



#plymplanning

Democratic and Member Support

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PLANNING COMMITTEE

Thursday 15 December 2016
2.00 pm
Council House, Plymouth

Members:

Councillor Wiggins, Chair

Councillor Mrs Bridgeman, Vice Chair

Councillors Ball, Cook, Sam Davey, Fletcher, Kelly, McDonald, Morris, Mrs Pengelly, Sparling, Stevens 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 24 November 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. 17 Rhodes Close, Plymouth - 16/01806/FUL

(Pages 7 - 12)

Applicant:	Mr Steven Didymus
Ward:	Plympton St Mary
Recommendation:	Grant Conditionally

6.2.9 Berry Park Road, Plymouth - 16/01439/FUL (Pages 13 - 20)

Applicant: Mrs Elliott
Ward: Plymstock Radford
Recommendation: Grant Conditionally

6.3.7 Maple Grove, Mutley, Plymouth - 16/01938/FUL (Pages 21 - 28)

Applicant: Mr John Yiannacou
Ward: Drake
Recommendation: Grant Conditionally

6.4.6 Finches Close, Plymouth - 16/01935/FUL (Pages 29 - 36)

Applicant: Mr & Mrs Hanley-Wildman
Ward: Plymstock Dunstone
Recommendation: Grant Conditionally

6.5. 17-19 Mayflower Street, Plymouth - 16/00554/FUL (Pages 37 - 74)

Applicant: Burrington Estates (Aspire Student Living) Ltd
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally Subject to a S106 Obligation. Delegated Authority to Assistant Director for Strategic Planning & Infrastructure to refuse if agreed timescales are not met by the applicant

**6.6. Land known as the Bottom Field, Radford, Plymouth - (Pages 75 - 80)
17205**

Applicant: Mr Jonathan Parlour
Ward: Plymstock Radford
Recommendation: The amended application site should be added to the register of Town and Village Greens

The following background papers –

- Original site plan
- Amended site plan
- Application form
- Objection
- Applicant's reply to objection
- Inspector's report

are available to view at 1st Stop, 71 New George Street, Plymouth, PL1 1RB and Ballard House reception, West Hoe Road, Plymouth, PL1 3BJ.

Councillors can view these documents in the Council House, Plymouth.

7. Planning Application Decisions Issued

(Pages 81 - 118)

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 14 November 2016 to 5 December 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>

Planning Committee

Thursday 24 November 2016

PRESENT:

Councillor Wigen, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

Councillors Ball, Cook, Sam Davey, Fry (substitute for Councillor Fletcher), Hendy (substitute for Councillor McDonald), Kelly, Morris, Mrs Pengelly, Sparling, Stevens and Tuohy.

Apologies for absence: Councillors Fletcher and McDonald.

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

The meeting started at 2.00 pm and finished at 4.41 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.

75. Declarations of Interest

Name	Minute Number and Item	Reason	Interest
Councillor Ball	83 - 7 Eastfield Crescent, Plymouth – 16/01656/FUL	Is speaking against this application in his capacity as ward councillor	Open declaration

76. Minutes

Agreed the minutes of the meeting held on 27 October 2016.

77. Chair's Urgent Business

There were no items of Chair's urgent business.

78. Questions from Members of the Public

There were no questions from members of the public.

79. 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.

80. **52 Ashburnham Road, Plymouth - I6/01963/FUL**

Mr & Mrs Kelley

Decision:

Application **GRANTED** conditionally.

81. **19 Rockingham Road, Plymouth - I6/02042/FUL**

Mrs Teresa Reed

Decision:

Application **GRANTED** conditionally.

82. **10 Brean Down Road, Plymouth - I6/01797/FUL**

Mrs Katrina Houghton

Decision:

Application **GRANTED** conditionally.

83. **7 Eastfield Crescent, Plymouth - I6/01656/FUL**

Ms K Welsh

Decision:

Application **GRANTED** conditionally.

(The Committee heard from Councillor Ball, ward councillor, speaking against this application)

(The Committee heard from the applicant)

(Councillor Ball, having made an open declaration in respect of this agenda item did not take part in the debate or decision on this item)

84. **Land at Ridge Road, Plympton, Plymouth - I6/01330/FUL**

Mr Steven Hawken

Decision:

Application **GRANTED** conditionally.

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

(The Committee heard representations against this application)

(The Committee heard from the applicant)

(A Planning Committee site visit was held on Tuesday 22 November 2016 in respect of this application)

85. **Morrisons Supermarket, 282 Outland Road, Plymouth - I6/01914/S73**

W M Morrison Supermarket PLC

Decision:

Application **DEFERRED** to ask the applicant to amend the description to state that opening times should be amended to 0600-0000 for 4 days prior to Christmas Eve (excluding Sundays) on a permanent basis and for all other opening hours to remain as existing. If the applicant is willing to amend the application, delegated authority to Assistant Director for Strategic Planning and Infrastructure in consultation with the Chair, Vice Chair and Shadow member to determine the application once the statutory consultation period has been completed.

