. The applicant has advised that whilst they are confident that there will continue to be a strong market for this form of student accommodation into the future and that a national student operator has already committed to the scheme, the proposed scheme could be reconfigured for alternative uses in the future:
- The majority of the new sub-dividing internal walls from the first floor upwards will be formed in lightweight stud construction, allowing for potential re-configurations for alternative uses.
 - The proposed courtyards / light-wells would easily allow for the upper floors of the building to be re-configured for office use, for example, as the new floor-plate depths would be between 12-15 metres.
 - With minimum alterations to the proposed room layouts, the scheme would also be suitable for a larger hotel and serviced apartments use.
 - The proposed basement layout could be easily reconfigured as a commercial gym space and / or additional retail space and storage.
 - The proposed scheme's multiple street facing lift and stair-cores would also allow for a range of different uses across the building over several floors. For example, the third and fourth floors could be re - configured as residential apartments, utilising the existing third floor terraces and proposed fourth floor set-backs for private amenity spaces.
19. Officers consider that the mixed-use nature of the development is fully compliant with Policies CS04, CS05 and CS15 of Core Strategy alongside Proposal CC02 of the City Centre and University AAP.

Housing Provision

20. 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).
21. 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”
22. 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.”

23. 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.
24. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
25. Available to develop now
26. Suitable for residential development in terms of its location and sustainability; and
27. 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.
28. 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.
29. For decision-taking this means:
30. approving development proposals that accord with the development plan without delay; and
31. where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
32. 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
33. specific policies in this Framework indicate development should be restricted”
34. 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.
35. 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

36. The application has gone through a detailed pre-application process where officers carefully considered the impact of the alterations to the existing building, particularly the roof extensions and groundfloor openings.

37. A number of representations have raised objections to the proposed roof extension including the Twentieth Century Society. Whilst their concern regarding any impact on the visual quality of this important building is shared officers consider that the removal of the oversized stair tower fronting Raleigh Street and unsightly roof plant has a positive impact on the building. The additional single storey accommodation on the roof has been continuously set-back from the roof line respecting the finely detailed composition of the existing facades.
38. The extension is expressed architecturally with champagne coloured aluminium cladding expressed with vertical fins. The aluminium cladding subtly picks up the hues of the existing stonework, but possesses a reflectivity and lightness that distinguishes it from the existing building and would not appear overly heavy compared to the stone building
39. The hotel design with additional 2 storeys with small set-backs is considered appropriate in its context within the City Centre and the articulation it provides follows the language of the main building, as does the new additional student accommodation on to Courtenay Street which again officers consider is a considerable improvement on the current situation.
40. The planned new door openings through the unique picture windows on the south and western elevations needs to be undertaken in a very sensitive manner. The existing picture windows have a minimal and elegant bronze frame set into a strong moulded granite surround. Officers recognise these openings are necessary in order to address today's requirements however they will need to pick up on this theme and attempt to replicate the minimal framing sections as closely as possible for the new head, cill and jamb profiles. The details will be carefully controlled through condition.
41. The proposal has been designed to ensure that any extraction and plant facilities can be incorporated within the building to negate the need for unsightly external extraction systems should the groundfloor uses require them.
42. At pre-application stage the proposals were also considered by the Devon Design Review Panel who overall was supportive of the proposals including the mix of uses. The applicant has amended the scheme to address comments from the panel including adding an additional storey on the New George Street element, improving wayfinding by providing communal areas with views across courtyards, and by students being given controlled access to courtyard areas.

Standard of Accommodation

43. 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.
44. The development provides a full range of support facilities including a dedicated reception/communal area providing access to two of the four landscaped courtyards, a student gym, student cinema, general storage laundry and cycle storage .

45. Although there is no specific planning guidance regarding student accommodation it is considered that all the student bedrooms will be of a good size, exceeding sizes within recommended Council HMO guideline. Cluster bedrooms range from 12.5 sqm to 14.4 sqm and studios range from 16.1 sqm to 17.7 sqm 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 providing courtyard or external outlook, and will be welcoming to future occupiers.
46. The rooms facing the narrower courtyard have been designed to have offset windows to reduce direct overlooking and increase privacy. In response to concerns at pre-application the courtyards have also been reduced in depth to ensure adequate light and sunlight reaches the courtyards and fronting accommodation.
47. Officers consider the accommodation will be of a good standard and will be in accordance with Policy CS15 of the Core Strategy.

Highways

Trip Generation

48. The former Derry's Department store which occupied the majority of the site would have been a major attractor in terms of retail-related trips coming into the City Centre whilst the smaller retail units are unlikely to have been significant trip generators in their own right and more likely to form part of a linked retail trip.
49. Based upon person trip rates derived from the TRIC's database (a nationally recognised database to determine trip rates) and applying mode share data obtained from Census Data the existing uses within the building could be expected to generate in the region of 191 two-way movements during the am peak and 228 two-way trips during the pm.
50. Although the proposed development will be 'car free' with little/no dedicated car parking provision it will still generate some level of car-borne trips. However in terms of the predominant use of the building (that being the student units) it is accepted that this particular use is likely to generate very little in the way of car trips due its' highly sustainable City Centre location. Application of the person trip rates and Census Data mode share figures indicates that the proposed hotel and retail uses would generate around 92 two-way movements during the am peak and 103 during the pm. This is less than half of the number of trips associated with the current lawful use of the building and consequently the Local Highway Authority have not raised any issues in respect of trip generation.

Car Parking

51. Considering the highly sustainable location of the site within the City Centre Core Area (which is also well-served in terms of public car parking), very little dedicated car parking has been proposed to serve the building with just 5 dedicated spaces and 4 drop-off spaces (9 in total).
52. No car parking is considered necessary to serve the student units apart from the 4 spaces within the site which will act as drop-off/collection spaces at the beginning/end of term time. Likewise it is assumed that the ground floor retail uses would be served by existing pay and display car parks within the area (such as Theatre Royal).

53. The applicant has expressed a desire to provide some dedicated car parking to serve the hotel use which would generate its demand for such overnight. At present one option being explored with the Local Authority is changing the Traffic Order associated with the use of the Courtenay Street disabled car park to allow it to be used for pay and display purposes overnight before reverting back to disabled parking during the daytime. This would necessitate a change to the existing Traffic Regulation Order along with the installation of a Pay and Display Machine. The legislation to issue a TRO falls under the Highways Act and so cannot be agreed through a planning consent however the associated costs of these two requirements would be £8,000 and it is recommended that this be secured from the applicant through a Section 106 Agreement.
54. A further alternative would be to 'rent' spaces from PCC within the Theatre Royal car park.
55. Based upon the quantum of development proposed a total of 205 secure and covered cycle parking spaces are proposed which is considered to be acceptable and would meet the cycle parking demands arising from the development.

Layout

56. Following concerns raised by the Local Highway Authority regarding the layout of the loading bay car parking, the number of dedicated car parking spaces serving the development has been reduced slightly from 12 to 9. These changes have resulted in the creation of what is now considered to be a 'workable' car parking layout, with 5 spaces allocated to the hotel and a further 4 spaces assumed to be dedicated drop-off/collection spaces associated with the student accommodation. In view of the number of student units proposed it is considered that for short periods at the beginning and end of term time that all 9 car parking spaces be made available for drop-off/collection and that this be secured through the Parking Management Strategy.

Loading Bay

57. A loading bay in excess of 10m in length by 4m in width has been provided which is considered to be acceptable. It should be noted that Argos the existing retailer have expressed concerns regarding the amount of space provided by the new arrangements and how this could impact upon their servicing strategy. However it is considered that spaces 6-9 would function as dedicated drop-off/collection spaces and as such would only be in operation for short periods of the year. For the remainder this area should be kept clear of parked vehicles and consequently this will increase the amount of space within the loading bay area. The proposal has also been amended to overcome concerns that Argos had about the height of the loading bay openings.

Whilst an individual retailer may have concerns regarding the impact on their particular servicing strategy both the Local Highway Authority and the Economic Development Department consider the servicing arrangements are acceptable to serve the proposed commercial floorspace and therefore in planning terms officers consider the loading bay layout is acceptable.

58. The proposed hotel use is likely to result in some guests arriving by coaches. In order to cater for such PCC are looking to provide a new coach bay on Derry's Cross roundabout as part of the re-provision of coach drop-off facilities associated with the redevelopment of Bretonside Bus Station. Whilst PCC would be undertaking the necessary works this doesn't include providing the actual bus shelter. It is therefore recommended that this be funded by the developer through a S106, the total cost of which would be £15,000.

Travel Plan

59. The applicant has provided a Travel Plan which has been commented upon by the Local Planning Authority and will need to be subject to a condition. In terms of intervention measures should the agreed targets not be met, reference has been made to providing a gift voucher to be used at local cycle shops. It is recommended that this be altered to allow such vouchers to also be used for bus or rail journeys as well. This can be secured through condition.

Land Quality

60. The proposals appear to involve limited and/or no ground works and in addition, sensitive end use is restricted to above ground floor level. Given this and the location of the proposed development, Public Protection has no objections to the application in terms of contamination. However the proposal does involve creation of inner courtyard areas that will be accessible to future residents and/or occupants. The design and access details that have been submitted with the application indicates that courtyard creation will involve some further landscape design, incorporation of soft landscaping and soil import. In order to ensure landscaping and soil suitability for use, a condition is recommended that will require submission of landscape soil details and verification information.

Noise

61. The construction will create disruption and potential noise and for the people living in Colin Campbell Court and possibly to those living in Harwell Court and Morley Court. A number of flats have also recently been developed above the shops around this area. It is for this reason a detailed construction plan should be submitted for approval prior to commencement.
62. In terms of the future occupants of the development the acoustic report discusses the use of mechanical ventilation and additional glazing where necessary. The amount of externally generated noise that will be experienced inside the development will be greater on the lower floors and therefore it is recommended that BS8233:2014 is used to achieve desirable internal noise levels. A verification report should also be submitted prior to occupation secured through condition.
63. It is also recommended that a suitable management plan be formulated in order that behavioural issues from the future occupants can be addressed appropriately.

Air Quality

64. An Air Quality Assessment has been submitted with the application. The Public Protection Service agrees that the development would not create any significant adverse air quality

issues, including any potential impacts from the CHP plant. However, as the development is within an existing Air Quality Management Area and the predicted levels of NO₂, under a worst case scenario, are close to the annual mean air quality objectives, and taking into account margin of uncertainty, additional mitigation will be required in order to protect the air quality of future occupants of the development. It is therefore recommended that the windows on the first and second floors of the development are sealed shut and additional means of ventilation provided. This will be secured by condition.

Sustainability

65. The application is supported by an Energy Strategy which sets out provisions to connect to a future District Energy (DE) scheme and options to deliver CHP onsite (or alternatively an offsite contribution towards delivery of District Energy).
66. An offsite contribution to a future DE scheme is the Council's preferred approach and would (in lieu of onsite CHP) enable the development to comply fully with the City Centre AAP Policy CC05. This policy makes it clear that CS20 is relaxed in favour of CC05 in instances such as this. A contribution of £150,000 has been secured.

Biodiversity

67. The existing site entirely comprises buildings and hardstanding, there is currently little if any ecological value. The proposal includes internal courtyards, as well as green roof areas on the fourth floor roof spaces and brown roof areas over the fifth floor roof. The provision of these courtyards and biodiverse roofs will significantly improve the ecological value of the site and achieve net-biodiversity gain in accordance with policy CS18.

Drainage

68. Discussions are still taking place with South West Water and the Lead Local Flood Authority regarding potential drainage mitigation at the time of writing this report. An update will be provided in an addendum.

Other issues

69. The proposal includes the provision of bin storage space in-line with the guidance found in the development guidelines SPD. A condition has been added to ensure that this is retained for its intended purpose

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.

It is considered that the impact of the development requires mitigation for the following infrastructure:

- local greenspace
- playing pitch provision
- public transport use
- potential parking opportunities and
- energy consumption

It is proposed that mitigation will be achieved through the following contributions:

- £122,400 for the provision and maintenance of greenspace facilities at the Hoe
- £222,030 for the provision and maintenance of junior playing pitch facilities at Central Park
- £150,000 Towards a District Energy Network
- £4,000 for amendments to Courtenay Street off-street car park Traffic Order
- £4,000 for the installation of a pay and display machine at Courtenay Street car park
- £15,000 for the provision of a new enlarged bus shelter outside the building on Derry's Roundabout.

The applicant has agreed to pay the above contributions in full which will help to provide improved facilities for potential occupiers alongside existing residents of the City.

12. Equalities and Diversities

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 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 and evening 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 proposed hotel would contribute to the objectives of the city as it gears up to Mayflower 400 and the increase in the Visitor Economy as well as helping to address an identified under provision of hotel beds

The student accommodation, together with a hotel and retained active groundfloor uses will contribute to the vitality and vibrancy of the area and therefore the application is recommended for approval subject to the signing of a s106 agreement.

14. Recommendation

In respect of the application dated **11/01/2016** and the submitted drawings 15015.1_S01, 15015.2 GAX.-2, 15015.1 GAX.00, 15015.2 GAX.01, 15015.2 GAX.02/, 15015.2 GAX.03, 15015.1 GAX.04, 15015.2 GAX.05

15015.1 GAX.06 15015.1 GAX.07, 15015.1 GEX.01, 15015.1 GEX.02, 15015.1 GEX.03, 15015.1 GSX.01/A, 15015.1 GSX.02/A, 15015.1 GA.-2, 15015.1 GA.00/C, 15015.1 GA.01, 15015.1 GA.02/A, 15015.1 GA.03/A, 15015.1 GA.04/A, 15015.1 GA.05/A, 15015.1 GA.06/A, 15015.1 GA.07/A, 15015.1 GE.01, 15015.1 GE.02, 15015.1 GE.03/A, 15015.1 GE.04, 15015.1 GE.05/A, 15015.1 GS.01/A, 15015.1 GS.02, 15015.1 GS.03, 15015.1 GS.04 Planning Statement (December 2015), Statement of Community Engagement (December 2015), Flood Risk Assessment (December 2015), Planning Stage Acoustic Report (Hotel) ref 6987/AAR/2, Air Quality Report (J2409/2/F1), Transport Statement (Y180-003), Energy Strategy (23/12/2015), Sustainability Statement (06/01/2016), Utilities Statement (Y180-001), Construction Traffic Management Plan (Y180-005), Framework Travel Plan (Y180-004), Student Management Plan Rev B (December 2015), and accompany Design and Access Statement (08/01/16 and 05/01/16), it is recommended to: **Grant Conditionally Subject to a 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, 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: I5015.1_S01, I5015.2 GAX.-2, I5015.1 GAX.00, I5015.2 GAX.01, I5015.2 GAX.02/, I5015.2 GAX.03, I5015.1 GAX.04, I5015.2 GAX.05

I5015.1 GAX.06 I5015.1 GAX.07, I5015.1 GEX.01, I5015.1 GEX.02, I5015.1 GEX.03, I5015.1 GSX.01/A, I5015.1 GSX.02/A, I5015.1 GA.-2, I5015.1 GA.00/C, I5015.1 GA.01, I5015.1 GA.02/A, I5015.1 GA.03/A, I5015.1 GA.04/A, I5015.1 GA.05/A, I5015.1 GA.06/A, I5015.1 GA.07/A, I5015.1 GE.01, I5015.1 GE.02, I5015.1 GE.03/A, I5015.1 GE.04, I5015.1 GE.05/A, I5015.1 GS.01/A, I5015.1 GS.02, I5015.1 GS.03, I5015.1 GS.04

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: CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The 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 amenity of the area.

PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS PLAN (ESP)

(4) No development shall take place until an ESP has been submitted to and approved in writing by the Local Planning Authority. The ESP should demonstrate how local people will benefit from the development in terms of job opportunities, apprenticeship placements, work experience and other employment and skills priorities. The ESP should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved ESP unless a variation in the plan is agreed in writing in advance by the Local Planning Authority. Quarterly monitoring reports will be submitted to the Local Planning Authority, recording actual achievements against the targets outlined in the ESP. The first report shall be submitted three months after construction starts on site.

Reason:

To ensure employment and skills development in accordance with Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and in accordance with Policy 19 of the Plymouth Plan Part One (2011-2031).

Justification for pre-commencement: To ensure that the employment and skills plan is adhered to throughout the demolition and construction of the development.

PRE-COMMENCEMENT: ACCESS (CONTRACTORS)

(5) 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.

Justification for pre-commencement: To ensure that the construction phase does not unduly impact amenity of the area.

PRE-COMMENCEMENT: SUSTAINABILITY

(6) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to commencement of development a report 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 shall be submitted to and approved by the Local Planning Authority. The development shall accord with the approved details.

Reason:

To ensure that the development is 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 for pre-commencement: To ensure that the development is compatible with and allow future access to a District Energy Network.

PRE CONSTRUCTION - FURTHER DETAILS

(7) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:

details of cill, window reveals, adaptations, openings and alterations to the existing ground floor picture windows all at a minimum scale of 1:5.

The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012.