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

(The Committee heard representations against this application)

(Councillor Stevens' proposal to defer for the applicant to consider amending the description of the application, having been seconded by Councillor Mrs Bridgeman, was put to the vote and declared carried)

86. **Land at Southway Drive, Southway, Plymouth - I6/01044/FUL**

Aldi Stores Ltd

Decision:

Application **GRANTED** conditionally, with the additional conditions set out in the addendum report and subject to the deletion of condition 10, relating to electric vehicle charging points and to delegate to the Assistant Director for Strategic Planning and Infrastructure to agree conditions which ensure the provision of electric charging measures are prepared for two spaces and that the provision of charging facilities being enabled when identified in the travel plan for the store. Delegation was also given to the Assistant Director for Strategic Planning and Infrastructure to amend the condition in relation new plan numbers being included.

(The Committee heard from Councillor Deacon, ward councillor, speaking in support of this application)

(The Committee heard from the applicant)

(The Committee heard representations against this application)

(Councillor Kelly's proposal to delete condition 10, relating to electric vehicle charging points, with delegated authority to the Assistant Director for Strategic Planning and Infrastructure to agree conditions which ensure the provision of electric charging measures are prepared for two spaces and that the provision of charging facilities being enabled when identified in the travel plan for the store, having been seconded by Councillor Ball, was put to the vote and declared carried)

87. **Planning Application Decisions Issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 17 October 2016 to 13 November 2016.

88. **Appeal Decisions**

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

Schedule of voting

Please note

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

PLANNING COMMITTEE – 24 November 2016

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
80	52 Ashburnham Road, Plymouth - 16/01963/FUL	Unanimous				
81	19 Rockingham Road, Plymouth - 16/02042/FUL	Unanimous				
82	10 Brean Down Road, Plymouth - 16/01797/FUL	Unanimous				
83	7 Eastfield Crescent, Plymouth - 16/01656/FUL	Councillors Mrs Bridgeman, Cook, Sam Davey, Hendy, Morris, Mrs Pengelly, Sparling, Stevens, Tuohy and Wigens		Councillors Fry and Kelly	Councillor Ball	
84	Land at Ridge Road, Plympton, Plymouth - 16/01330/FUL	Unanimous				
85	Morrisons Supermarket, 282 Outland Road, Plymouth - 16/01914/S73 Amended recommendation to DEFER	Unanimous				
86	Land at Southway Drive, Southway, Plymouth - 16/01044/FUL Proposal to delete condition 10, relating to electric vehicle charging point GRANT conditionally	Councillors Ball, Mrs Bridgeman, Cook, Fry, Kelly, Mrs Pengelly and Wigens Councillors Ball, Mrs Bridgeman, Cook, Sam Davey, Fry, Hendy, Kelly, Morris, Mrs Pengelly, Stevens, Tuohy and Wigens	Councillors Sam Davey, Hendy, Morris, Sparling, Stevens and Tuohy	Councillor Sparling		

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PLANNING APPLICATION REPORT



Application Number 16/01806/FUL

Date Valid 07/10/2016

Item 01

Ward Plympton St Mary

Site Address 17 RHODES CLOSE PLYMOUTH

Proposal Two storey side and rear extension

Applicant Mr Steven Didymus

Application Type Full Application

Target Date

02/12/2016

Committee Date

**Planning Committee: 15
December 2016**

Decision Category Member/PCC Employee

Case Officer Alumeci Tuima

Recommendation Grant Conditionally

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This application is being brought to Planning Committee because the applicant is a spouse of an employee of Plymouth City Council

1. Description of site

17 Rhodes Close is a semi-detached dwelling located within a cul de sac linked to Efford Crescent in a predominantly residential area. To the north of the site, the property backs onto a woodland within the Plympton St Mary neighbourhood.

2. Proposal description

The proposal seeks permission to construct a two storey side extension and a single rear extension.

3. Pre-application enquiry

None requested

4. Relevant planning history

11/01871/FUL- Front porch with extension to garage and pitched roof over, Conditional Approval;
07/01615/FUL- Loft conversion including side dormer window to roof, Conditional Approval;
05/00650/FUL- Two-storey side extension (existing porch to be removed), Conditional Approval.
05/00274/FUL- Pitched roof to replace flat roof to two-storey side extension, Conditional Approval.

5. Consultation responses

None requested.

6. Representations

None received.