PRE- CONSTRUCTION: EXTERNAL MATERIALS

(8) Prior to construction of the extensions and any new facades hereby approved 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-OCCUPATION: COURTYARDS LANDSCAPING

(9) unless otherwise agreed by the Local Planning Authority, the courtyards landscaping work shall not commence until a detailed courtyard landscaping scheme together with a management plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping will be implemented in accordance with the approved details prior to occupation of any student units and thereafter maintained in accordance with the approved details.

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.

PRE INSTALLATION: NOISE FROM KITCHEN EXHAUST AND AIR CONDITIONING

(10) 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. Unless agreed in writing 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.

Pre-occupation Conditions

PRE-OCCUPATION: CONTAMINATED LAND - LANDSCAPING

(11) Unless otherwise agreed by the Local Planning Authority, the courtyard landscaping work shall not commence until a detailed design scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health has been submitted and approved by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed objectives and design criteria, soil import criteria, timetable of works and site management procedures that will be employed to prevent cross contamination. 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 works are complete. The development shall accord with the approved details and 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 design scheme, a verification report that provides evidence and demonstrates the effectiveness of the works carried out shall be submitted and approved in writing of the Local Planning Authority prior to occupation of the development

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-OCCUPATION: NOISE STANDARDS

(12) 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.

PRE-OCCUPATION: ACCOMMODATION MANAGEMENT

(13) Notwithstanding the submitted details none of the student 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: ODOUR FROM COMMERCIAL KITCHEN EXTRACTION SYSTEMS

(14) Before the occupation and use of any commercial kitchens hereby permitted are first implemented, details of the specification and design of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated 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

PRE-OCCUPATION: AIR QUALITY

(15) Prior to occupation of the building windows on the 1st and 2nd floors of the development fronting Royal Parade shall be sealed shut and a mechanical means of ventilation shall be provided, and shall be permanently retained in that condition thereafter.

Reason:

To protect the future occupants of the development from exposure to unacceptable levels of pollution and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCUPATION: PEDESTRIAN/CYCLE ACCESS

16) The building shall not be occupied until a means of access for both pedestrians and cyclists has been constructed in accordance with the approved plans.

Reason:

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

PRE-OCCUPATION -CAR PARKING PROVISION

(17) The building shall not be occupied until the car parking area shown on the approved plans has been 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 - CYCLE PROVISION

(18) 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 205 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.

PRE- OCCUPATION: PARKING MANAGEMENT STRATEGY

(19) Prior to the occupation of the building a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The said strategy shall provide information in relation to the control and management of the car parking areas serving the building including details relating to arrangements for drop-off/collection spaces for the student accommodation at the beginning/end of each academic year.

Reason:

To ensure that adequate parking facilities are provided to serve the development (particularly in respect of the student accommodation) in order to avoid vehicles from parking on the public highway giving rise to conditions likely to cause damage to amenity and interference with the free flow of traffic on the highway which is contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCCUPATION TRAVEL PLAN

(20) The development 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, student 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 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: BIODIVERSITY NET GAIN

(21) 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 details shall include full details of the brown roofs hereby approved together with a scheme for their management. The development shall be carried out in accordance with the approved details prior to occupation of the hotel or student accommodation hereby approved.

Reason:

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

Other Conditions

CONDITION: STUDENT USE

(22) The units of residential accommodation (not including the hotel) 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 , 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. If any occupation is required not in-line with the above a written request detailing the type and duration of the occupation required and justification for it shall be submitted to and approved in writing prior to said occupation taking place. The occupation shall then accord with the approved request.

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

(23) No more than 500 rooms at the property shall be used as bedrooms (not including the hotel). Only the rooms shown with a bed on the approved floor 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

CONDITION: SPECIFIED USE RESTRICTION - A5

(24) The groundfloor shall contain a maximum of one A5 unit unless agreed in writing by the Local Planning Authority.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the 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

(25) The commercial units 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

(26) 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: DELIVERY/COLLECTION HOURS

(27) 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, unless agreed in writing by the Local Planning Authority.

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

(28) Any non-residential uses within use classes A5 and C2 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, unless agreed in writing by the Local Planning Authority

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.

USE OF LOADING AREAS

(29) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

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

BIN STORAGE

(30) The bin storage areas shown on the approved plan shall be provided prior to the occupation of the units to which it relates. The areas will thereafter be retained for their intended use as a bin store, unless agreed in writing by the Local Planning Authority.

Reason:

To ensure that the amenity of the area is protected in accordance with policy CS34 of the Plymouth Local Development framework Core Strategy 2007.

Informatives

INFORMATIVE: STUDENT MANAGEMENT PLAN

(1) With regard to the student 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. 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.

It is also advised that the management plan should include restrictions with regard to hanging washing from windows on external elevations.

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: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(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.

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PLANNING APPLICATION REPORT



Application Number 16/00030/FUL

Date Valid 11/01/2016

Item 04

Ward St Peter & The Waterfront

Site Address	DERRYS DEPARTMENT STORE, 88 ROYAL PARADE, PLYMOUTH		
Proposal	Partial demolition, change of use and extension of building to provide 500 student bed spaces with ancillary facilities and 3135sqm of flexible commercial floor space in use classes A1, A2, A3, A4, A5 and/or D2 and associated works		
Applicant	Thames Bank Property Company Ltd		
Application Type	Full Application		
Target Date	11/04/2016	Committee Date	Planning Committee: 07 April 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Simon Osborne		
Recommendation	Grant conditionally subject to S106 Obligation - approval subject to the completion of a S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (11th April 2016) or other date agreed through an extension of time.		

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1. Description of site

The site is located at Derry's Cross in the Southwest area of the City Centre. It comprises a perimeter block of two buildings of varying height comprising of the four storey plus basement Derry's Department store in a predominately art deco style completed in 1962, and the three storey Riley's building in a more modern composition, with stone flank walls and infill curtain wall glazing.

The site is approximately 0.61 ha in size with a total floor area of 20,850sqm GIA, of which approximately 13,850sqm GIA is the former department store.

The site overlooks the landscaped Derry's Cross roundabout and the Theatre Royal, Grosvenor Casino. It is bounded by Raleigh Street, Royal Parade, Courtenay Street and New George Street.

2. Proposal description

Partial demolition, change of use and extension of building to provide 500 student bed spaces with ancillary facilities and 3135sqm of flexible commercial floor space in use classes A1 (shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), A5 (hotfood takeaways) and/or D2 (assembly and leisure) and associated works

The student provision comprises 500 student beds in a range of cluster flats and studio rooms, which are centred on large internalised courtyards providing outlook for the residents. Complementary uses have also been accommodated within the building for use by the occupants and include a gym, cinema and laundry area.

The whole ground floor and part of the basement level (below the current Argos unit) are proposed as flexible retail Class A1/A2/A3/A4/A5 and gym Class D2 uses.

The proposal involves the provision of 4 courtyards within the building storey extension setback from the existing canopy and main façade. In addition there will be a 4 storey extension above the loading bay on Courtenay Street and a two storey extension on the Rileys building fronting new George Street.

3. Pre-application enquiry

An extensive pre-application enquiry took place over a number of months where consideration was given to the proposed design internal layout, uses access and highway issues, and quality of the accommodation. The Local Planning Authority adopted a positive, collaborative approach and a number of meetings were held with the applicant. Overall, officers considered the principle of the development was acceptable although further information and details would be required to support a formal application.

The proposal was also taken to the Devon Design Review Panel during the pre-application process as detailed in section 8 below.

In addition to the pre-app process the applicant has carried out public consultation activities which according to the submitted material includes: letters to key local stakeholders; letters to 863 residential and commercial properties; a preview exhibition; a public exhibition event; and the continued provision of a consultation telephone, email and Freepost address. The following key stakeholders have been engaged with as part of the pre-application consultation process:

- Plymouth City Council St. Peter & the Waterfront ward (the site ward) members;
- Leader of Plymouth City Council;

- Relevant Plymouth City Council Cabinet Members;
- Joint Chair of Plymouth City Council Planning Committee;
- Plymouth community and civic organisations;
- Local hotels;
- Theatre Royal Plymouth;
- Plymouth City Centre Company;
- Local residents; and
- Plymouth University.

4. Relevant planning history

16/00028/FUL- Partial demolition, change of use and extension of building to provide 500 student bedrooms with ancillary facilities, a hotel (Class C1) and 3161sqm of flexible commercial floorspace in use class A1, A2, A3, A4, A5 and/or D2 and associated works – Current application.

There are various applications and permissions for various minor works to the building including advertisements, air conditioning, and shutters for example – none of which are considered relevant to this application.

5. Consultation responses

Local Highway Authority – No objections subject to conditions.

Public Protection Service – No objections subject to conditions

Natural Infrastructure Team – No objections subject to conditions

Architectural liaison officer – No objections

Economic Development Department – No objections.

Twentieth Century Society – Concerns regarding the changes to the Riley Building.

Urban Designer – No objections subject to conditions.

City Centre Company – No comments received.

Low Carbon team – No objections subject to conditions.

Environment Agency – still under consideration

Lead Local Flood Authority – Still under consideration

South West Water – awaiting response.

Historic England – support proposals for a creative reuse of the building, which will facilitate its long-term sustainable management. The introduction of a significant quantity of residential accommodation for students at this city centre location has the potential to revitalise the area, which suffers from a lack of activity out of shop opening times.

Health and Safety Executive – No objections.

Public Health – No objections.

6. Representations

10 letters of objection and 1 observation have been received regarding this application. The issues raised are:

- Student rooms will not help to regenerate the west end. The student rooms will be vacant for several months a year.
- This significant and historical building deserves a more ambitious reuse.
- It would be better for community/public/civic uses.
- If residential it should be a mix of market affordable and or retirement flats.
- Student market may not be sustainable.
- This is an iconic building.
- Suggestions that lease issues have caused the building to remain vacant and the Lease is due to end in 2021.
- Impact on tourism and visitor offer.
- Contrary to policy 1 and 29.5 of the Plymouth Plan and CS04 and CS05 of the Core Strategy and the City Centre area action plan.
- Anti-social behaviour.
- The site could have been the new library
- Impact of service arrangements on Argos including shutter height and layout together with construction issues.
- Inappropriate short term thinking.
- This won't free up family housing.
- Integrity of building will be compromised.
- Preferable to an extra floor on the building.

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 2nd Review Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to 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 principle of the change of use, design, impact on the character and appearance of the area, sustainability, highways issues, contamination, noise and air quality. The consideration of these issues are explained in full below

Principle of Development

5. 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.
6. Policy CC02 of the AAP which relates to the blocks in Royal Parade recognises the need to potentially alter buildings in order to retain viable and successful uses. It states that proposals that seek to widen the use mix of buildings, introducing residential and office uses maybe acceptable as long as they retain active groundfloor frontages.
7. Strategic Objective 4 of the Area Action Plan which relates to the West End and Independent District states that it supports proposals which introduce more homes and student accommodation in the West End.
8. Objective 1 of Area vision 3 (City Centre) seeks to diversify the current functions of the City Centre to give it more life outside of shopping ours including intensification of residential, office, and cultural uses. Policy CC04 of the AAP requires developments to contribute to a sustainable neighbourhood by ensuring that amongst others a well-integrated mix of housing types is delivered allowing households of a range of sizes and incomes, and people of all ages.
9. The site has stood predominantly vacant since 2010 when the core department store ceased trading. Since then a number of ancillary units have also closed and more of the site has become vacant, further impacting the vitality and viability of the area. Whilst the site would ideally be brought forward as a department store again, in view of the presence of House of Fraser, Debenhams and M&S in the city and the general downward trend of department store shopper numbers the Council's Economic Development Department considers this unlikely. In response to officers concerns at pre-application stage the ground floor is now proposed as uses that will result in active frontages which will retain the vibrancy and vitality on this important and prominent corner within the city centre. It is considered necessary to restrict the A5 (hot food takeaways) use to one unit to ensure that there is not an over concentration of similar uses in the area and the vibrancy is maintained in accordance with policy CS06.
10. 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.

11. The Emerging Plymouth Plan continues to welcome and support the Universities within the City and the student population. Policy 1 identifies that it is important that every student feels welcome and has 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.
12. The application site is in relatively close proximity to the main University Campus which is located within 10-15 minutes walking distance and the proposal would help to regenerate an important but mostly vacant building.
13. Some of the letters of representation received 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.
14. 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.
15. If these developments are not supported through planning policy then there could 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.
16. The supporting Planning Statement submitted with the application highlights the strong need for further student housing in the City. It refers to a Knight Frank report (2015) which highlights that at the time of the report the number of beds provided by a combination of the halls of residence and the private sector schemes totals 5,120. (This figure is likely to have risen since the report was published) This represents just 21.7% of the total student population and leaves 18,470 (78.3%) of the students unable to access university or private sector accommodation. Even if the consented pipeline of development comprising 1,721 bed spaces (at the time of the report) were to be completed, there would still be an undersupply, with 16,749 (71.0%) students still unable to access purpose built accommodation.
17. A number of concerns have been raised about the student market. The applicant has advised that whilst they are confident that there will continue to be a strong market for this form of student accommodation into the future and that a national student operator has committed to the scheme however the proposed scheme could be reconfigured for alternative uses in the future:
 - The majority of the new sub-dividing internal walls from the first floor upwards will be formed in lightweight stud construction, allowing for potential re-configurations for alternative uses.

- The proposed courtyards / light-wells would easily allow for the upper floors of the building to be re-configured for office use, for example, as the new floor-plate depths would be between 12-15 metres.
 - With minimum alterations to the proposed room layouts, the scheme would also be suitable for a larger hotel and serviced apartments use.
 - The proposed basement layout could be easily reconfigured as a commercial gym space and / or additional retail space and storage.
 - The proposed scheme's multiple street facing lift and stair-cores would also allow for a range of different uses across the building over several floors. For example, the third and fourth floors could be re - configured as residential apartments, utilising the existing third floor terraces and proposed fourth floor set-backs for private amenity spaces.
18. Officers consider that the mixed-use nature of the development is fully compliant with Policy CS05 and CS15 of Core Strategy alongside Proposal CC02 of the City Centre and University AAP.

Housing Provision

19. 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).
20. Paragraph 47 of the NPPF stipulates that “to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”
21. Paragraph 49 of the NPPF states that “housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”
22. For the reasons set out in the Authority's Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 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 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.
23. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
- Available to develop now

Suitable for residential development in terms of its location and sustainability; and

Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

24. Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.
25. For decision-taking this means:
26. approving development proposals that accord with the development plan without delay; and
27. where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
28. 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
29. specific policies in this Framework indicate development should be restricted”
30. 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.
31. 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

32. The application has gone through a detailed pre-application process where officers carefully considered the impact of the alterations to the existing building, particularly the roof extensions and groundfloor openings.
33. The Riley street elevation with additional 2 storeys with small set-backs is acceptable and helps to emphasise the corner. The articulation it provides follows the language of the main building, as does the new additional student accommodation on to Courtenay Street which officers consider is a considerable improvement on the current situation.
34. The planned new door openings through the unique picture windows on the south and western elevations needs to be undertaken in a very sensitive manner. The existing picture windows have a minimal and elegant bronze frame set into a strong moulded granite surround. Officers recognise these openings are necessary in order to address today’s requirements however they will need to pick up on this theme and attempt to replicate the minimal framing sections as closely as possible for the new head, cill and jamb profiles. The details will be carefully controlled through condition.

35. The proposal has been designed to ensure that an extraction and plant facilities can be incorporated within the building to negate the need for unsightly external extraction systems should the groundfloor uses require them.
36. At pre-application stage the proposals were also considered by the Devon Design Review Panel who overall was supportive of the proposals including the mix of uses. The applicant has amended the scheme to address comments from the panel including adding an additional storey on the New George Street element, improving wayfinding by providing communal areas with views across courtyards, and by students being given controlled access to courtyard areas.

Standard of Accommodation

37. 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.
38. The development provides a full range of support facilities including a dedicated reception/communal area providing access to two of the four landscaped courtyards, a student gym, student cinema, general storage, and laundry and cycle storage.
39. Although there is no specific planning guidance regarding student accommodation it is considered that all the student bedrooms will be of a good size, exceeding sizes within recommended Council HMO guideline. Cluster bedrooms range from 12.5 sqm to 14.4 sqm and studios range from 16.1 sqm to 17.7 sqm 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 providing courtyard or external outlook, and will be welcoming to future occupiers.
40. The rooms facing the narrower courtyard have been designed to have offset windows to reduce direct overlooking and increase privacy. In response to concerns at pre-application the courtyards have also been reduced in depth to ensure adequate light and sunlight.
41. Officers consider the accommodation will be of a good standard and will be in accordance with Policy CS15 of the Core Strategy.

Highways

Trip Generation

42. The former Derry's Department store which occupied the majority of the site would have been a major attractor in terms of retail-related trips coming into the City Centre whilst the smaller retail units would unlikely to have been significant trip generators in their own right and more likely to form part of a linked retail trip.
43. Based upon person trip rates derived from the TRIC's database (a nationally recognised database to determine trip rates) and applying mode share data obtained from Census Data the existing uses within the building could be expected to generate in the region of 191 two-way movements during the am peak and 228 two-way trips during the pm.