7. Relevant Policy Framework

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

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

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

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

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

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

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

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

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

- Development Guidelines Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are its impact on neighbouring amenity and the impact on the character and appearance of the area.
3. The site is elevated at approximately 45 degrees above street level and gradually slopes upward toward the rear garden. The same row of houses along the east of Rhodes Close are generally the same gradient with slightly varied building lines as the road bends toward the end of the cul-de-sac.
4. The proposal seeks to construct a two storey side extension and a single storey replacement rear extension. The two storey side extension will be set down from the original dwelling providing additional kitchen and utility at ground floor and a new en-suite bedroom at first floor level. The rear extension replaces the existing conservatory and wraps the existing rear wall, creating a new sitting room with bi-folding doors fronting the rear garden. With the

proposed design and materials, the rear extension is not considered to impact on neighbouring amenity.

5. Officers also note that one new and replacement window will be installed at ground floor level on the northern (side) elevation, maximising natural light. This will ensure compliance with *Development Guidelines, Supplementary Planning Document (2013)*, (SPD) paragraph 2.2.18 -2.2.19 for achieving a unified exterior to correspond with the existing dwelling and ensure maximising available daylight and sunlight without compromising neighbouring amenity through loss of light, privacy or outlook. It is to be noted that there is precedence in the area for a two storey side elevation.
6. The development complies with the 45 degree SPD guideline paragraphs 2.2.33 and 2.2.34 and is considered to be acceptable having taken into account the position and orientation of the proposal and the position and type of neighbouring window.
7. Officers consider that the rear extensions will not impact upon the neighbouring properties or the character of the area. The form, detailing and materials of the proposal match the existing features of the dwelling and are not considered to detract from the visual appearance of the surrounding area. The proposal has no significant impact on the neighbouring properties due to its size and is generally acceptable in appearance.

9. Human Rights

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

10. Local Finance Considerations

None required

11. Planning Obligations

None required

12. Equalities and Diversities

None

13. Conclusions

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

14. Recommendation

In respect of the application dated **07/10/2016** and the submitted drawings Existing Floor Plans 07102016, Existing and Proposed Elevations rev A, Proposed First Floor Plan 20092016, Proposed

Ground Floor Plan 20092016, Site Plan 20092016, Site Location Plan, 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: Existing Floor Plans 07102016, Existing and Proposed Elevations rev A, Proposed First Floor Plan 20092016, Proposed Ground Floor Plan 20092016, Site Plan 20092016, Site Location Plan.

Reason:

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

Informatives

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

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

INFORMATIVE: 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 16/01439/FUL

Date Valid 01/08/2016

Item 02

Ward Plymstock Radford

Site Address 9 BERRY PARK ROAD PLYMOUTH

Proposal Front and rear dormer, roof alterations and single-storey side extension

Applicant Mrs Elliott

Application Type Full Application

Target Date

26/09/2016

Committee Date

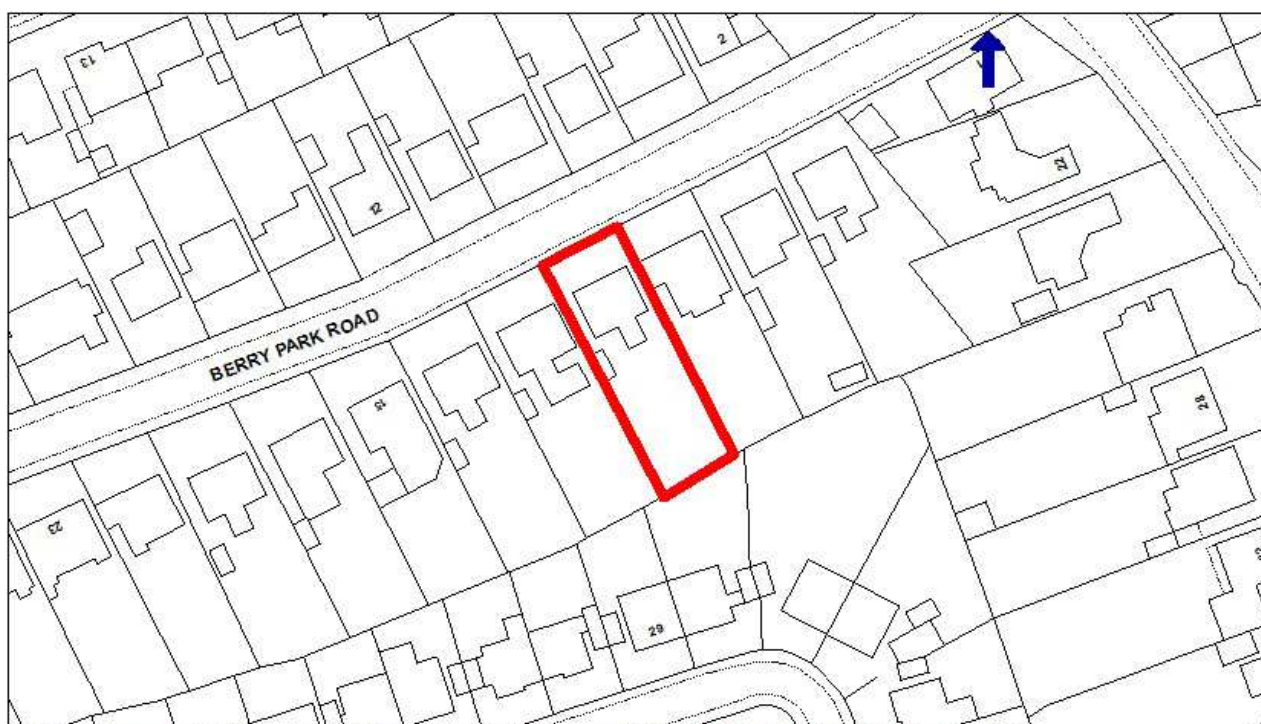
**Planning Committee: 15
December 2016**