44. Although the proposed development will be 'car free' with little/no dedicated car parking provision it will still generate some level of car-borne trips. However in terms of the predominant use of the building (that being the student units) it is accepted that this particular use is likely to generate very little (if any) in the way of car trips due its' highly sustainable City Centre location. Therefore the only traffic movements are likely to be those associated with the retail. Application of the person trip rates and Census Data mode share figures indicates that a combination of the existing/proposed retail uses would generate around 82 two-way movements during the am peak and 104 during the pm. This is less than half of the number of trips associated with the current use of the building and consequently I would not wish to raise any issues in respect of trip generation.

Car Parking

45. Considering the highly sustainable location of the site within the City Centre Core Area (which is also well-served in terms of public car parking) very little dedicated car parking has been proposed to serve the building with 11 spaces in total.
46. No car parking is considered necessary to serve the student units apart from the use of the 11 spaces for the purposes of drop-off/collection at the beginning/end of term time. It is assumed that the ground floor retail uses would be served by existing pay and display car parks within the area (such as Theatre Royal) as per the previous and current situation.
47. Based upon the quantum of development proposed a total of 205 secure and covered cycle parking spaces are proposed which is considered to be acceptable and would meet the cycle parking demands arising from the development.

Layout

48. A loading bay in excess of 10m in length by 4m in width has been provided which is considered to be acceptable. It should be noted that Argos the existing retailer have expressed concerns regarding the amount of space provided by the new arrangements and how this could impact upon their servicing strategy. However it is considered that spaces 8-11 would function as dedicated drop-off/collection spaces and as such would only be in operation for short periods of the year. For the remainder this area should be kept clear of parked vehicles and consequently this will increase the amount of space within the loading bay area. The proposal has also been amended to overcome concerns that Argos had about the height of the loading bay openings.
49. Whilst an individual retailer may have concerns regarding the impact on their particular servicing strategy both the Local Highway Authority and the Economic Development Department consider the servicing arrangements are acceptable to serve the proposed commercial floorspace and therefore in planning terms officers consider the loading bay layout is acceptable.

Travel Plan

50. The applicant has provided a Travel Plan which has been commented upon by the Local Planning Authority and will need to be subject to a condition. In terms of intervention measures should the agreed targets not be met, reference has been made to providing a gift

voucher to be used at local cycle shops. It is recommended that this be altered to allow such vouchers to also be used for bus or rail journeys as well.

Land Quality

51. The proposals appear to involve limited and/or no ground works and in addition, sensitive end use is restricted to above ground floor level. Given this and the location of the proposed development, Public Protection has no objections to the application in terms of contamination. However the proposal does involve creation of inner courtyard areas that will be accessible to future residents and/or occupants. The design and access details that have been submitted with the application indicates that courtyard creation will involve some further landscape design, incorporation of soft landscaping and soil import. In order to ensure landscaping and soil suitability for use, a condition is recommended that will require submission of landscape soil detail and verification information.

Noise

52. The construction will create disruption and potential noise and for the people living in Colin Campbell Court and possibly to those living in Harwell Court and Morley Court. A number of flats have also recently been developed above the shops around this area. It is for this reason a detailed construction plan should be submitted for approval prior to commencement.
53. In terms of the future occupants of the development the acoustic report discusses the use of mechanical ventilation and additional glazing where necessary. The amount of externally generated noise that will be experienced inside the development will be greater on the lower floors and therefore it is recommended that BS8233:2014 is used to achieve desirable internal noise levels. A verification report should also be submitted prior to occupation secured through condition.
54. It is also recommended that a suitable management plan be formulated in order that behavioural issues from the future occupants can be addressed appropriately.

Air Quality

55. An Air Quality Assessment has been submitted with the application. The Public Protection Service considers that the development would not create any significant adverse air quality issues, including any potential impacts from the CHP plant. However, as the development is within an existing Air Quality Management Area and the predicted levels of NO₂, under a worst case scenario, are close to the annual mean air quality objectives, and taking into account margin of uncertainty, additional mitigation will be required in order to protect the air quality of future occupants of the development. It is therefore recommended that the windows on the first and second floors of the development are sealed shut and additional means of ventilation provided. This will be secured by condition.

Sustainability

56. The application is supported by an Energy Strategy which sets out provisions to connect to a future District Energy (DE) scheme and options to deliver CHP onsite (or alternatively an offsite contribution towards delivery of District Energy).

57. An offsite contribution to a future DE scheme is the Council's preferred approach and would (in lieu of onsite CHP) enable the development to comply fully with the City Centre AAP Policy CC05. This policy makes it clear that CS20 is relaxed in favour of CC05 in instances such as this.

Biodiversity

58. The existing site entirely comprises buildings and hardstanding, there is currently little if any ecological value. The proposal includes internal courtyards, as well as green roof areas on the fourth floor roof spaces and brown roof areas over the fifth floor roof. The provision of these courtyards and biodiverse roofs will significantly improve the ecological value of the site and achieve net-biodiversity gain in accordance with policy CS18.

Drainage

59. Discussions are still taking place with South West Water and the Lead Local Flood Authority regarding potential drainage mitigation at the time of writing this report. An update will be provided in an addendum.

Other issues

60. The proposal includes the provision of bin storage space in-line with the guidance found in the development guidelines SPD. A condition has been added to ensure that this is retained for its intended purpose

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.

It is considered that the impact of the development requires mitigation for the following infrastructure:

- local greenspace
- playing pitch provision
- energy consumption

It is proposed that mitigation will be achieved through the following contributions:

- £122,400 for the provision and maintenance of greenspace facilities at the Hoe
- £222,030 for the provision and maintenance of junior playing pitch facilities at Central Park
- £150,000 Towards a District Energy Network

The applicant has agreed to pay the above contributions in full which will help to provide improved facilities for potential occupiers alongside existing residents of the City.

12. Equalities and Diversities

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 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 and evening 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 student accommodation and retained active groundfloor uses will contribute to the vibrancy of the area and therefore the application is recommended for approval subject to the signing of a s106

14. Recommendation

In respect of the application dated **11/01/2016** and the submitted drawings 15015.1_S01, 15015.2 GAX.-2, 15015.2 GAX.00, 15015.2 GAX.01, 15015.2 GAX.02, 15015.2 GAX.03, 15015.2 GAX.04, 15015.2 GAX.05, 15015.2 GAX.06

15015.2 GAX.07, 15015.2 GEX.01, 15015.2 GEX.02, 15015.2 GEX.03, 15015.2 GSX.01, 15015.2 GSX.02, 15015.2 GA.-2, 15015.2 GA.00/B, 15015.2 GA.01, 15015.2 GA.02, 15015.2 GA.03, 15015.2 GA.04, 15015.2 GA.05, 15015.2 GA.06

15015.2 GA.07, 15015.2 GE.01, 15015.2 GE.02, 15015.2 GE.03/A, 15015.2 GE.04

15015.2 GE.05, 15015.2 GS.01/A, 15015.2 GS.02, 15015.2 GS.03, 15015.2 GS.04 Planning Statement (December 2015), Statement of Community Engagement (December 2015), Flood Risk Assessment (December 2015), Planning Stage Acoustic Report re 6987/AAR2, Air Quality Report (J2409/2/F1), Transport Statement (Y180-007), Energy Strategy (23/12/2015), Sustainability Statement (06/01/2016), Utilities Statement (Y180-010), Construction Traffic Management Plan (Y180-009), Framework Travel Plan (Y180-008), Student Management Plan Rev B (December 2015), and accompany Design and Access Statement (08/01/16 and 05/01/16), it is recommended to: **Grant Conditionally Subject to a 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, 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: 15015.1_S01, 15015.2 GAX.-2, 15015.2 GAX.00, 15015.2 GAX.01, 15015.2 GAX.02, 15015.2 GAX.03, 15015.2 GAX.04, 15015.2 GAX.05, 15015.2 GAX.06, 15015.2 GAX.07, 15015.2 GEX.01, 15015.2 GEX.02, 15015.2 GEX.03, 15015.2 GSX.01, 15015.2 GSX.02, 15015.2 GA.-2, 15015.2 GA.00/B, 15015.2 GA.01, 15015.2 GA.02, 15015.2 GA.03, 15015.2 GA.04, 15015.2 GA.05, 15015.2 GA.06, 15015.2 GA.07, 15015.2 GE.01, 15015.2 GE.02, 15015.2 GE.03/A, 15015.2 GE.04, 15015.2 GE.05, 15015.2 GS.01/A, 15015.2 GS.02, 15015.2 GS.03, 15015.2 GS.04

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: CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The 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 amenity of the area.

PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS PLAN (ESP)

(4) No development shall take place until an ESP has been submitted to and approved in writing by the Local Planning Authority. The ESP should demonstrate how local people will benefit from the development in terms of job opportunities, apprenticeship placements, work experience and other employment and skills priorities. The ESP should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved ESP unless a variation in the plan is agreed in writing in advance by the Local Planning Authority. Quarterly monitoring reports will be submitted to the Local Planning Authority, recording actual achievements against the targets outlined in the ESP. The first report shall be submitted three months after construction starts on site.

Reason:

To ensure employment and skills development in accordance with Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and in accordance with Policy 19 of the Plymouth Plan Part One (2011-2031).

Justification for pre-commencement: To ensure that the employment and skills plan is adhered to throughout the demolition and construction of the development.

PRE-COMMENCEMENT: ACCESS (CONTRACTORS)

(5) 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.

Justification for pre-commencement: To ensure that the construction phase does not unduly impact amenity of the area.

PRE-COMMENCEMENT: SUSTAINABILITY

(6) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to commencement of development a report 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 shall be submitted to and approved by the Local Planning Authority. The development shall accord with the approved details.

Reason:

To ensure that the development is 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 for pre-commencement: To ensure that the development is compatible with and allow future access to a District Energy Network.

PRE CONSTRUCTION - FURTHER DETAILS

(7) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:

details of cill, window reveals, adaptions, openings and alterations to the existing ground floor picture windows all at a minimum scale of 1:5.

The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012 .

PRE- CONSTRUCTION: EXTERNAL MATERIALS

(8) Prior to construction of the extensions and any new facades hereby approved 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-occupation Conditions

PRE-OCCUPATION: COURTYARDS LANDSCAPING

(9) unless otherwise agreed by the Local Planning Authority, the courtyards landscaping work shall not commence until a detailed courtyard landscaping scheme together with a management plan has been submitted to and approved in writing by the Local Planning Authority. The landscaping will be implemented in accordance with the approved details prior to occupation of any student units and thereafter maintained in accordance with the approved details.

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.

PRE INSTALLATION: NOISE FROM KITCHEN EXHAUST AND AIR CONDITIONING

(10) 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. Unless agreed in writing 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.

PRE-OCCUPATION: CONTAMINATED LAND - LANDSCAPING

(11) Unless otherwise agreed by the Local Planning Authority, the courtyard landscaping work shall not commence until a detailed design scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health has been submitted and approved by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed objectives and design criteria, soil import criteria, timetable of works and site management procedures that will be employed to prevent cross contamination. 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 works are complete. The development shall accord with the approved details and 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 design scheme, a verification report that provides evidence and demonstrates the effectiveness of the works carried out shall be submitted and approved in writing of the Local Planning Authority prior to occupation of the development

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-OCCUPATION: NOISE STANDARDS

(12) 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.

PRE-OCCUPATION: ACCOMMODATION MANAGEMENT

(13) Notwithstanding the submitted details none of the student 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: ODOUR FROM COMMERCIAL KITCHEN EXTRACTION SYSTEMS

(14) Before the occupation and use of any commercial kitchens hereby permitted are first implemented, details of the specification and design of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated 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

PRE-OCCUPATION: AIR QUALITY

(15) Prior to occupation of the building windows on the 1st and 2nd floors of the development fronting Royal Parade shall be sealed shut and a mechanical means of ventilation shall be provided, and shall be permanently retained in that condition thereafter.

Reason:

To protect the future occupants of the development from exposure to unacceptable levels of pollution and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCCUPATION: PEDESTRIAN/CYCLE ACCESS

16) The building shall not be occupied until a means of access for both pedestrians and cyclists has been constructed in accordance with the approved plans.

Reason:

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

PRE-OCCUPATION -CAR PARKING PROVISION

(17) The building shall not be occupied until the car parking area shown on the approved plans has been 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 - CYCLE PROVISION

(18) 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 205 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.

PRE- OCCUPATION: PARKING MANAGEMENT STRATEGY

(19) Prior to the occupation of the building a Parking Management Strategy shall be submitted to and approved in writing by the Local Planning Authority. The said strategy shall provide information in relation to the control and management of the car parking areas serving the building including details relating to arrangements for drop-off/collection spaces for the student accommodation at the beginning/end of each academic year.

Reason:

To ensure that adequate parking facilities are provided to serve the development (particularly in respect of the student accommodation) in order to avoid vehicles from parking on the public highway giving rise to conditions likely to cause damage to amenity and interference with the free flow of traffic on the highway which is contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRE-OCCUPATION TRAVEL PLAN

(20) The development 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, student 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 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: BIODIVERSITY NET GAIN

(21) 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 details shall include full details of the brown roofs hereby approved together with a scheme for their management. The development shall be carried out in accordance with the approved details prior to occupation of the hotel or student accommodation hereby approved.

Reason:

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

Other Conditions

CONDITION: STUDENT USE

(22) 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 , 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. If any occupation is required not in-line with the above a written request detailing the type and duration of the occupation required and justification for it shall be submitted to and approved in writing prior to said occupation taking place. The occupation shall then accord with the approved request.

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

(23) No more than 500 rooms at the property shall be used as bedrooms . Only the rooms shown with a bed on the approved floor 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

CONDITION: SPECIFIED USE RESTRICTION - A5

(24) The groundfloor shall contain a maximum of one A5 unit unless agreed in writing by the Local Planning Authority.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the 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

(25) The commercial units 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

(26) 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: DELIVERY/COLLECTION HOURS

(27) 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, unless agreed in writing by the Local Planning Authority.

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

(28) Any non-residential uses within use classes A5 and C2 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, unless agreed in writing by the Local Planning Authority

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.

USE OF LOADING AREAS

(29) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

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

BIN STORAGE

(30) The bin storage areas shown on the approved plan shall be provided prior to the occupation of the units to which it relates. The areas will thereafter be retained for their intended use as a bin store, unless agreed in writing by the Local Planning Authority.

Reason:

To ensure that the amenity of the area is protected in accordance with policy CS34 of the Plymouth Local Development framework Core Strategy 2007.

Informatives

INFORMATIVE: STUDENT MANAGEMENT PLAN

(1) With regard to the student 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. 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.

It is also advised that the management plan should include restrictions with regard to hanging washing from windows on external elevations.

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: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(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.

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PLANNING APPLICATION REPORT



Application Number 15/01619/FUL

Date Valid 06/10/2015

Item 05

Ward Peverell

Site Address 282 OUTLAND ROAD, PLYMOUTH

Proposal Variation of condition 2 of planning permission 98/00780/FUL to permit the delivery of goods between 07:00 hours and 21:30 hours Monday to Saturday; with no changes to Sunday hours.

Applicant WM Morrison Supermarkets Plc

Application Type Full Application

Target Date

15/04/2016

Committee Date

**Planning Committee: 07
January 2016**

Decision Category Member Referral

Case Officer Christopher King

Recommendation Grant Conditionally

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This application has been referred to planning committee by Cllr John Mahony

1. Description of site

The application site comprises an area of approximately 2.4 hectares fronting onto Outland Road on the edge of the Peverell/Beacon Park area of the city. The site is currently occupied by a Morrison's food store, associated customer parking, servicing and landscaping. The store building occupies the south eastern and central parts of the site with customer parking located to the north, between the store building and Outland Road, and on the western part of the site, adjacent to Tor Lane. Shared vehicular access, for customers and delivery lorries, is from Tor Lane.

There is a row of tall leylandi trees along the eastern boundary, which screens the property from residential property in Tor Road to the east, and rows of much smaller trees, planted as part of the original landscape strategy in the car park. These trees are protected by a group Tree Preservation Order (TPO No 271 and 209). Levels fall within the site from east to west (approximately 5m) and from south to north (approximately 2m) in accordance with the surrounding topography.

The existing store building is essentially a flat roofed structure, but this is disguised by an element of roof plane, all around and on the conspicuous higher parts of the building, so that it appears, when viewed from ground level, as a pitched roofed building with decorative arches and an entrance portico.

The character of the surrounding area is dominated by Outland Road (A386), a dual carriageway which forms one of the main arterial route ways into the city.

The area around the site is completely residential in character. On the opposite side of Tor Lane, and in Chestnut Road to the west, are larger Edwardian/ Victorian terraces. Houses in Glentor to the south, Tor Road to the east and facing Outland Road, and in St Erth Road to the north, are a mixture of detached and semidetached houses in reasonable sized plots, dating from the middle of the last century.

2. Proposal description

Variation of condition 2 of planning permission 98/00780/FUL to permit the delivery of goods between 0700 hours and 2130 hours Monday to Saturday; No Change on Sundays and Bank Holidays. The current approved hours for delivery are between 0800-2000 hours Monday to Saturday and 0900- 1600 hours on Sunday, meaning that the application seeks to extend the delivery hours by one hour in the morning, and one and half hours in the evenings on Mondays to Saturdays.

3. Pre-application enquiry

No pre-application advice was sought with regards to this proposal.