Decision Category Member Referral

Case Officer Chris Cummings

Recommendation Grant Conditionally

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This application was referred to the 29 September 2016 Planning Committee by Councillor Ken Foster and was then deferred by Committee for further discussions with the agent regarding the form of the development.

1. Description of site

9 Berry Park Road is a detached bungalow in use as a dwellinghouse in the Plymstock Radford ward of Plymouth. The property is on the south side of Berry Park Road approximately 50 metres from the junction with Dean Hill. It is elevated from Berry Park Road, with an existing driveway to the east of the dwelling. The rear garden faces onto the rear gardens of dwellinghouses on Princess Crescent.

2. Proposal description

The application as originally proposed and reported to Planning Committee involved alterations to roof shape from hipped to mansard roof, creation of front dormer, creation of two rear dormers, two-storey rear extension with hipped roof and single-storey side/rear extension.

Amendments have been received and the new proposal is for creation of a front and rear dormer and a single storey side/rear extension.

3. Pre-application enquiry

16/00962/HOU – Loft conversion and rear extension - Development acceptable in principle

4. Relevant planning history

16/00702/OPR – Alleged single storey extension in excess of permitted development levels – Closed, works were found to be permitted development

11 Berry Park Road

16/01492/FUL – Rear extension – Granted conditionally

15 Berry Park Road

06/01075/FUL - Single-storey rear extension with attached private motor garage (existing garage to be removed) - Granted conditionally

5. Consultation responses

Local Highway Authority – No objection to the proposal

6. Representations

Twenty-four letters of representation have been received from members of the public in respect of the original application. The considerations raised were as follows:

- Alterations to roofline out of character with existing properties in road
- Lack of parking space on the property increasing congestion
- Increase in parking requirements due to increased dwelling size

- Loss of privacy from dormer windows
- Change from bungalow into a house
- Overbearing and out-of-scale with existing properties
- Work already begun not included in the application
- Loss of light to neighbouring properties
- Loss of privacy from any first floor side windows
- Disruption to the existing street scene

The issues raised are incorporated into the analysis section of this report.

The amended application has been re-advertised with a closing date for representations of 14 December 2016. Any further representations received will be summarised in an addendum to this report.

7. Relevant Policy Framework

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

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

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. The application was original presented to Planning Committee on 29 September 2016. Concerns were raised by the Committee regarding the alterations to the roof shape being out of keeping with the area and the impact on neighbouring properties from the roof of the rear extension. The application was deferred for further discussions with the applicant for further amendments. The amendments as proposed are outlined below:
2. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), policies 29 and 30 of the emerging Plymouth Plan, 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.

Roof alterations

3. Under permitted development roof alterations can create up to 50 cubic metres without planning permission being required. The proposed alterations to the roof from a hipped to mansard roof on their own could be carried out under permitted development with no requirement for planning permission. However with the additional roof space created by the dormers these alterations require planning permission. The roof alterations are considered to maintain the essence of the existing street scene, retaining the existing style of four separate slopes that similar to the existing hipped roof. The alterations are considered to meet the requirements of Core Strategy Policy CS34(4) that the proposal is compatible with its surroundings.

Front dormer

4. A front dormer is proposed facing onto Berry Park Road. Front dormers of varying sizes have been constructed on a number of other properties on both sides of Berry Park Road, setting a precedent in the area. It is proposed to line up with the existing porch windows, in keeping with the recommendations of paragraph 2.2.58 of the Development Guideline SPD. It would be considered unreasonable to refuse this application due to the existing front dormers on the street scene.

Rear dormer

5. A rear dormer can normally be constructed under permitted development up to a roof size increase of 50 cubic metres. Due to the other roof alterations planning permission is required. The rear dormer will be situated approximately 38 metres from the rear of the nearest property and as such is not considered to impact on properties on Princess

Crescent. Paragraph 2.2.55 of the Development Guidelines SPD states that dormer windows should not dominate a building and sit comfortably within the roof space. The rear dormer is positioned and scaled appropriately with the proposed roof alterations and is considered acceptable.

Rear extension

6. A rear extension was originally proposed to be two storeys, with a pitched roof. This was amended to a single-storey extension with pitched roof prior to Planning Committee, however concerns were raised at the Committee meeting regarding the impact on neighbouring properties from the pitched roof. Following further discussions with the applicant the rear extension has been amended to remove the pitched roof and now falls under permitted development. The extension will extend approximately 4 metres from the rear of the property and will have a maximum height of 3.05 metres. It is considered to meet all the requirements of permitted development and therefore planning permission is not required for the rear single-storey extension. Although side windows are not restricted on single storey extensions by the General Permitted Development Order there are none proposed on either of the side elevations.

Single storey side/rear extension

7. A garage has been previously demolished at the site under permitted development, and it is proposed to build a dog-leg side extension, attached to the proposed rear extension, in this position. The proposed side extension is single storey, with a width of approximately 2.75 metres, a length of 4.87 metres and a height of 2.8 metres with a flat roof. No side windows are proposed and, combined with the flat roof, it is not considered to harm neighbour amenity.
8. The Local Highway Authority was consulted regarding this application and raised no objections to the proposal. The garage was demolished under permitted development and would not have required planning consent. There is an existing driveway to the west of the property and it continues to provide adequate off road parking for occupants in accordance with Core Strategy Policy CS28(4) and CS34(8).
9. All of the representations received have been carefully considered, but for the above reasons the proposal is considered acceptable. With regard to the reference to work having commenced, this concerns an unrelated curtilage development that constitutes permitted development.
10. Again, due to the scale of works proposed in this amended application, further development on the site has the potential to significantly impact on neighbour amenity and privacy. It is therefore recommended that a condition be added to remove the permitted development rights of the property. This will prevent further alterations that could impact on the amenity of neighbours without first obtaining express planning permission from the Council.
11. In summary, this application is considering the front and rear dormers, roof alterations and single-storey side/rear extension. The rear extension is considered permitted development and do not require planning permission.

9. Human Rights

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

10. Local Finance Considerations

No charge under current schedule.

11. Planning Obligations

No planning obligations have been sought.

12. Equalities and Diversities

Not relevant to this application.

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, the Development Guidelines Supplementary Planning Documents (April 2010) and national guidance and recommend conditional approval.

14. Recommendation

In respect of the application dated **01/08/2016** and the submitted drawings Amended description, it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, block plan, existing floor plans and elevations 29072016, Revised proposed floor plans and elevations 12092016.

Reason:

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

CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

(3) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the development hereby approved, unless prior approval has first been obtained.

Reason:

In order to protect neighbour amenity, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Development Guidelines SPD (2013), and paragraphs 120-123 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 including pre-application discussions 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 16/01938/FUL

Date Valid 12/10/2016

Item 03

Ward Drake

Site Address 7 MAPLE GROVE MUTLEY PLYMOUTH

Proposal

Single-storey rear extension, loft conversion with rear dormer and change of use from 6-bed HMO (Class C4) to 8-bed HMO (Sui Generis) (retrospective)

Applicant

Mr John Yiannacou

Application Type

Full Application

Target Date

07/12/2016

Committee Date

**Planning Committee: 15
December 2016**

Decision Category

Member Referral

Case Officer

Chris Cummings

Recommendation

Grant Conditionally

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This application has been referred to Planning Committee by Councillor Ricketts

1. Description of site

7 Maple Grove is a mid-terraced property in the Drake Ward of Plymouth. The rear of the property faces out onto an access lane shared with the rear of properties on Hamilton Gardens. The site is situated within walking distance of the main Plymouth University campus.

2. Proposal description

Retrospective application for single storey rear extension, loft conversion with rear dormer and change of use from 6-bed HMO (Use Class C4) to an 8-bed HMO (Sui Generis)

3. Pre-application enquiry

None

4. Relevant planning history

86/02773/FUL – Change of use from residential to a residential home for the elderly together with single storey extension and provision of parking space- Granted conditionally

16/01580/OPR – Unauthorised construction of extension – Under investigation and led to this application

5. Consultation responses

Local Highway Authority – No objection as parking status quo remains if solely student occupation. Condition requested for provision of secure cycle storage for 4 bicycles.

Private Sector Housing – No objections raised as application meets their criteria and HMO License currently being sought.

6. Representations

None received

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 policies. The main considerations for this application are policies CS01 (development of sustainable linked communities), CS02 (design), CS28 (local transport considerations) and CS34 (planning considerations) of the Local Development Framework Core Strategy (2007).
2. The planning history of the site shows a planning application was granted in 1986 for a change of use from 'residential to a residential home for the elderly', along with a single storey extension and creation of parking space. Confirmation has been provided from the Revenues Department that the property has been exempt from Council Tax due to student occupation since 01 September 2006. The time period for planning compliance action to be taken against an unlawful change of use is 10 years, although as the Use Class Order did not distinguish between C3 and C4 at that time, 4 years would have resulted in immunity, and therefore the use as a 6-bed HMO is considered lawful.