4. Relevant planning history

The site has an extensive planning history (35 applications since 1974). Some predate the current supermarket use and others relate to signage and minor applications. The following are considered most relevant:-

- Ref: 16/00368/FUL - Variation of condition 1 of decision notice 98/00780/FUL to allow extended opening for the sale of goods between 07:00 to 22:00 hours Mondays to Saturdays and between 10:00 to 16:00 hours on Sundays – Currently being considered by the Local Planning Authority
- Ref: 15/01617/FUL - Variation of condition 6 of planning permission 12/01724/FUL to permit the delivery of goods between 0700 hours and 2130 hours Monday to Saturday; and No Change on Sundays and Bank Holidays – Withdrawn because planning permission 12/01724/FUL is not being implemented
- Ref: 12/01724/FUL - Extension to food store 1,030sqm including decked car park and access works - Grated conditionally subject to S106 agreement.
- Ref: 12/00515/FUL – Extension to food store (1,415sqm) including 2 storey car park and access works - Withdrawn.
 - NB: The application had been prepared for a recommendation to committee to refuse the application due to highway concerns, design concerns, amenity and safety.
- Ref: 00/00379/FUL - Single storey side extension to retail sales area to provide an additional 585 sq. metres of retail sales floor space. The scheme reduced the number of parking spaces by 31 and provided 50 additional jobs - Granted subject to conditions Oct 2001
- Appeal Ref: T/APP/NI 160/A/98/299599/P4 – Planning Inspector overturned LPA decision to refuse 98/00780/FUL; granting conditional approval to allow Sunday trading and delivery's on Sundays.
- Ref: 98/00780/FUL - Variation of Cond.13 & 14 of Notice No.643/90 to now permit Sun. trading & Sun. deliveries, revised (shorter) delivery hours Mon-Sat, alterations to enclose & landscape service yard, additional landscaping - Approved Nov 1998 on Appeal T/APP/NI 160/A/98/299599/P4
- Ref: 96/00743/FUL - Vary Condition 13 and 14 of Notice No. 0643/90 to now permit Sunday trading and Sunday deliveries, revised (shorter) delivery hours Monday-Saturday; alterations to increase height of boundary walls and - Refused Dec 1996
- Ref: 96/00742/FUL - Variation of Cond.13 and 14 of Notice No.643/90 to now permit Sun. trading and Sun. deliveries, revised (shorter) delivery hours Mon-Sat, alterations to enclose and landscape service yard, and off site - Withdrawn Dec 1996
- Ref: 93/00143/FUL - Variation of condition 13 of Notice ref NO.643/90 to allow for Sunday trading - Granted Jun 1993
- Ref: 91/01241/REM - New access and highway improvements in connection with the outline permission Ref.0643/90 (dated Apr 1991) - Granted
- Ref: 91/01372/REM - Erection of superstore with associated parking and service areas (approval of reserved matters) - Granted Jan 1992
- Appeal Ref: LI 120/A/90/156592 and 1172788 - Planning Inspector overturned LPA decision to refuse 90/00643/OUT; granting conditional approval

- Ref: 90/00643/OUT - outline application to develop industrial site by erection of a retail shop (47,050sqft) with car parking new access and highway improvements - Granted on Appeal LI120/A/90/156592 and LI172788

5. Consultation responses

Local Highways Authority – No Objections

Public Protection Service – No Objections following the amended description and submission of satisfactory noise surveys

6. Representations

Four (4) letters of representation were received when the application was initially advertised, all objecting to this proposal, identifying the following concerns:

- Adverse impact on residents
- Unacceptable to have noise disruption at 5am
- Reduce standard of living
- Puts commercial interests before residents
- It is already noisy

Following negotiation with the applicant to reduce the extended hours, a revised application description was submitted which was supported with additional survey data.

The new description, which proposes delivery hours of '0700 hours and 2130 hours Monday to Saturday; No Change on Sundays and Bank Holidays', required re-advertising for 14 days.

During this further consultation period (which concluded on the 15th March), one additional letter of representation has been received, and raises the following comment:-

- There will be increased noise due to traffic movements and the unloading itself in a residential area. The restrictions were imposed for noise reasons and nothing has changed

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.

8. Analysis

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.

1. This application turns upon policies CS22 (Pollution) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy; Policy 30 (Safeguarding environmental quality, function and amenity) of the Emerging Plymouth Plan Part One and paragraphs 17 and 123 of the NPPF.
2. In considering the proposal, the main consideration is the impact of the proposed alterations to the hours towards neighbouring residential amenity through the possibility of increased noise disturbance.
3. The application site is an existing supermarket store; however application 12/01724/FUL refers to planning permission for a 1000m² extension to the store which is yet to be built, but has the same delivery hours imposed on it as the main store. The Service yard is located in the southern corner of the site, and access is from Tor Lane to the West.
4. The site is bordered by residential dwellings with the closest being located on Tor Road, Glentor Road and Tor Lane. The application to extend the hours of deliveries has the potential to cause disruption, and there was clear feeling amongst local residents that the initial proposal to allow deliveries from 5.00am to 11.00pm would have been demonstrably harmful.
5. Having agreed with local residents, officers advised the applicant that the original proposed extension of hours was excessive, and could not be supported; something that was echoed by

the Public Protection Service. Noise disturbance associated with delivery operations to supermarkets from heavy goods vehicles typically includes engine noise, door slams, radios, reversing alarm noise and clattering from roll cages being loaded/ unloaded and moved between areas etc. The LPA suggested that the applicant review the proposal and consider the need for the application and how best to mitigate the impact of the proposal.

6. The LPA has been presented with a significantly revised proposal, that seeks to extend the delivery hours by 1 hour in the morning (7.00am to 8.00am) and 1 ½ hours in the evening (8.00pm to 9.30pm). The revised noise survey has been carried out and submitted in support of the proposed changes, and has been reviewed by the Public Protection Service.
7. As part of the acoustic report, suitable monitoring has been carried out and has considered all associated noises associated with the proposed deliveries, including movement of roll cages, use of tailgate, secure straps being used and the roller shutter door being opened and closed. Reversing sirens on vehicles have not been considered, as the applicant has confirmed that reversing alarms will be turned off for the proposed deliveries, and this will be conditioned.
8. It is noted that in 1998 (Appeal Ref: T/APP/NI 160/A/98/299599/P4), the planning inspectorate allowed Sunday deliveries; however did not agree with the applicants request for deliveries before 8.00am. The supporting noise survey data for this planning application, and the use of conditions means that officers are satisfied that deliveries between 7.00am and 8.00am are acceptable.
9. The acoustic report demonstrates that the noise from deliveries during the proposed extension to the existing hours will not significantly exceed background noise levels and as such there will be no significant adverse impact. With respect to noise the application complies with policy and as such the Public Protection Service recommends approval of the proposed hours for deliveries.
10. Furthermore, officers are aware that similar delivery hours have been permitted at a number of supermarkets around the city, all of which are within comparable proximity to residential dwellings as with the application site, and include the following locations:
 - a. Aldi, Greenbank Road, Mutley
 - b. Lidl – Horn Cross Road, Plymstock
 - c. Morrisons - Pomphlett Mill, Plymstock
 - d. Tesco - Transit Way
11. Whilst every application is related on its own merits and circumstances, the LPA seeks to be consistent when considering applications of this nature.
12. Officers consider that the extended hours would not cause an increased or demonstrable loss of residential amenity, and would demonstrate a better scenario than what the applicant originally applied for when first submitted to the LPA for consideration provided suitable conditions are attached.
13. In conclusion the local planning authority has acted in the interests of residents and has been able to negotiate significantly reduced delivery hours which will protect residential amenity, whilst allowing the applicant to operate efficiently. The proposal accords with Policy CS22 and CS34 of the Plymouth's Local Development Framework Core Strategy (2006) as in the view of officers, there will not be unacceptable loss of amenity generated by the extended hours.

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

N/A

11. Planning Obligations

N/A

12. Equalities and Diversities

There are no equality or diversity issues to consider

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 Core Strategy and the Emerging Plymouth Plan Part One and is therefore recommended for approval.

14. Recommendation

In respect of the application dated **06/10/2015** and the submitted drawings Planning Statement, Environmental Noise Assessment (Prepared by Gary King MIOA

Date 21 September 2015 - 1515511), it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: OPENING HOURS

(1) The premises shall only be open for the sale of goods between the hours of 0800 and 2100 Mondays to Saturdays (inclusive), and 1000 and 1600 on Sundays

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 .

CONDITION: DELIVERY HOURS

(2) There shall be no deliveries made to the premises after 2130 hours or before 0700 hours Mondays to Saturdays (inclusive) and after 1600 hours or before 0900 hours on Sundays.

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 delivery vehicles 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 .

CONDITION: SERVICE YARD

(3) The service yard shown hatched blue on the drawing accompanying planning permission 98/1453, and also shown on drawing No 2697/10 Rev D, shall be kept clear at all times as a manoeuvring space for delivery vehicles, except for the area cross hatched blue, which shall only be used for the parking of delivery vehicles when being loaded and unloaded. The service yard shall not be used for any other purposes.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: LOADING AND UNLOADING

(4) There shall be no loading or unloading of delivery vehicles on any part of the premises, other than in the enclosure illustrated on Drawing No 2697/10 Rev D.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) interference with the free flow of traffic on the highway; in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

CONDITION: ACOUSTIC CURTAIN

(5) The acoustic curtain within the shutter door as illustrated on Drawing 2697/10, Rev D, and described in the letter from the Appellant's agent dated 8 February 1999, shall remain drawn at all times when the door is opened.

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 using 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 .

CONDITION: REVERSING SIRENS

(6) No vehicle entering the service yard for the purpose of delivering goods to the premises shall be permitted to utilise their reversing sirens after 2000 hours or before 0800 Mondays to Saturdays

Reason:

To protect the residential and general amenity of the area from noise and disturbance likely to be caused by delivery vehicles 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: CONDITIONAL APPROVAL (WITH NEGOTIATION)

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

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PLANNING APPLICATION REPORT



Application Number 15/01520/FUL

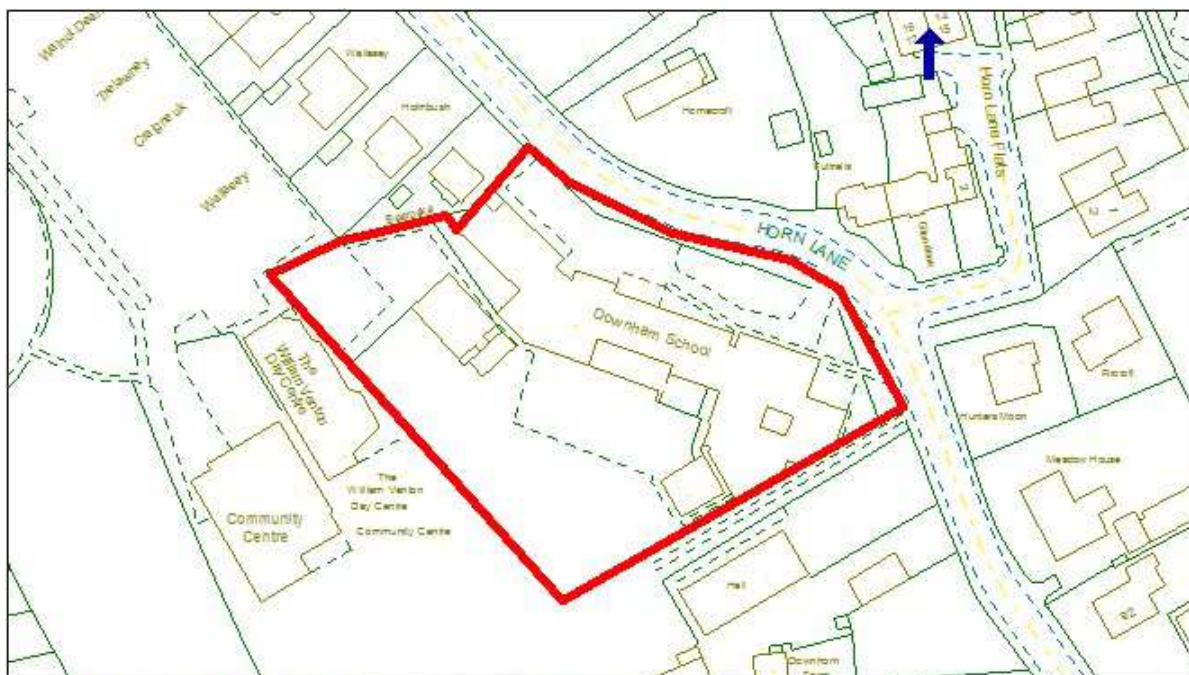
Date Valid 27/08/2015

Item 06

Ward Plymstock Radford

Site Address	FORMER DOWNHAM SPECIAL SCHOOL, HORN LANE, PLYMOUTH		
Proposal	Development of former Downham school site consisting of 31 residential units in a mix of open market and affordable houses and flats		
Applicant	Rebecca Millman		
Application Type	Full Application		
Target Date	01/04/2016	Committee Date	Planning Committee: 07 April 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Rebecca Boyde		
Recommendation	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met.		

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1. Description of site

The site forms part of the plan for homes scheme. The site is located within the centre of Plymstock, close to the Broadway Shopping centre. The site is formally known as Downham Special School which was demolished in the later end of 2012 due to the relocation of the school. The site is generally rectangular on plan and slopes from South to North. Immediately behind the site along its South Western Boundary is an open public green space that is accessed either from the back of the car park to the Broadway Shopping Centre or via a paved track that runs between the old school fence line and the scout hut boundary situated adjacent to the sites south western boundary.

2. Proposal description

Development of former Downham school site consisting of 31 residential units in a mix of open market and affordable houses and flats

3. Pre-application enquiry

14/01389/MAJ- In principle the proposal of development on this site is satisfactory subject to design, scale and layout

4. Relevant planning history

12/01456/31- Determination as to whether prior approval is required for the method of demolition of the buildings and the proposed landscaping of the site, Prior approval is not required

01/01122/FUL- Single-storey extension to classroom 6, Grant conditionally

5. Consultation responses

Sport England has no comment to make on the application as there are no playing pitches being affected

Police Architectural Liaison officer has no objections

Local Highways Authority has no objection subject to conditions

Lead Local Flood Authority – No Objections, however further details on the drainage proposals were requested. Further details have been submitted and approved prior to the decision being issued

Housing Delivery Team supports the proposal

Tree officer has no objections

Public Protection Service recommends approval subject to conditions

6. Representations

23 Letters of objection were received. The main reasons for the objections were:

- Loss of public footpath
- Vehicle access lost to the field behind
- Too many houses proposed

- Loss of trees
- Not in keeping with surrounding area
- Traffic increase
- Privacy concerns
- No play area provided
- Desire to having a swimming pool instead of houses

7. Relevant Policy Framework

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

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

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

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

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

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

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

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

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

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations,) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

2. This application proposes to develop the site for a residential development of 31 residential units including associated access road, landscaping and public open space. It is considered that the main issues in the determination of this application are; the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon nearby properties residential amenities; and impact upon the surrounding highway network.

3. The Former Downham Special School Site was made available for housing through the Plan for Homes scheme, which aims to provide 5,000 homes over five years. The school closed in 2012, following which the building was demolished. The brownfield site has remained vacant since. The site currently comprises of an overgrown field.

Character and appearance

4. Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised by residential development mainly comprising of semi-detached and detached properties, on fairly large, generously proportioned plots.

5. The NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood's centre. It is considered that the proposed density level at the site is slightly higher than the immediate area, which is characterised by detached and semi-detached housing. It is officers' opinion that this is considered acceptable as the design and layout of the proposals meet policy requirements as set out below. It is not considered that the proposed scheme will result in over-development nor will it appear cramped.

6. There will only be one entrance to the site which will be the existing access allowing for visibility to be provided for those entering and exiting the site off Horn Lane.

Upon entry into the site, the access road then veers off to the right creating a cul-de-sac with no access through the site. The dwellings provide surveillance of the road to improve security for future

residents. The plot sizes are consistent with the existing development in the area and the site layout respects the established pattern of development in this part of Plymstock.

7. The existing foot path which leads to the green space behind is proposed to be diverted through the development. It is considered that the new footpath will be a safe and secure environment, with natural surveillance and well lit.

8. The layout of the site has been designed to ensure that pedestrian permeability is improved and the development includes a clear and defined pedestrian link through to the areas of greenspace to the south of the site. It is considered that the layout has achieved an acceptable balance between providing a good quality residential development of homes whilst ensuring expansion and improvements to accessible local greenspace. The density of housing is similar to densities throughout Plymstock and therefore officers consider the development is in keeping with its surroundings.

9. With regards to massing, design and external appearance, the whole site follows the same design form. The house types proposed provide variation to the street scenes and has an appropriate mix of modern and traditional features that help to present external appearances that are acceptable considering the context. The form, scale and design of the external envelope to the houses are considered complimentary to the surrounding area, providing an individual and appealing design.

10. In summary, it is Officers' view that the proposals will provide a well thought out development that is easy to get to and move through and around (for both vehicles and pedestrians) and has public and private spaces that are safe, attractive, easily distinguished and accessible. The proposed development provides a good quality housing scheme that in terms of scale, massing and design is sensitive to the character and appearance of the existing surrounding development, making a positive contribution to local visual amenity. The layout and design of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of the Design SPD.