Extension

3. The single-storey rear extension extends an existing kitchen/lounge area by approximately 5.82 metres, with a width of 3.85 metres and a height of 2.9 metres with a flat roof. A number of single storey extensions of varying sizes have been erected on neighbouring properties, so this application is not considered to be out of character with the existing street scene. The extension is in accordance with the 45 degree guideline of Paragraph 2.2.35 of the Development Guidelines SPD and no windows are positioned on the north-east elevation, facing the closest boundary. It is therefore not considered to significantly impact neighbour amenity. The materials match the existing dwelling, and the single-storey nature of the extension restricts the visual impact on the rear street scene.
4. Paragraph 2.8.27 of the Development Guidelines SPD sets out recommended minimum outdoor amenity space standards of 50 sqm for a terraced dwelling. The rear extension extends into the existing rear amenity space. However, the measurement of outdoor amenity space includes both front and rear aspects, as confirmed in appeal decision I5/00012/FUL (19 Hill Park Crescent). The combined front and rear communal spaces provide approximately 54 sqm and is found to meet the minimum requirements of the Development Guidelines SPD.

Dormer

5. The rear of the property has an existing two storey tenement at a lower level from the main dwelling. The proposed dormer will be situated on the roof of the main house, set back from the rear tenement. It creates approximately 10.59 cubic metres of additional roof space. Dormer windows of this size on a single family dwelling (Use Class C3) can be installed under permitted development, however as this site is a House in Multiple Occupation (Use Class C4) planning permission is required. The dormer is set back on the roof of the main dwelling and the closest property to the rear is approximately 25 metres measured from the rear elevation of the application site. The positioning of this dormer is not considered to impact adversely on neighbour amenity to the rear or side and as the materials match the existing dwelling it is considered acceptable.

Additional Rooms

6. The dormer is combined with a loft conversion to create two additional bedrooms in the loft space. Under housing legislation there is a requirement for rooms to be a minimum of 6.5sqm. The proposed bedrooms will provide approximately 13.8 sqm in the front bedroom and 8.6 sqm in the rear bedroom, exceeding the minimum room size requirements. No objections were raised from the Private Housing

Amenity

7. The property is within an area covered by an Article 4 Direction, requiring changes of use from a single-dwelling house (Use Class C3) to an HMO of 3-6 occupants (Use Class C4). The property was in use as a 6-bedroom HMO prior to adoption of the Article 4 Direction on 14 September 2012 and the use as a 6-bedroom HMO was lawful. The additional two bedrooms change the property to an 8-bed HMO (Use Class Sui Generis), requiring planning permission.
8. As the property is an existing HMO, the main considerations are whether the increase in occupancy levels will create a negative impact such as noise, on-street car parking, anti-social behaviour and run-down properties. It is not considered that the increase in occupants will significantly increase impact on amenity. A similar increase in HMO occupation levels from 6 to 8 occupants occurred under planning application I6/00568/FUL (76 West Hill Road). The

West Hill Road site had historic noise issues at the property as a 6-bed HMO, however the change to 8-bed HMO was approved by Planning Committee on 07 July 2016, subject to submission and approval of a management plan. As such, a condition is recommended requiring submission of a management plan for approval by the Council to ensure that the amenity of neighbours is protected.

Transport requirements

9. The increase in occupants has the potential to lead to an additional increase in transport requirements. Following consultation with the Local Highway Authority they raised no objection, subject to conditions. A minimum parking standard of 1 space per 2 rooms is required for HMO's, however this can be reduced by 50% where the property lies within a residential parking scheme that operates less than 6 hours a day and is occupied solely by full-time students. The current occupation is by full time students and a condition has been agreed with the applicant that the property will be restricted to full time students only. The existing HMO would require 1.25 spaces (rounded up to 2) and the 8-bed HMO would require 2 spaces. In addition a condition is recommended for provision of secure cycle storage for at least 4 bicycles to promote sustainable transport.

Intentional unauthorised development

10. Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The new policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere.
11. The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.
12. It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.
13. Neither of these factors appear to apply in this case, and so it is considered that no weight should be afforded to this particular point in the determination of this application.
14. On balance, the proposal is considered acceptable and recommended for conditional approval.

9. Human Rights

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

expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

No charge under current schedule

11. Planning Obligations

No planning obligations have been sought

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, national guidance and Section 2.5 of the Development Guidelines Supplementary Planning Document (April 2010) and recommend conditional approval.

14. Recommendation

In respect of the application dated **12/10/2016** and the submitted drawings ,it is recommended to:
Grant Conditionally

15. Conditions

CONDITION: APPROVED PLANS (RETROSPECTIVE)

(1) This permission relates to the following approved plans: [insert plan numbers].