Residential Amenity

11. It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.

12. The layout of the site has been arranged in order to minimise impact on the surrounding properties. The closest property lies adjacent to the proposed development to the north where the flats are proposed. It is not considered that there will be any impact upon privacy as there is only one window facing the existing residential properties and this will serve a small kitchen area.

13. The houses on the opposite side of Horn Lane are sufficient distance away from the proposed dwellings in order to have a minimal impact in terms of light and privacy. The layout of the site has been arranged so that the relationship between the proposed dwellings within the site is acceptable. In summary, it is considered that there will be no significant residential amenity conflict created between the existing dwellings and proposed development and the application is therefore

considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Letters of representation

14. A number of the letters of representations have highlighted the community need for a swimming pool. There is no proposal for a swimming pool within the Plymstock area and therefore this site must be considered for its suitability for housing only. It should be noted that a S106 contribution of £18,474 to allow for the development of the leisure centre in Sherford has been secured.

15. Some objections also referred to the loss of a footpath to the east of the site. Planning Committee have agreed that it is acceptable for the existing public right of way to be altered to go through the proposed site and will have access to the green space to the rear of the site. The diversion of the Public right of away was determined by the Planning Committee on 11th February 2016.

Local Highway Authority comments (LHA)

16. The LHA has not raised any objection in principle to the proposed mixed housing development. The site layout is indicated on the application site plan number I485 PL-01 T. The application has been subject of pre application enquiries, and the applicant's proactive approach has been helpful in informing the development and road layout.

17. The application details describes the site and its context, which is well located close to the Broadway District Shopping Centre, and conveniently placed for a variety of local facilities and transport links, and the site has a high degree of accessibility.

18. To the rear of the application site there is Pubic Open Space (POS), currently accessed via a footway track that runs along the side of the southwest boundary adjacent to the Scout Hut. This pedestrian access would become redundant and replaced by an improved access route through the new development, via what is intended to become a new adopted cul-de-sac street, with footways and street lighting, and a new gate into the public open space.

19. Access to the development would be provided by forming a new road junction from Horn Lane to a satisfactory standard, including the necessary forward visibility. The two redundant vehicle entrance/ exits would be closed off and the footway reinstated.

The flats would be constructed as two separate blocks on the northwest portion of the site, with associated parking and cycle storage, with one cycle space per flat, except for the 'accessible units' that would instead have electric mobility storage and charging points, along with associated external amenity space.

20. Parking provision for the 14 flats would be 1.5 spaces per unit located within the private parking court; and parking for the 17 houses would have a mixture of fronting and on-plot parking to give two parking spaces per house, which includes five garages. This is in accordance with the Supplementary Planning guidelines. In accordance with best practice all garages would need to have a minimum internal size of 6 x 3 metres, to allow practical car parking use. Any boundary treatment would need to ensure that adequate inert-visibility would be provided at the driveway exits.

21. The traffic generation from the proposed new housing development is likely to be modest, particularly given its close proximity to the Broadway Shopping Centre and local facilities, which would be expected to encourage a higher number of walking trips. Allowance also has to be made for traffic that would have been generated by the previous use of the site as a special school. The overall traffic impact of the proposed new housing development is therefore considered acceptable.

22. As the intention is that the new cul-de-sac access road would be adopted as a public street (with the exception of the parking court which would remain in private ownership) the developer would need to enter into an adoption agreement with the Council, as a part of which the engineering details of the development would be further refined as might be necessary, notwithstanding the details thus far submitted for the purposes of the planning application. For instance an initial drainage scheme indicates the drains and sewers would be adopted by South West Water as public sewers. However the drainage details inappropriately show inspection chambers/manholes and drain-lines within the footways proposed for adoption in front of plots 15, 19, 24, & 26, and this would need to be addressed with the inspection chambers and drain-lines being relocated within the private property. This is being secured through condition.

Public Protection comments

23. The site is located in a mixed use area and is partly surrounded by existing houses, the occupiers of which are likely to be sensitive to development. Because of this a condition will be attached which states that prior to the commencement of development the developer should comply with the Council's own Code of Practice for Construction. Compliance with this should be stated in writing prior to the start of any Construction works.

Housing delivery

24. This application proposes 31 new dwellings, of which 12 (39%) will be affordable and built to Code for Sustainable Homes level 4. This level of affordable housing exceeds Core Strategy Policy CS15 and with 12,927 households on the housing register (as of 07/09/15), the provision of affordable housing remains a priority for Plymouth City Council.

25. Furthermore, the applicant has proposed two one-bedroomed ground floor wheelchair flats to accommodate disabled persons in housing need. There are currently 83 Plymouth households in need of wheelchair affordable housing, of which 54 require one-bedroomed properties.

26. Policy CS15 of the Core Strategy requires 20% of homes to be built to Part M Building regulation standards to future-proof a proportion of the future housing stock. Aster Homes have indicated that 29% of homes will meet the lifetime homes standard, which exceeds planning policy. There are currently 507 households on the housing register in need of this type of housing.

Sustainable Neighbourhood Assessment

27. The Plymouth Plan Plymstock Area Assessment (June 2014 draft for consultation) highlights a very low percentage of affordable rented accommodation in Plymstock (<5% compared to >19% across the City) in addition to an ageing and unsustainable population. The neighbourhood is characterised by large detached and semi-detached houses with high rates of under-occupation. The Assessment recommends that new development should include more affordable housing to help

address the imbalance in house type, size and tenure in the area. Not only does this application propose high levels of affordable housing, it offers a good mix of one, two, three and four bed dwellings. Furthermore, it contains nine private two-bedroom flats to encourage downsizing, potentially freeing up larger accommodation in Plymstock.

Other Issues

28. Policy CS20 (Sustainable Resource Use) of the adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010 –

2016.

29. In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roofs of the proposed dwellings. These will be almost flush with the roofline and will only have a minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

30. There will be some loss of some trees, but this will be compensated with additional tree planting and a condition to ensure that retained trees are protected during the construction phase.

5 year housing supply

31. When determining applications for residential development it is important to give consideration to housing supply.

32. 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”*

33. 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.”*

34. For the reasons set out in the Authority's Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 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 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

35. 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.

36. 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...”*

37. *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”*

38. 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.

39. Due to the need to accelerate housing delivery 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), paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

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 £78,207.59 (index-linking applied, but subject to change before final liability confirmed). A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The

liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked.

The applicant has indicated that they intend to apply for Social Housing relief. If agreed the resulting provisional liability will be £43,850.89

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.

The impacts that officers consider should be mitigated as a consequence of this development are as follows:

- Impact on local primary school places.
- Impact on local green spaces and play facilities. In particular this relates to Downham Park which is immediately adjacent to the development.
- Impact on sports and recreation needs for the local population.

In order to respond to these impacts planning obligations have been sought in respect of the following matters:

- £18,475 for Pomphlett Primary School.
- £17,051 for the provision and maintenance of green space and access improvements at Downham Park
- £18,474 for Sherford leisure centre . The Sherford development has now commenced on site and the Sherford leisure centre is required to be built once 701 houses are completed at Sherford.

12. Equalities and Diversities

The application proposes 31 new residential units that on completion will be available to people from all backgrounds to purchase or rent. No negative impact to any equality group is anticipated.

13. Conclusions

To summarise, this application will provide 31 new dwellings with associated car parking and landscaping.

It is considered that the application proposes a good quality housing development with a layout that is sensitive to the existing pattern of development in the area and constraints of the site. The design of the dwellings is relatively contemporary although the form of the development is traditional, with consistency in appearance achieved through subtle repetition of key features and materials. The layout is considered to be a positive response to the constraints of the site and the proposal allows for publicly accessible greenspace.

Officers consider that the proposed development would not impact significantly upon nearby properties residential amenities due to the layout and orientation of the proposed dwellings and would not harm the surrounding highway network, providing adequate levels of off street car parking. The application is therefore recommended for approval, subject to conditions and the satisfactory completion of a S106 legal agreement.

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 is therefore recommended for approval.

14. Recommendation

In respect of the application dated **27/08/2015** and the submitted drawings PL-01, PL-02 REV E, PL-03 REV D, PL-04 REV D, PL-05 REV F, PL-06 REV D, PL-07 REV B, PL-08 REV C, PL-09 REV B, PL-10 REV B, PL-11 REV B, PL-12 REV B, PL-13 REV A, PL-16 REV A, PL-17 REV A, PL-101 REV B, PL-102, PL-103, PL-104, PL-105, PL-106, PL-21, PL-31 REV A, PL32 REV B, PL33 REV A, it is recommended to: **Grant Conditionally Subject to a 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01, PL-02 REV E, PL-03 REV D, PL-04 REV D, PL-05 REV F, PL-06 REV D, PL-07 REV B, PL-08 REV C, PL-09 REV B, PL-10 REV B, PL-11 REV B, PL-12 REV B, PL-13 REV A, PL-16 REV A, PL-17 REV A, PL-101 REV B, PL-102, PL-103, PL-104, PL-105, PL-106, PL-21, PL-31 REV A, PL32 REV B, PL33 REV A

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: RENEWABLE ENERGY

(3) 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 a minimum of 15% of the carbon emissions for which the development is

responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable 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 off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the draft Plymouth Plan policy 25 and relevant Central Government guidance contained within the NPPF. To ensure the proposal complies with policy CS20.

This pre-commencement condition is required to ensure that the development meets CS20 and renewable energy standards.

PRE-COMMENCEMENT: STREET DETAILS

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

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

This pre-commencement condition is required to ensure highway and pedestrian safety. To ensure pedestrian safety

Pre-occupation Conditions

PRE-OCCUPATION: SERVICE ROADS

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

Reason:

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

PRE-OCCUPATION: REINSTATEMENT OF FOOTWAY

(6)No dwelling shall be occupied until the existing footway crossings in Horn Lane (to become redundant) have been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: PROVISION OF PARKING AREA

(7) 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. Garage parking spaces shall have a minimum internal size of 6 x 3 metres.

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

(8)No dwelling shall be occupied until space has been laid out within the site in accordance with the approved details for 14 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: SURFACING OF DRIVEWAY/PARKING AREAS

(9)Before the development hereby permitted is occupied, the driveways and private parking areas shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 1 meter from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: CODE OF PRACTICE

(10) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars 15.022.1.TPP before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of

the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

CONDITION: PRESERVATION OF SIGHT LINES

(12) 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: REPORTING OF UNEXPECTED CONTAMINATION

(13) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

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

CONDITION: SECURE BY DESIGN

(14)All gates to private pathways giving access to the rear of this property shall have gates with locks fitted with key access. Details of these shall be submitted to, approved by the Local Planning Authority, in writing, and shall be installed before any of the residential units requiring using the respective private pathways and parking courts are occupied.

Reason:

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

CONDITION: BIODIVERSITY & LANDSCAPING

(15) 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 and Landscape Ecology Management Plan (dated 18/01/2016) 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.

Informatives

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(1)No work within the public highway should commence until engineering details of the alterations to the public highway have been approved by the Highway Authority and an agreement under Section 38 & 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval. It should be noted that this planning permission does not authorise the applicant to carry out works within the publicly maintained highway.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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

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

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PLANNING APPLICATION REPORT



Application Number 16/00175/FUL

Date Valid 03/02/2016

Item 07

Ward Plymstock Radford

Site Address

FORMER HOOE LAKE QUARRY, LAND OFF BARTON ROAD,
PLYMOUTH

Proposal

Variation of condition 2 (Plans condition) to allow for changes to the retaining wall along Barton Road of application 13/00061/FUL

Applicant

Barratt David Wilson

Application Type

Full Application

Target Date

04/05/2016

Committee Date

**Planning Committee: 07
April 2016**

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

Kate Saunders

Recommendation

Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met.

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1. Description of site

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

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

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

2. Proposal description

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

3. Pre-application enquiry

A meeting was held between the applicant and the Local Planning Authority following the previous refusal of the application. The Local Planning Authority advised that a new application could be submitted if improvements to the scheme could be made to address the reason for refusal.

4. Relevant planning history

15/01675/FUL - Variation of condition 2 (Plans Condition) to allow for changes to the retaining wall along Barton Road - Refused

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

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

5. Consultation responses

No consultation responses requested or received

6. Representations

Ten letters of representation have been received objecting to the application and raising the following issues:

- Application is not significantly different to the previously refused scheme

- Wall is still 1.5 metres higher than originally approved
- Wall remains oppressive and out of character
- Concerns regarding the accuracy of previous officer reports and the plans supplied
- Visitors and walkers express surprise and disappointment at wall
- Concerns that the developer has not proceeded in accordance with the approved plans/regulations.

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

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

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

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

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

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

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

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

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

8. Analysis

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

Changes made since previous application

4. A similar application for this site was considered by the Planning Committee in November 2015 and refused contrary to the officer's recommendation as members considered that the increased scale of the new wall would have a detrimental impact on the character and appearance of the area.
5. The applicant has taken on board the concerns of members and made changes to the scheme to reduce the overall extent of wall and screen the wall in a more substantial manner.
6. A small slope has been added in front of the bottom section of the wall to decrease the overall expanse of wall by 0.4m and then the revised, extensive landscaping plan proposes a dense hedge directly in front of the wall to a height of 1 metre, which will be more established over time. Furthermore, 13 large trees will then be evenly spaced along the landscaped area to provide further screening to the wall. A wildflower/grass mix will then be used to provide ground cover.
7. Officers consider the proposed landscaping will soften the appearance of the wall and is in keeping with the character and appearance of the area.

Retaining Walls

8. The original planning permission for the scheme provided the following commentary on the retaining walls:

Extract from officer report I3/00061/FUL

9. *The proposals to re-grade the land involve a large cut and fill exercise to achieve the tiered approach proposed and create in effect 2 development platforms. This will ensure that very little material will be required to leave the site, as the excavated land will be used to fill other areas of the site. The existing retaining wall along part of the eastern boundary of the site (adjacent to Barton Road) will be kept and extended south along the front (eastern boundary) of the site. This will be approximately 1.4 metres in height and will ensure that the development along the eastern boundary of the site will sit just above the road level. A second retaining wall is proposed within the site, behind (and to the west) of the proposed perimeter blocks in the eastern part of the site adjacent to Barton Road. This will provide a base for the second development platform that will have a localised increase in height in order to give the properties facing east views over Hooe Lake.*
10. The principle of constructing the houses on an elevated platform above road level was always the intention of this development. In order to create a safe and secure building platform suitable retaining structures were going to be required. In the original application it was thought that the original wall along the boundary with Barton Road could be retained and extended upwards, to a height of approximately 2.5m, and then a second wall erected 2.1 metres behind to a height of 1.5 metres. This would give a total expanse of wall of approximately 4 metres.
11. Officers are able to confirm that the originally submitted and approved street elevations did show these proposals although the content of the site sections and supporting information were not explicit in this regard.
12. Notwithstanding the previous plans and information where there appear to be some discrepancies between the elevation plans and other documents this is a retrospective application where the impact of the proposal can be clearly viewed and assessed. Whilst the currently approved plans provide a “fall back” option this application should be judged on its own merits. The proposal would result in the retention of the original highway wall at its current height of 1.4m. The applicant has explained that following review by a structural engineer the existing wall would be unable to take the weight of an extension to its height. A higher second wall has then be constructed 3.2m back from the original wall and predominantly extends to a height of 3.05m high.
13. An area of landscaping was proposed between the two walls on the original plans and this will still be provided in the amended proposals although to an enhanced standard as detailed above which will soften the appearance of the extended second wall.
14. Officers consider the changes to the retaining walls will have a reduced impact on people walking along Barton Road. In the original plans a 2.5m structure would have been located adjacent to the highway, now the higher structure will be set 3.2 metres away. The enhanced landscaping will result in 1.4m of the higher second wall being screened from view with 1.65m of stone faced wall evident above, which is in keeping with existing boundary treatment on the development, and will not result in significant harm to the visual quality and character of the area.
15. It is noted that a number of properties located opposite the development have raised concerns regarding the visual appearance of the structure. However these properties are located across the water in excess of 80m away. Officers therefore consider that the harm to these properties is not significant and could not warrant refusal of the application.

16. Furthermore prior to work commencing on this development the site included banks and retaining structures. The height of these former structures was far in excess of the retaining walls now proposed.

Unauthorised Works

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

9. Human Rights

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

10. Local Finance Considerations

None relevant.

11. Planning Obligations

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

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

12. Equalities and Diversities

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

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and it is therefore recommended to grant conditionally subject to the completion of the supplementary S106 agreement.

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

14. Recommendation

In respect of the application dated **03/02/2016** and the submitted drawings 12-3870-101A Retaining Wall Survey, 12-3870-102A Retaining Wall Survey, 12-3870-AB42A As built floor levels and fence line, 1261 100 X Planning Layout, 1261 107 E Street Scenes, 1261 3001 Site Location Plan, 1261 3002 Original Site Survey, 1261 3003-01 Existing Plan - Original Layout, 1261 3003-02 Existing Plan - Original Layout, 1261 3004-01 As Built Plan Layout, 1261 3004-02 As Built Plan Layout, 151004 B Photomontage, 151004 Se 02 01 Proposed Sections, Artists Impression, GL0492 01 Hooe Lake - Retaining Wall Soft Landscape Details and accompanying Supporting Statement, it is recommended to: **Grant Conditionally Subject to a S106 Obligation**

15. Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans:

12-3870-101A Retaining Wall Survey, 12-3870-102A Retaining Wall Survey, 12-3870-AB42A As built floor levels and fence line, 1261 100 X Planning Layout, 1261 107 E Street Scenes, 1261 3001 Site Location Plan, 1261 3002 Original Site Survey, 1261 3003-01 Existing Plan - Original Layout, 1261 3003-02 Existing Plan - Original Layout, 1261 3004-01 As Built Plan Layout, 1261 3004-02 As Built Plan Layout, 151004 B Photomontage, 151004 Se 02 01 Proposed Sections, Artists Impression, GL0492 01 Hooe Lake - Retaining Wall Soft Landscape Details, 101*, 102E, 103C, 104C, 105C, 106B, 107D, 110A, 111A, 199*, HLP.LS.o1E, HLP.LS.o2E, LMP.01*, LS.03*, 140B, 142A, 144*, 150*, 151*, 152*, 153*, 154*, 155*, 156*, 158c, 159D, 160C, 161D, 163C, 167C, 168C, 171B, 172C, 174C, 175B, 177B, 178B, 180C, 181B, 182C, 183B, 187B, 191C, 192C, 193*, 194*, 195*, 196*, 197*, 198*, 199*, 201C, 400*, 401*, 402*, 403*, 404*, 405*, 406*, 407*, 408*, 409*, 410*, 411*, 412*, 413*, 414*,

415*, 416*, 417*, 418*, 419*, 420*, 421*, 422*, 423*, 424*, 425*, 426*, 427*, 428*A, 429*, 430*, 450*, 451*, 452*, 453*, 454*

Reason:

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

CONTAMINATED LAND

(2) 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.

CODE OF PRACTICE DURING CONSTRUCTION

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

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

CONTAMINATION INVESTIGATION

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

A) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason

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

STREET DETAILS

(5) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

ROAD ALIGNMENT AND DRAINAGE

(6) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be

occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

ACCESS

(7) 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.

SURFACE WATER DRAINAGE

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

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

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACING MATERIALS

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

Reason:

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

WHEEL WASHING

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

Reason:

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

FURTHER DETAILS

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

Reason:

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

FOUL WATER DRAINAGE AND DISPOSAL OF SEWAGE

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

Reason:

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

PROVISION FOR TREE PLANTING

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

Reason:

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

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

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

Reason:

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

LANDSCAPE DESIGN PROPOSALS

(15) No development shall take place past damp proof course level until full details of both hard and soft landscape works and a programme for their implementation for the whole site including the woodland area have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Reason:

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

LANDSCAPE MANAGEMENT PLAN

(16) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas including the woodland area based on the Management and Enhancement Plan dated 4 November 2011 other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development past damp proof course level 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.

UNSUSPECTED CONTAMINATION

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

Reason:

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

DETAILS OF BOUNDARY TREATMENT

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

Reason:

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

EXTERNAL MATERIALS

(19) No development shall take place past damp proof course level until a schedule of materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

SOUND INSULATION VERIFICATION

(20) Details of the sound insulation verification methodology including the identification of the appropriate test properties and subsequent sound insulation verification results for each phase or part of a phase of residential development shall be submitted to and approved in writing by the local

planning authority before any dwelling or building is occupied in that phase or part of that phase of development.

Reason:

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

COMPLETION OF ROADS AND FOOTWAYS

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

Reason:

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

PROVISION OF PARKING AREA

(22) 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.

GRAMPIAN

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

Reason:

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

TRAVEL PLAN DETAILS

(24) The use hereby permitted shall be carried out in accordance with details of a Travel Plan which shall be prepared in accordance with prevailing policy and best practice and shall be submitted to and

approved in writing by the Local Planning Authority prior to occupation of the first residential unit. The Travel Plan shall include as a minimum the following elements:

- identification of targets for trip reduction and modal shift
- practical methods to encourage modes of transport other than the private car such as:
the Government Cycle to Work Scheme
provision or subsidy of travel passes
promotion of car sharing
establishment or use of car clubs
- the provision of secure and convenient cycle parking facilities
- provision of shower and changing facilities for staff
- householder welcome packs and travel passes
- measures to regulate the management and use of permitted car parking areas
- mechanisms for monitoring and review
- the appointment of a Travel Plan Coordinator and notification to the Local Planning Authority of their contact details
- measures for enforcement of the Travel Plan, should agreed objectives and targets not be met
- an agreed timescale for implementation of the agreed measures.

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

PUBLIC SEWAGE DISPOSAL FACILITIES

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

Reason:

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

SEWAGE DISPOSAL/DRAINAGE WORKS

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

Reason:

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

SOUND INSULATION

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

Reason

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

CYCLE STORAGE

(29) The secure areas for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

SOFT LANDSCAPE WORKS

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

Reason:

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

SUSTAINABLE RESOURCE USE

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

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

Reason:

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

LIFETIME HOMES

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

Reason:

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

BIODIVERSITY

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

- A minimum of 25 bat tubes installed within new buildings at the site;
- A minimum of 20 sparrow terraces to be incorporated into new buildings at the site;
- A minimum of 10 standard nesting boxes to be installed on mature trees within the site.

- Precise details of the proposed receptor area in the north-west corner of the site, including information on proposed habitats and management arrangements for this area.

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

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

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

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

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

Reason:

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

TREE PROTECTION DURING CONSTRUCTION

(35) The existing trees and hedgerows shown on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within

those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

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

TREE REPLACEMENT

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

Reason:

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

Informatives

INFORMATIVE: SECTION 278 AGREEMENT

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

INFORMATIVE: SECTION 38 AGREEMENT

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

INFORMATIVE: PUBLIC HIGHWAY

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

INFORMATIVE: TRAVEL PLAN

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

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

INFORMATIVE: CODE OF PRACTICE

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

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

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

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

INFORMATIVE: CONDITIONAL APPROVAL [NO NEGOTIATION]

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

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PLANNING APPLICATION REPORT



Application Number 15/01729/FUL

Date Valid 03/02/2016

Item 08

Ward St Peter & The Waterfront

Site Address	LONGROOM, 1 POUND STREET, PLYMOUTH		
Proposal	Creation of a car park in the rear yard, with an associated access gate in the rear boundary wall		
Applicant	Miss Lorna Rice		
Application Type	Full Application		
Target Date	30/03/2016	Committee Date	Planning Committee: 07 April 2016
Decision Category	Member Referral		
Case Officer	Jess Maslen		
Recommendation	Grant Conditionally		

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This application has been referred to Planning Committee by Councillor McDonald.

1. Description of site

The Longroom, 1 Pound Street is a former public house, built between 1848 and 1856 opposite one of the entrances to the Royal Marine Barracks. Listed at Grade II, the building stands within the Stonehouse Peninsula Conservation Area. The building itself is stucco with stucco detail, with the roof hidden behind the parapet. To the rear is a random rubble wall that spans the length of the garden, separating the garden from the rear service road. Currently, there is no access to the service road other than via Admiralty Street.

2. Proposal description

The proposal is to create a car parking space in the rear garden, with an associated access gate installed in the rear boundary wall.

3. Pre-application enquiry

None requested.

4. Relevant planning history

04/00814/LBC Installation of glass blocks in Pound Street and Admiralty Street elevations, and in highway (cellar doors) to provide light to basement GRANTED CONDITIONALLY

96/00214/FUL Change of use and conversion of public house to dwelling house including retention of corner door GRANTED CONDITIONALLY

96/00215/LBC Conversion of public house to dwelling house including retention of corner door GRANTED CONDITIONALLY

5. Consultation responses

Highway Authority – has no objection in principle to a car parking space in the rear yard off the rear service lane with associated access gates in the rear boundary wall as long as only one vehicle is contained within this space; that the gates open inwards; that the proposed car parking space is not brought into use until drainage has been provided, with any run-off channelled to the applicant's own drainage system; that an edging kerb be used to clearly demarcate the separation between the service lane and the car parking space; that any damage made to the cobbled lane during construction work is made good; that the applicant contacts the Highway Operations Team to ensure that the new car parking arrangements are tied into the lane.

6. Representations

3 letters of representations were received for this application, 1 in support, 2 which objected to the application for the following planning reasons:

1. There are two existing gateways to the rear of the property;
2. The walls to the rear of this property are historic and should not be destroyed;
3. The property is subject to serious flooding and the proposed development would create a solid surface that would risk exacerbating this situation;

4. The area designated as a parking area is limited and access would be extremely restricted especially as it would open onto a service road that is in frequent use.

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 Millbay & Stonehouse 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

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 (2010), the relevant policies, 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) of the Plymouth Plan 2011-2031 Part One and the National Planning Policy Framework (2012). The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the listed building and Conservation area.
2. Planning consent is sought for the partial demolition of an historic wall that bounds a service lane in order to create a car parking space in the rear garden of the property.

Impact on the character and appearance of the listed building and the surrounding area

3. Although it is acknowledged that the removal of any historic component is not always acceptable, in this particular case it is considered appropriate for a number of reasons. The 1856 OS map shows a boundary wall which stretches across the whole section at the rear of this row of cottages. However, the 1892 OS map shows a gap in the wall that appears to correlate with the proposed section to be removed. By 1906 this section appears to have been rebuilt. It is evident however that the character of this wall has changed over time. There is, at the west end of this part of the garden wall, a mixture of materials including breeze block incorporated into the boundary wall. It also appears that the walls have been subject to some rebuilding perhaps through raising the height of the wall over time. Thus it is evident that, certainly during part of the building's history, there has been a gap in the wall. As such, it is considered that as long as the alterations to the boundary wall relate well to the main dwelling and character of the area then this proposal would be acceptable.
4. To ensure that the character of the remaining part of the historic wall is protected, and improved, the opening up of part of the wall would need to be carried out through the careful removal of the stonework, including the section containing breeze block; retaining the stones and then through the re-use of the existing stone a partial rebuild incorporating attractive stone quoins to the corners of the wall, to which the gates will be attached. Lime mortar, which is an appropriate material to use for historic random rubble walls, should be used. If this work is carried out to the specifications this would ensure that the historic wall will be refurbished and that existing inappropriate material within the wall is removed.
5. Because timber is an appropriate material to use in a Conservation Area as this traditional material respects the historic character of the area, the applicant has agreed to install timber gates leading into this car port. In this case, a bi-fold style will be used to ensure that there is plenty of space for the car to park and to close the gates easily behind it.

Impact on the neighbours

6. Through the installation of these gates, it will provide access from the rear service road to both 1 and 2 Pound Street in case for example the emergency services need access to the rear of these buildings and will enable the bins from Number 1 to be stored in this area with easy access to the lane on collection day.

7. In terms of the actual parking space, provision for off-road car parking is often desirable for residents, especially where on-street parking is limited, but it is important that any work to such a proposal is carried out in a sensitive way so as not to detract from the character of the area or reduce highway or pedestrian safety. Attractively rebuilding the section of the boundary wall on either side of the gateway would ensure that there is minimal impact on the character of the area. The impact on highway safety has been considered by the Highway Authority and given that this service lane already provides access to a large proportion of the 31 buildings that back onto the lane, via garages or car ports, the introduction of an additional car parking space is not considered to impact detrimentally on highway or pedestrian safety.
8. The Highway Authority states that this car parking area must not be inhabited until drainage has been provided, with any run-off channelled to the applicant's own drainage system; that the parking space be covered in a porous material to ensure that the existing flooding problem is not exacerbated by the parking of a car in this area; that a edging kerb be used to clearly demarcate the separation between the service lane and the car parking space; that any damage made to the cobbled lane during construction work is made good and that the applicant contacts the Highway Operations Team to ensure that the new car parking arrangements are tied into the lane.
9. At the north end of the proposed parking space there is a drain cover belonging to Number 2 Pound Street. In order to protect access to this drain cover, and following discussion with the applicant, it was agreed that by reusing some of the existing stone from the section removed from the historic wall to build a short, low wall at the end of the parking space, it would ensure that the car does not park over the drain cover.
10. The applicant must ensure that the provision of the car parking space remains for one car only, as expressed by the Highway Authority. However, the provision of a car parking space within the garden should help ease the parking issue in the Stonehouse Peninsula area.
11. It is suggested in the Council's Development Guidelines Supplementary Planning Document (2010) that the use of planting to screen parking areas is to be encouraged, and it is suggested that this could go part way to ensuring that there is less visual impact to the neighbour's outlook. This would also potentially help with improving the issue of flooding in this particular area.
12. Therefore the application is considered to comply with Policy CS02 (Design) and Policy CS03 (Historic Environment) and Policy CS34 (Planning Application Considerations) of the Council's Adopted Local Development Framework – Core Strategy 2007, as well as the guidance set out in the Sustainable Design SPD (2009) and the Development Guidelines SPD First Review 2013.

9. Human Rights

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

10. Local Finance Considerations

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

11. Equalities and Diversities

Not applicable.

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

13. Recommendation

In respect of the application dated **03/02/2016** and the submitted drawings Site location plan and block plan; Annotated photographs of existing wall and proposed gateway; existing floor plan and proposed floor plan; photos showing variations of gateways on service lane; design and access statement; heritage statement, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and block plan; Annotated photographs of existing wall and proposed gateway; existing floor plan and proposed floor plan; photos showing variations of gateways on service lane; design and access statement; heritage statement

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: LANDSCAPE WORKS ASSOCIATED WITH THE PARKING SPACE

(3) No development shall take place until details of all hard and soft landscape works including the boundary treatment, surface materials and landscaping associated with the car parking space have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out prior to the parking of the car in accordance with the details agreed with the Local Planning Authority.

Reason:

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

Justification:

To ensure the boundary treatment, surfacing materials and landscaping properly respects the historic features associated with this area.

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: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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PLANNING APPLICATION REPORT



Application Number 15/01730/LBC

Date Valid 03/02/2016

Item 09

Ward St Peter & The Waterfront

Site Address LONGROOM, 1 POUND STREET, PLYMOUTH

Proposal Creation of a car park in the rear yard, with an associated access gate in the rear boundary wall

Applicant Miss Lorna Rice

Application Type Listed Building

Target Date 30/03/2016

Committee Date

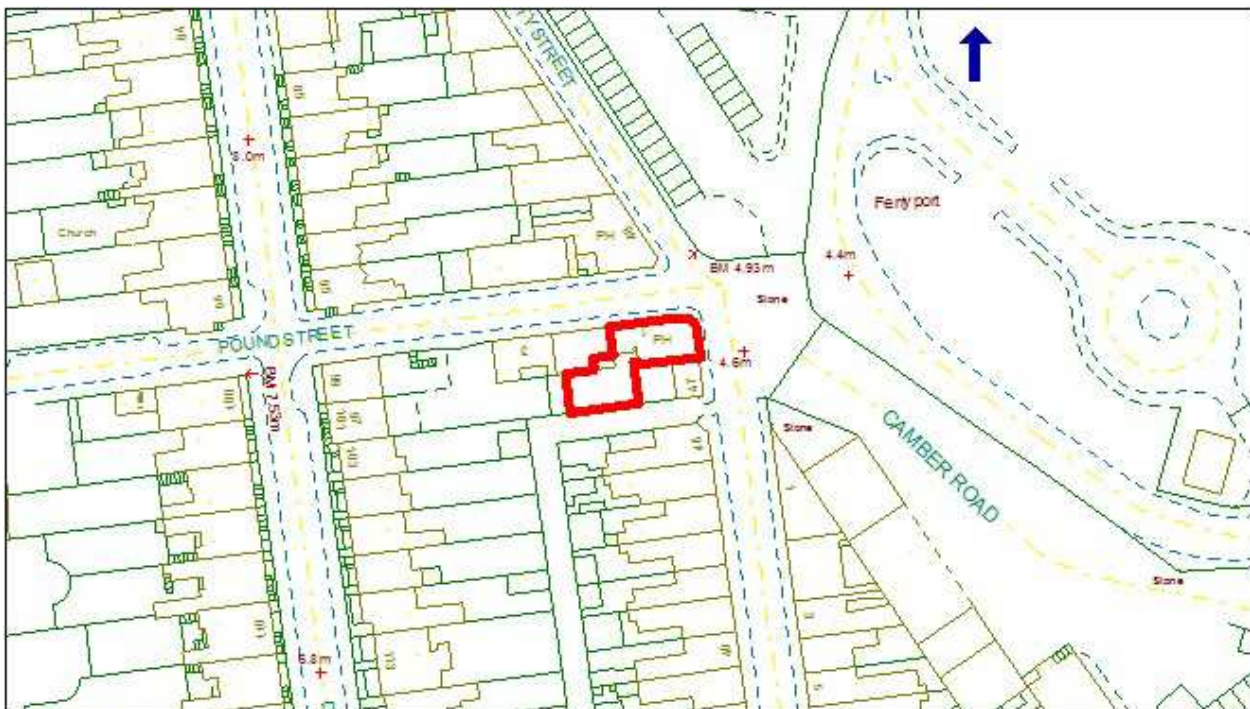
Planning Committee: 07 April 2016

Decision Category Member Referral

Case Officer Jess Maslen

Recommendation Grant Conditionally

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This application has been referred to Planning Committee by Councillor McDonald.