Reason:

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

CONDITION: BEDROOMS

(2) No more than 8 rooms at the property shall be used as bedrooms. Only the rooms labelled "bedroom" on the approved plans shall be used as bedrooms, unless the Local Planning Authority gives written approval to any variation of this requirement.

Reason:

The number of bedrooms proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms for communal facilities, has been assessed and considered acceptable in planning

terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Pre-occupation Conditions

PRE-OCCUPATION: CYCLE PROVISION

(3) Within 28 days of the date of this decision details shall be submitted in writing to the Local Planning Authority for approval of space for 2 bicycles to be securely parked. The secure area for storing bicycles shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: STUDENT ACCOMMODATION

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

Reason:

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

CONDITION: MANAGEMENT OF STUDENT ACCOMMODATION

(5) Within 28 days of the date of this notice, a management plan for the operation of the accommodation, which shall include contact details (including postal address, email address and telephone number) of the person to be contacted regarding any issues arising from the use of the building or its curtilage and shall include a commitment to keep this information up to date, shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall thereafter be adhered to strictly at all times.

Reason:

In the interests of neighbours' amenities and to provide a ready point of contact for any person who needs to address an issue in relation to the use of the property, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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

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

INFORMATIVE - MANAGEMENT PLAN

(3) With regard to the management plan, it is recommended that there is an appropriate selection process for tenants and that an appropriate anti-social behaviour clause is included in the tenancy agreement so that any anti-social behaviour or noise nuisance created by the tenants can be adequately addressed. 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.

PLANNING APPLICATION REPORT



Application Number 16/01935/FUL

Date Valid 06/10/2016

Item 04

Ward Plymstock Dunstone

Site Address 6 FINCHES CLOSE PLYMOUTH

Proposal

Rear extension and replace existing cladding front and rear with cedar cladding (resubmission of 16/01728/FUL)

Applicant

Mr & Mrs Hanley-Wildman

Application Type

Full Application

Target Date

01/12/2016

Committee Date

**Planning Committee: 15
December 2016**

Decision Category

Member Referral

Case Officer

Mike Stone

Recommendation

Grant Conditionally

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This application has been referred to Planning Committee by Cllr Churchill.

1. Description of site

The application property is a detached two storey dwellinghouse with attached side garage on a cul-de-sac and located close to the junction with Hazel Grove. The area is residential in character.

2. Proposal description

Rear extension and replace existing cladding front and rear with cedar cladding (resubmission of 16/01728/FUL). The rear extension would be 4.6 metres deep, 4.3 metres wide at the end and would feature a dog legged section with patio doors so that it would be 5.2 metres wide at the point where it joins the rear elevation of the house. It would be 3.0 metres high and include a light lantern in the roof.

3. Pre-application enquiry

There was no pre-application enquiry with this proposal.

4. Relevant planning history

16/01728/FUL – Rear extension - Withdrawn.

16/01266/GPD - A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.6m, has a maximum height of 3m, and has an eaves height of 3m - Approval required due to neighbour objections.

5. Consultation responses

None requested.

6. Representations

Five letters of objection have been received from two separate addresses. The letters raise the following issues;

Overshadowing

Loss of light

Loss of privacy

Overbearing

Unightly appearance

The extension will be used for business purposes

Drainage and flooding problems

Inappropriate materials

Noise

Cooking smells

Procedural matters relating to the plans
Restrictive covenant on development
Party Wall Act.

The Party Wall Act and covenants re not planning issues.

7. Relevant Policy Framework

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

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

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

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

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

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

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

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

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

- Development Guidelines Supplementary Planning Document.

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document First 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.
3. In July 2016 the applicants applied for a similar development under the Neighbour Consultation Scheme for larger rear extensions but this was not approved after neighbour objections were received.
4. **Impact on neighbour amenity.**

Six letters of objection have been received. The letters raise a number of concerns some of which fall outside of the planning system such as covenants and the Party Wall Act. The issues of drainage would have to be dealt with in a subsequent Building Regulations application if the proposal were to be approved. Neighbour noise or related anti-social behaviour would be the remit of the council's Public Protection Service.
5. The planning related issues revolve around overbearing appearance, loss of light and loss of privacy. The main impact would be on the property to the north no. 4. This property appears to be set slightly lower than the subject property so the impact of the extension would be greater. There is currently a high wooden fence and hedge between the properties. No. 4 is also north of the subject property so there would be some increase in overshadowing of the rear garden.
6. The proposed extension would be 4.6 metres long and 3.0 metres high, under the applicant's permitted development rights they could build a 4.0 metres long and 3.0 metres high extension without the need for planning permission and it is in this context that the proposal needs to be examined.
7. In terms of loss of light, while not normally used in matters involving detached properties, the proposal does satisfy the 45 degree guidance set out in the Development Guidelines SPD. No side windows are proposed so there would be no loss of privacy.
8. As originally submitted the plans showed the rear extension having fibre cement cladding on all elevations, including the one facing the neighbour at no. 4. Given that the applicant's garage is constructed of brick this was felt to be inappropriate and an amendment has been negotiated that sees brick used along the shared boundary. A matching materials condition is recommended. The use of fibre cement cladding as a low maintenance building material has increased greatly in popularity on commercial and domestic buildings and case officers consider it acceptable in this case. Given the relatively minor visual impact of the glass fibre flat roof case officers do not feel that this would result in harm to visual amenity. For clarity no cladding is proposed for the rear elevation of the house.
9. Regarding overbearing appearance at no. 4, as has been stated above the applicant could construct a very similar extension without the need for planning permission and case officers