1. Description of site

The Longroom, 1 Pound Street is a former public house, built between 1848 and 1856 opposite one of the entrances to the Royal Marine Barracks. Listed at Grade II, the building stands within the Stonehouse Peninsula Conservation Area. The building itself is stucco with stucco detail, with the roof hidden behind the parapet. To the rear is a random rubble wall that spans the length of the garden, separating the garden from the rear service road. Currently, there is no access to the service road other than via Admiralty Street.

2. Proposal description

The proposal is to create a car parking space in the rear garden, with an associated access gate installed in the rear boundary wall.

3. Pre-application enquiry

None requested

4. Relevant planning history

04/00814/LBC Installation of glass blocks in Pound Street and Admiralty Street elevations, and in highway (cellar doors) to provide light to basement GRANTED CONDITIONALLY

96/00214/FUL Change of use and conversion of public house to dwelling house including retention of corner door GRANTED CONDITIONALLY

96/00215/LBC Conversion of public house to dwelling house including retention of corner door GRANTED CONDITIONALLY

5. Consultation responses

None requested

6. Representations

3 letters of representations were received for this application, 1 in support, 2 which objected to the application for the following planning reasons:

1. There are two existing gateways to the rear of the property;
2. The walls to the rear of this property are historic and should not be destroyed;
3. The property is subject to serious flooding and the proposed development would create a solid surface that would risk exacerbating this situation;
4. The area designated as a parking area is limited and access would be extremely restricted especially as it would open onto a service road that is in frequent use.

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 Millbay & Stonehouse 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

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 (2010), the relevant historic environment policy, Policy 28 (Promoting Plymouth's heritage) of Part One of the Plymouth Plan 2011-2031 and the National Planning Policy Framework (2012). The primary planning considerations in this case is the impact on the character and appearance of the listed building and Conservation area.
2. Planning consent is sought for the partial demolition of an historic wall that bounds a service lane in order to create a car parking space in the rear garden of the property.

Impact on the character and appearance of the listed building and the surrounding area

3. Although it is acknowledged that the removal of any historic component is not always acceptable, in this particular case it is considered appropriate for a number of reasons. The 1856 OS map shows a boundary wall which stretches across the whole section at the rear of this row of cottages. However, the 1892 OS map shows a gap in the wall that appears to correlate with the proposed section to be removed. By 1906 this section appears to have been rebuilt. It is evident however that the character of this wall has changed over time. There is, at the west end of this part of the garden wall, a mixture of materials including breeze block incorporated into the boundary wall. It also appears that the walls have been subject to some rebuilding perhaps through raising the height of the wall over time. Thus it is evident that, certainly during part of the building's history, there has been a gap in the wall. As such, it is considered that as long as the alterations to the boundary wall relate well to the main dwelling and character of the area then this proposal would be acceptable.
4. To ensure that the character of the remaining part of the historic wall is protected, and improved, the opening up of part of the wall would need to be carried out through the careful removal of the stonework, including the section containing breeze block; retaining the stones and then through the re-use of the existing stone a partial rebuild incorporating attractive stone quoins to the corners of the wall, to which the gates will be attached. Lime mortar, which is an appropriate material to use for historic random rubble walls, should be used (the mix of which should be agreed by condition). If this work is carried out to the specifications this would ensure that the historic wall will be refurbished and that existing inappropriate material within the wall is removed.
5. Because timber is an appropriate material to use in a Conservation Area as this traditional material respects the historic character of the area, the applicant has agreed to install timber gates leading into this car port. In this case, a bi-fold style will be used to ensure that there is plenty of space for the car to park and to close the gates easily behind it. Details of the bi-fold timber gates will be conditioned as part of this application.
6. Therefore the application is considered to comply with Policy CS02 (Design) and Policy CS03 (Historic Environment) and Policy CS34 (Planning Application Considerations) of the Council's Adopted Local Development Framework – Core Strategy 2007, as well as the guidance set out in the Sustainable Design SPD (2009) and the Development Guidelines SPD First Review 2013.

9. Human Rights

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

10. Local Finance Considerations

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

11. Equalities and Diversities

Not applicable.

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

13. Recommendation

In respect of the application dated **03/02/2016** and the submitted drawings Site location plan and block plan; Annotated photographs of existing wall and proposed gateway; existing floor plan and proposed floor plan; photos showing variations of gateways on service lane; design and access statement; heritage statement, it is recommended to: **Grant Conditionally**

14. Conditions

CONDITION: TIME LIMIT FOR COMMENCEMENT (LBC)

(1) The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

CONDITION: APPROVED PLANS (LISTED BUILDING CONSENT)

(2) The works hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers].

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE-COMMENCEMENT: MORTARS, PLASTERS AND RENDERS

(3) No works shall take place until a schedule of mixes for the lime mortars to be used has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important historic features are properly respected before construction commences.

PRE-COMMENCEMENT: GATE DETAILS

(4) No works shall take place until details of the proposed new gates have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish of the proposed gate and the gate furniture to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification:

To ensure that important historic features are properly respected before construction commences.

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: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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PLANNING COMMITTEE

Decisions issued for the following period: 1 March 2016 to 23 March 2016

Note - This list includes:

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

Item No 1

Application Number:	14/00001/FUL	Applicant: Rotolok (Holdings) Ltd
Application Type:	Full Application	
Description of Development:	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	
Site Address	DRAKE'S ISLAND PLYMOUTH	
Case Officer:	Matt Coombe	
Decision Date:	14/03/2016	
Decision:	Refuse	

Item No 2

Application Number:	14/00975/FUL	Applicant: DCH Group
Application Type:	Full Application	
Description of Development:	Demolition of existing building and erection of 24 affordable residential units	
Site Address	ST GEORGE CRC, GEORGE PLACE PLYMOUTH	
Case Officer:	Katherine Graham	
Decision Date:	23/03/2016	
Decision:	Grant Subject to S106 Obligation - Full	

Item No 3

Application Number: 15/00922/FUL **Applicant:** Devon & Cornwall Housing Ltd

Application Type: Full Application

Description of Development: Demolition of existing building and redevelopment of site to provide 4x 2 bed houses; 1x 3 bed house; and 6x 1 bed apartments with 13 parking spaces and associated landscaping

Site Address LAND OFF PARK AVENUE, PARK AVENUE PLYMOUTH

Case Officer: Christopher King

Decision Date: 11/03/2016

Decision: Grant Subject to S106 Obligation - Full

Item No 4

Application Number: 15/01383/FUL **Applicant:** Roborough Solar Ltd

Application Type: Full Application

Description of Development: Erection of solar farm (4.9 MW) and associated infrastructure including access and underground cables for a temporary period of 25 years

Site Address LAND OFF TAMERTON ROAD PLYMOUTH

Case Officer: Jon Fox

Decision Date: 11/03/2016

Decision: Grant Conditionally

Item No 5

Application Number: 15/01617/FUL **Applicant:** WM Morrisons Supermarkets Pl

Application Type: Full Application

Description of Development: Variation of condition 6 of planning permission 12/01724/FUL to permit the delivery of goods between 07:00 hours and 21:30 hours Monday to Saturday; with no changes to Sunday hours.

Site Address 282 OUTLAND ROAD PLYMOUTH

Case Officer: Christopher King

Decision Date: 15/03/2016

Decision: Application Withdrawn

Item No 6

Application Number: 15/01956/FUL **Applicant:** Plymouth Community Homes an

Application Type: Full Application

Description of Development: Demolition of the existing housing and construction of 159 residential units on the site, realignment of existing roadways, & construction of supporting infrastructure

Site Address NORTH PROSPECT PHASE 3, WORDSWORTH ROAD/WORDSWORTH CRESCENT PLYMOUTH

Case Officer: Robert McMillan

Decision Date: 11/03/2016

Decision: Grant Subject to S106 Obligation - Full

Item No 7

Application Number: 15/02020/FUL **Applicant:** KR Property Ltd

Application Type: Full Application

Description of Development: Demolition of existing tenement and build new student accommodation attached to the rear of 140 North Hill

Site Address 140 NORTH HILL PLYMOUTH

Case Officer: Karen Gallacher

Decision Date: 16/03/2016

Decision: Application Withdrawn

Item No 8

Application Number: 15/02220/FUL **Applicant:** Plymouth University

Application Type: Full Application

Description of Development: Variation of condition 2 (plans condition) of application 14/02262/FUL to allow changes to flue heights, roof levels, elevational treatments, access, landscaping, storage areas and drainage

Site Address LAND ADJOINING THE JOHN BULL BUILDING, RESEARCH WAY PLYMOUTH

Case Officer: Karen Gallacher

Decision Date: 10/03/2016

Decision: Grant Conditionally

Item No 9

Application Number: 15/02246/OUT **Applicant:** Mr B Morris
Application Type: Outline Application
Description of Development: Construction of two detached dwellings
Site Address LAND AT HORSHAM LANE (WEST OF FRASER ROAD)
TAMERTON FOLIOT PLYMOUTH
Case Officer: Jon Fox
Decision Date: 07/03/2016
Decision: Grant Conditionally

Item No 10

Application Number: 15/02271/FUL **Applicant:** Marine Academy Plymouth
Application Type: Full Application
Description of Development: Variation of condition 2 of planning permission 13/00335/FUL, which was for the new primary school, sixth form facility and children's nursery, to allow for minor amendments to the design and appearance of the southern part of the building
Site Address MARINE ACADEMY PLYMOUTH, TREVITHICK ROAD
PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 07/03/2016
Decision: Grant Conditionally

Item No 11

Application Number: 15/02279/FUL **Applicant:** Mrs Gillian Hoskins
Application Type: Full Application
Description of Development: Retrospective application for a dog play structure in front garden
Site Address 46 AUSTIN AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 11/03/2016
Decision: Grant Conditionally

Item No 12

Application Number: 15/02280/FUL **Applicant:** Plymouth Hospitals NHS Trust
Application Type: Full Application
Description of Development: Installation of new occupational Health & Wellbeing facility
Site Address DERRIFORD HOSPITAL, DERRIFORD ROAD PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 16/03/2016
Decision: Grant Conditionally

Item No 13

Application Number: 15/02327/FUL **Applicant:** Miss Maria Wilmot
Application Type: Full Application
Description of Development: Demolish garage / store and build dwelling house
Site Address 127 HEALY PLACE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 14

Application Number: 15/02335/FUL **Applicant:** Ms Susan Aston
Application Type: Full Application
Description of Development: Retrospective application for the removal of wall to form hard-standings at 84 and 86 Somerset Place
Site Address 84 AND 86 SOMERSET PLACE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 17/03/2016
Decision: Refuse

Item No 15

Application Number: 15/02337/FUL **Applicant:** GE Developments Ltd
Application Type: Full Application
Description of Development: New development containing 37 student bedspaces (demolition of existing building)
Site Address 47 NORTH ROAD EAST PLYMOUTH
Case Officer: Christopher King
Decision Date: 15/03/2016
Decision: Refuse

Item No 16

Application Number: 15/02380/FUL **Applicant:** Plymouth Garden Centre Limited
Application Type: Full Application
Description of Development: Erection of roof between two adjacent buildings
Site Address PLYMOUTH GARDEN CENTRE, FORT AUSTIN AVENUE
PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 09/03/2016
Decision: Grant Conditionally

Item No 17

Application Number: 16/00013/FUL **Applicant:** Mr James Woodley
Application Type: Full Application
Description of Development: Demolition and replacement of garage
Site Address 97 MANNAMEAD ROAD PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 01/03/2016
Decision: Application Withdrawn

Item No 18

Application Number: 16/00014/FUL **Applicant:** Mr Steve Martin
Application Type: Full Application
Description of Development: Re-design of dwellings on plots 4, 6 & 8 of previously approved application 13/00384/FUL
Site Address 71 NORMANDY WAY PLYMOUTH
Case Officer: Jon Fox
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 19

Application Number: 16/00025/FUL **Applicant:** Stonehouse Lawn Tennis Club
Application Type: Full Application
Description of Development: Replacement clubhouse
Site Address STONEHOUSE LAWN TENNIS CLUB, DURNFORD STREET PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 20

Application Number: 16/00035/FUL **Applicant:** Mr & Mrs Julian
Application Type: Full Application
Description of Development: Two storey side extension
Site Address 17 JASMINE GARDENS PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 07/03/2016
Decision: Refuse

Item No 21

Application Number: 16/00038/FUL **Applicant:** Plymouth City Council
Application Type: Full Application
Description of Development: 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
Site Address 165 ARMADA WAY PLYMOUTH
Case Officer: John Douglass
Decision Date: 15/03/2016
Decision: Grant Conditionally

Item No 22

Application Number: 16/00046/FUL **Applicant:** Mr Chris Wood
Application Type: Full Application
Description of Development: Installation of externally applied wall insulation
Site Address 32 WOLSDON STREET PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 15/03/2016
Decision: Refuse

Item No 23

Application Number: 16/00047/FUL **Applicant:** Mr and Mrs Panton
Application Type: Full Application
Description of Development: Loft conversion with 2 dormers and rear single storey extension
Site Address 62 FORE STREET PLYMPTON PLYMOUTH
Case Officer: Kate Price
Decision Date: 11/03/2016
Decision: Grant Conditionally

Item No 24

Application Number: 16/00048/LBC **Applicant:** Mr and Mrs Panton
Application Type: Listed Building
Description of Development: Loft conversion with 2 new dormers and rear single-storey extension
Site Address 62 FORE STREET PLYMPTON PLYMOUTH
Case Officer: Kate Price
Decision Date: 11/03/2016
Decision: Grant Conditionally

Item No 25

Application Number: 16/00050/FUL **Applicant:** Mr R Tomlinson
Application Type: Full Application
Description of Development: Construction of 2 detached dwellings, formation of vehicle access off Warleigh Lane
Site Address CHRIKAMA, 7 STATION ROAD TAMERTON FOLIOT PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 26

Application Number: 16/00051/FUL **Applicant:** Vodafone Limited
Application Type: Full Application
Description of Development: Replacement of monopole, cabinet and ancillary development
Site Address T A CENTRE, PROSPECT PLACE PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 01/03/2016
Decision: Grant Conditionally

Item No 27

Application Number: 16/00054/LBC **Applicant:** Mr John Collier
Application Type: Listed Building
Description of Development: Erection of Blue Heritage Plaque
Site Address 53 SOUTHSIDE STREET PLYMOUTH
Case Officer: Jess Maslen
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 28

Application Number: 16/00058/FUL **Applicant:** Mr John Prossler
Application Type: Full Application
Description of Development: Extension to garage
Site Address 22 THE KNOLL PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 11/03/2016
Decision: Grant Conditionally

Item No 29

Application Number: 16/00059/FUL **Applicant:** Mr Daniel Barnes
Application Type: Full Application
Description of Development: Proposed Garage
Site Address 76 BRIDWELL ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 03/03/2016
Decision: Grant Conditionally

Item No 30

Application Number: 16/00061/FUL **Applicant:** Mrs Judith Sheeby
Application Type: Full Application
Description of Development: Two storey side and rear extension and loft conversion, amended scheme following approval of 15/01317/FUL
Site Address 3 VINE CRESCENT PLYMOUTH
Case Officer: Mike Stone
Decision Date: 03/03/2016
Decision: Grant Conditionally

Item No 31

Application Number: 16/00062/FUL **Applicant:** Ms Jane Filby
Application Type: Full Application
Description of Development: Extensions and alterations to dwelling house
Site Address 6 SOUTH VIEW TERRACE PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 03/03/2016
Decision: Grant Conditionally

Item No 32

Application Number: 16/00066/FUL **Applicant:** Mr Andrew Lumb
Application Type: Full Application
Description of Development: Flat garage roof to pitched roof
Site Address 12 EDWARDS CLOSE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 33

Application Number: 16/00069/FUL **Applicant:** Mr Andrew Mann
Application Type: Full Application
Description of Development: Front porch
Site Address 69 WINDERMERE CRESCENT PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 34

Application Number: 16/00070/FUL **Applicant:** Tesco Stores Ltd
Application Type: Full Application
Description of Development: Installation of canopy
Site Address FORMER VALE SERVICE STATION, ALEXANDRA ROAD
MUTLEY PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 35

Application Number: 16/00073/FUL **Applicant:** Mr Nicholas Bunch
Application Type: Full Application
Description of Development: Demolition of lean to shed and erection of double garage and associated works
Site Address MANOR MILL, STATION ROAD TAMERTON FOLIOT PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 09/03/2016
Decision: Grant Conditionally

Item No 36

Application Number: 16/00076/FUL **Applicant:** The Whyte House Ltd
Application Type: Full Application
Description of Development: Change of use from A2 (financial and professional services) to D1 (non residential institutions)
Site Address 54 NORTH HILL PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 15/03/2016
Decision: Grant Conditionally

Item No 37

Application Number: 16/00077/TPO **Applicant:** Mr Ismail
Application Type: Tree Preservation
Description of Development: Beech Tree - Crown lift to 3 metres above ground level, shorten branches on property side (59, Aberdeen Avenue) by 2-3 metres
Site Address 79 RAMSEY GARDENS PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 38

Application Number: 16/00080/ADV **Applicant:** The Whyte House Ltd
Application Type: Advertisement
Description of Development: Erection of signage
Site Address 54 NORTH HILL PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 15/03/2016
Decision: Grant Conditionally

Item No 39

Application Number: 16/00082/FUL **Applicant:** Mr & Mrs Anderson
Application Type: Full Application
Description of Development: Side extension and relocation of rear step
Site Address 11 LIPSON VALE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 40

Application Number: 16/00092/TPO **Applicant:** Mr Clive Brimblecombe
Application Type: Tree Preservation
Description of Development: Sycamore - reduce to previous pruning points
3 x Hazel - coppice to allow safe access for branch removal
Site Address 25 ROMILLY GARDENS PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 41

Application Number: 16/00093/FUL **Applicant:** Mr James Woodley
Application Type: Full Application
Description of Development: Erection of four dwellings
Site Address 9 ARMADA STREET PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 09/03/2016
Decision: Application Withdrawn

Item No 42

Application Number: 16/00095/FUL **Applicant:** South West Water Ltd
Application Type: Full Application
Description of Development: Building to house electrical control and telemetry equipment
Site Address CAMELS HEAD WASTE WATER TREATMENT WORKS,
WOLSELEY ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 43

Application Number: 16/00097/TPO **Applicant:** Haddon Property Management
Application Type: Tree Preservation
Description of Development: Whitebeam - reduction of side branches by 1-2m and thin by 10-15%.
Site Address ST MARYS COURT, PLYMOUTH ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 44

Application Number: 16/00104/EXDE **Applicant:** Mr & Mrs Johnny Rutherford
Application Type: LDC Existing Develop
Description of Development: Rear dormer
Site Address 25 COMPTON AVENUE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 10/03/2016
Decision: Issue Certificate - Lawful Use

Item No 45

Application Number: 16/00105/FUL **Applicant:** Mr Adrian Morris
Application Type: Full Application
Description of Development: Rear extension, hipped to gable roof extension and rear dormer
Site Address 13 TORLAND ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 14/03/2016
Decision: Grant Conditionally

Item No 46

Application Number: 16/00107/FUL **Applicant:** Mr Lee Smelt
Application Type: Full Application
Description of Development: Rear extension
Site Address 8 ABERDEEN AVENUE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 03/03/2016
Decision: Grant Conditionally

Item No 47

Application Number: 16/00113/FUL **Applicant:** Dr Tim Searle
Application Type: Full Application
Description of Development: Installation of first floor accomodation and rear extension to existing bungalow
Site Address RADFORD, WOODSIDE PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 17/03/2016
Decision: Grant Conditionally

Item No 48

Application Number: 16/00115/FUL **Applicant:** Marlborough Primary School
Application Type: Full Application
Description of Development: Boundary fence
Site Address MARLBOROUGH PRIMARY SCHOOL, MORICE SQUARE
 PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 03/03/2016
Decision: Grant Conditionally

Item No 49

Application Number: 16/00116/FUL **Applicant:** Mr J Roberts
Application Type: Full Application
Description of Development: Hardstanding with carport
Site Address 10 LYNTHURST CLOSE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 18/03/2016
Decision: Refuse

Item No 50

Application Number: 16/00120/FUL **Applicant:** Mr and Mrs I Whalley
Application Type: Full Application
Description of Development: Rear extension
Site Address 49 DUNSTONE ROAD PLYMSTOCK PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 51

Application Number: 16/00121/FUL **Applicant:** Mr Philip Beed
Application Type: Full Application
Description of Development: Extension and alterations to dwelling
Site Address 72 LOOSELEIGH LANE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 03/03/2016
Decision: Grant Conditionally

Item No 52

Application Number: 16/00122/FUL **Applicant:** Mr J Reed
Application Type: Full Application
Description of Development: Erection of dwelling
Site Address LAND ADJACENT TO 1 SALISBURY LODGE, SALISBURY ROAD PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 15/03/2016
Decision: Grant Conditionally

Item No 53

Application Number: 16/00123/TPO **Applicant:** Aster Homes
Application Type: Tree Preservation
Description of Development: Coppice Ash (T5) due to decay at base.
Reduce crown of Ash (T4) by 25% on new house side.
Crown raise branches of remaining trees where necessary to give 2.5m clearance above ground level over new gardens.
No crown reduction of remaining trees is necessary.
Site Address 2-12 YARDLEY GARDENS PLYMOUTH
Case Officer: Jane Turner
Decision Date: 22/03/2016
Decision: Grant Conditionally

Item No 54

Application Number: 16/00124/FUL **Applicant:** Mr Chris Wood
Application Type: Full Application
Description of Development: External wall insulation
Site Address 261 STUART ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 15/03/2016
Decision: Grant Conditionally

Item No 55

Application Number: 16/00125/FUL **Applicant:** Plymouth Community Homes
Application Type: Full Application
Description of Development: Part retrospective application for boundary fence
Site Address PLUMER HOUSE, TAILYOUR ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/03/2016
Decision: Grant Conditionally

Item No 56

Application Number: 16/00126/FUL **Applicant:** Urban Splash
Application Type: Full Application
Description of Development: Retrospective application for hoardings
Site Address CIVIC CENTRE, ARMADA WAY PLYMOUTH
Case Officer: Mike Stone
Decision Date: 16/03/2016
Decision: Grant Conditionally

Item No 57

Application Number: 16/00132/FUL **Applicant:** Hitchin Manor Draughting Ltd
Application Type: Full Application
Description of Development: Shop front alteration
Site Address UNIT E, MARSH MILLS PARK PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 22/03/2016
Decision: Grant Conditionally

Item No 58

Application Number: 16/00138/TCO **Applicant:** Mrs Jeffrey
Application Type: Trees in Cons Area
Description of Development: Holm oak - Remove 1 stem and reduce over garden
Holm oak - Remove (suppressed)
Several holm oaks on cliff - Remove
Site Address MOUNT STONE HOUSE, DEVILS POINT STONEHOUSE
PLYMOUTH
Case Officer: Jane Turner
Decision Date: 02/03/2016
Decision: Grant Conditionally

Item No 59

Application Number: 16/00144/FUL **Applicant:** Mrs Mary Reed
Application Type: Full Application
Description of Development: Extension to front of dwelling
Site Address 52 SOUTH DOWN ROAD PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 09/03/2016
Decision: Grant Conditionally

Item No 60

Application Number: 16/00146/FUL **Applicant:** Mr & Mrs P Elliott
Application Type: Full Application
Description of Development: Rear extension, relocated raised decking and internal alterations
Site Address 10 SEVERN PLACE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 14/03/2016
Decision: Grant Conditionally

Item No 61

Application Number: 16/00148/TPO **Applicant:** Imerys Mineral Ltd
Application Type: Tree Preservation
Description of Development: Removal of 2x Spruce, 1x Sycamore and 5x Ash trees
Site Address MARSH MILLS DRYERS, COYPOOL ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 23/03/2016
Decision: Refuse

Item No 62

Application Number: 16/00157/FUL **Applicant:** Mr & Mrs S C Silverlock
Application Type: Full Application
Description of Development: Single storey rear extension
Site Address 20 DUNSTONE CLOSE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 03/03/2016
Decision: Grant Conditionally

Item No 63

Application Number: 16/00161/TPO **Applicant:** Peninsula Care Homes Ltd
Application Type: Tree Preservation
Description of Development: Various pruning works to 2 Horse Chestnut and 1 Beech as detailed in application.
Site Address PLYMBRIDGE HOUSE, PLYMBRIDGE ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 23/03/2016
Decision: Grant Conditionally

Item No 64

Application Number: 16/00164/FUL **Applicant:** Mrs Sarah Fowler
Application Type: Full Application
Description of Development: Two storey rear extension and rear dormer
Site Address 15 BAKERS PLACE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 65

Application Number: 16/00168/ADV **Applicant:** Unite Group Ltd
Application Type: Advertisement
Description of Development: 1x non-illuminated fascia panel
Site Address CENTRAL POINT, 50 ROYAL PARADE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 66

Application Number: 16/00169/FUL **Applicant:** Mr & Mrs Joe Cunningham
Application Type: Full Application
Description of Development: Rear first floor extension
Site Address 30 MAIDENWELL ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 11/03/2016
Decision: Grant Conditionally

Item No 67

Application Number: 16/00176/TCO **Applicant:** Mr Dennis Ravenhill
Application Type: Trees in Cons Area
Description of Development: 2x Sycamore trees - reduce by 1m (concentrating on side branches) & 1x Irish Yew - reduce by 1m
Site Address 1 RIVERSIDE WALK TAMERTON FOLIOT PLYMOUTH
Case Officer: Chris Knapman
Decision Date: 21/03/2016
Decision: Grant Conditionally

Item No 68

Application Number: 16/00180/FUL **Applicant:** Miss Shyann Baigrie
Application Type: Full Application
Description of Development: Disabled access lifts to front and rear
Site Address 324 TAUNTON AVENUE PLYMOUTH
Case Officer: Mike Stone
Decision Date: 10/03/2016
Decision: Grant Conditionally

Item No 69

Application Number: 16/00188/FUL **Applicant:** Mr John Sheerin
Application Type: Full Application
Description of Development: Rear extension
Site Address 19 EFFORD CRESCENT PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 21/03/2016
Decision: Grant Conditionally

Item No 70

Application Number: 16/00191/FUL **Applicant:** Becton Dickinson
Application Type: Full Application
Description of Development: Installation of air handling equipment
Site Address BECTON DICKINSON VACUTAINER SYSTEMS, BELLIVER WAY PLYMOUTH
Case Officer: Aiden Murray
Decision Date: 18/03/2016
Decision: Grant Conditionally

Item No 71

Application Number: 16/00195/ADV **Applicant:** Vodafone Limited
Application Type: Advertisement
Description of Development: 1x illuminated replacement fascia sign
Site Address 2 NEW GEORGE STREET PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 21/03/2016
Decision: Grant Conditionally

Item No 72

Application Number: 16/00202/FUL **Applicant:** Mr Alan Lavers
Application Type: Full Application
Description of Development: Roof alteration and widening vehicle access
Site Address 24 DURRIS CLOSE THORNBURY PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 16/03/2016
Decision: Grant Conditionally

Item No 73

Application Number: 16/00203/FUL **Applicant:** Mr Tim Dunne
Application Type: Full Application
Description of Development: Demolition of garage & conservatory, two storey side extension with integral garage & rear extension (Resubmission)
Site Address 17 ASHWOOD CLOSE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 17/03/2016
Decision: Grant Conditionally

Item No 74

Application Number: 16/00208/FUL **Applicant:** Mr & Mrs D Lawson
Application Type: Full Application
Description of Development: Extension and alterations to lower ground floor
Site Address MELBURY, FERNLEIGH ROAD MANNAMEAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 23/03/2016
Decision: Grant Conditionally

Item No 75

Application Number: 16/00210/FUL **Applicant:** Unit Build
Application Type: Full Application
Description of Development: Extension to existing unit
Site Address 10 SISNA PARK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 21/03/2016
Decision: Grant Conditionally

Item No 76

Application Number: 16/00223/PRDE **Applicant:** Mr A Webb
Application Type: LDC Proposed Develop
Description of Development: Rear dormer
Site Address 15 THORNYVILLE CLOSE PLYMSTOCK PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 11/03/2016
Decision: Issue Certificate - Lawful Use (Pro)

Item No 77

Application Number: 16/00228/31 **Applicant:** Babcock International Group

Application Type: GPDO PT31

Description of Development: Notification of demolition of building SO28

Site Address BUILDING SO28, HM NAVAL BASE, SOUTH YARD
PLYMOUTH

Case Officer: Mike Stone

Decision Date: 10/03/2016

Decision: Prior approval not required PT31

Item No 78

Application Number: 16/00230/ADV **Applicant:** Sports Direct.com

Application Type: Advertisement

Description of Development: Retrospective consent for 3x illuminated fascia signs

Site Address 109 ARMADA WAY PLYMOUTH

Case Officer: Mike Stone

Decision Date: 16/03/2016

Decision: Grant Conditionally

Item No 79

Application Number: 16/00236/TCO **Applicant:** Mr John Lynch

Application Type: Trees in Cons Area

Description of Development: 1x Maple - fell

Site Address VALLETORT COTTAGES, 1 VALLETORT LANE STOKE
PLYMOUTH

Case Officer: Chris Knapman

Decision Date: 21/03/2016

Decision: Grant Conditionally

Item No 80

Application Number: 16/00251/ADV **Applicant:** Lloyds Banking Group
Application Type: Advertisement
Description of Development: 7no illuminated external signs and 2no non-illuminated signs
Site Address 8 ROYAL PARADE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 21/03/2016
Decision: Grant Conditionally

Item No 81

Application Number: 16/00258/FUL **Applicant:** Mr and Mrs A Ainslie
Application Type: Full Application
Description of Development: Erection of balcony
Site Address 17 LOOSELEIGH PARK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 17/03/2016
Decision: Grant Conditionally

Item No 82

Application Number: 16/00266/FUL **Applicant:** University of Plymouth
Application Type: Full Application
Description of Development: 4x ventilation louvres to front elevation and 5x condenser units located on adjacent rooftop.
Site Address UNIVERSITY OF PLYMOUTH, DRAKE CIRCUS
PLYMOUTH
Case Officer: Mike Stone
Decision Date: 16/03/2016
Decision: Grant Conditionally

Item No 83

Application Number: 16/00299/GPD **Applicant:** Mr Tony Evans
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 3.96m, has a maximum height of 2.75m, and has an eaves height of 2.75m
Site Address 3 ST MARYS ROAD PLYMPTON PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 18/03/2016
Decision: Prior approval not req

Item No 84

Application Number: 16/00305/24 **Applicant:** BT Group PLC
Application Type: GPDO PT24
Description of Development: NOT YET VALIDATED
Site Address OLD TOWN STREET PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 01/03/2016
Decision: Application Withdrawn

Item No 85

Application Number: 16/00324/GPD **Applicant:** Mr A M Smith
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 5m, has a maximum height of 3.6m, and has an eaves height of 2.6m
Site Address 59 DUNSTONE ROAD PLYMSTOCK PLYMOUTH
Case Officer: Mike Stone
Decision Date: 17/03/2016
Decision: Prior approval required

Item No **86**

Application Number: 16/00396/FUL **Applicant:** WM Morrison Supermarkets Plc

Application Type: Full Application

Description of Development: NOT YET VALIDATED

Site Address 282 OUTLAND ROAD PLYMOUTH

Case Officer: Christopher King

Decision Date: 16/03/2016

Decision: Application Withdrawn

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

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** **Page 170**
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

Planning Permission was refused for the conversion of an existing garage into a dwelling as it was considered to be contrary to the Local Development Core Strategy Policy CS15 (Overall Housing Provision), Policy CS22 (Pollution) 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 Planning Inspector dismissed the appeal on contamination grounds given the unit contained an asbestos roof, and had previously been used for the storage of vehicle parts. As no robust evidence had been submitted in respect of the extent of potential contamination, it was viewed that the proposal did not comply with CS22 or relevant parts of the National Planning Policy Framework.

While the Inspector dismissed the appeal on these grounds, they concluded that the application would have provided satisfactory living conditions for future occupants with regard to internal floor space, and outside amenity space, regardless of the fact it had fallen below the recommended guidelines as set out in the Council's Design Guidelines Supplementary Planning Document.

Neither party had submitted a cost claim and the inspector did not reward any costs in this instance.

Application Number **15/00832/FUL**
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.

Application Number **15/01380/FUL**
Appeal Site **LAND FORMERLY ASSOCIATED WITH THE RNEC, ABERDEEN AVENUE PLYMOUTH**
Appeal Proposal Provision of new vehicular access from Aberdeen Avenue to serve proposed residential development (Planning permission 14/00152/OUT)
Case Officer Kate Saunders

Appeal Category
Appeal Type Written Representations
Appeal Decision Allowed
Appeal Decision Date 04/03/2016
Conditions
Award of Costs

Awarded To

Appeal Synopsis

The Inspector disagreed with the Committee's decision to refuse the application and considered that the opening up of the bus gate will lead to an improvement in traffic congestion in the area despite the additional traffic movements generated by the associated new dwellings. Furthermore the Inspector considered that any other potential highway safety concerns from the increased traffic movements and current highway layout and kerbside parking are unsubstantiated and could not be supported. On this point the Inspector concluded that the development would not have a significant effect on highway safety.

On the second refusal reason the Inspector concluded that there are appropriate conditions on the outline application to adequately address the impacts of construction and there would not be an unreasonable impact on residential amenity.

The Inspector considered the development would be in compliance with Policies CS28 and CS34, emerging Plymouth Plan Policies 13 and 29 and Paragraphs 17, 32 and 35 of the NPPF.

A full award of costs against the council was also agreed as the Inspector considered the Planning Committee had made their decision ignoring the advice of officers and had failed to provide evidence to support their decision. The Inspector therefore considered the Council had acted unreasonably resulting in unnecessary expense for the appellant.

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>.