do not consider that the additional 600mm element to this application would result in significant harm to neighbour amenity.

10. Case officers feel that the neighbours at no. 8 are sufficiently distant from the proposed development not be adversely impacted.

11. In letters of objection it has been suggested that the new extension would be used as part of cake making business. Officers have queried this but the applicant has confirmed this is not the case. Operating a business from home can be carried out without planning permission subject to four tests;

- Is the home no longer be used mainly as a private residence?
- Will the business result in a marked rise in traffic or people calling?
- Will the business involve any activities unusual in a residential area?
- Does the business disturb the neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?

If it were to transpire that any of these tests were being infringed then a planning application would need to be submitted.

12. Impact on the character and appearance of the area.

The application seeks to replace sections of external plastic cladding on the front elevation between the first and ground floor windows and above the garage door. They would be replaced with the fibre cement panels similar to those to be used on the rear extension. Similar plastic panels are found on nos. 4 and 8 but given the relatively small scale of the development case officers consider this acceptable. The raised roof of the extension could be visible from Finches Close and the rear extension could be seen from the street behind but case officers do not feel that this would result in significant harm to the visual amenity of the area.

13. Other matters

A number of procedural matters were raised covering issues such as annotating drawings with the relevant scale, the failure to show the removal of a boundary hedge and to mark an underbuild on the plans. These matters were addressed in an amended set of plans (2759.C) and block plan (Block Plan 25112016).

Officers consider that the proposal complies with Core Strategy Policy CS02 and parts 4 and 6 of Policy CS34 and is recommended for approval with a condition on matching materials for the boundary wall.

9. Human Rights

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

10. Local Finance Considerations

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

11. Planning Obligations

Not applicable for this development.

12. Equalities and Diversities

There are no equalities and diversities issues.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with planning policy, supplementary planning guidelines and national guidance and specifically policies CS02 (Design) and CS34 (Planning applications considerations) and paragraph 14 of the NPPF which states that development proposals that accord with the development plan should be approved without delay. The application is recommended for approval.

14. Recommendation

In respect of the application dated **06/10/2016** and the submitted drawings Block Plan 25112016, 2759 Revision C, 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: Block Plan 25112016, 2759 Revision C.

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: FURTHER DETAILS

(3) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: Brick to used on elevation facing 4 Finches Close. 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 .

Justification:

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

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).

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.

INFORMATIVE: CODE OF CONDUCT FOR CONSTRUCTION AND DEMOLITION.

(4) All building work should follow the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages.

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PLANNING APPLICATION REPORT



Application Number 16/00554/FUL

Date Valid 01/06/2016

Item 05

Ward St Peter & The Waterfront

Site Address 17-19 MAYFLOWER STREET PLYMOUTH

Proposal

Demolition of existing building, erection of 13-17 storey building (plus basement) comprising 267 student bedrooms, associated student support facilities, 462sqm of retail space (Class A1/A3), 420sqm of commercial office (Class B1) & associated external works

Applicant

Burrington Estates (Aspire Student Living) Ltd

Application Type

Full Application

Target Date

22/12/2016

Committee Date

**Planning Committee: 15
December 2016**

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

John Douglass

Recommendation

Grant Conditionally Subject to a S106 Obligation. Delegated Authority to Assistant Director for Strategic Planning & Infrastructure to refuse if agreed timescales are not met by the applicant.

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1. Description of site

The site is located at the eastern end of Mayflower St. It comprises the former Good Companions Public House (which has been vacant since around 2009), along with 19 Mayflower St, which is the easternmost of the 2-storey terrace of shops at 19-39 Mayflower St. The pub is a two storey 'L' shaped 1970s building set back from the building line of the main terrace and wrapping around the service road to the rear. The site also includes areas of public realm to the north, east and south of the site. To the north the site extends to the edge of the carriageway and includes a larger planter, tree and benches. To the east it extends to the edge of the carriageway, except where it extends further to incorporate the turning head between the Money Centre and Methodist Central Hall. To the south it includes the grassed area extending to the fence surrounding the Methodist Central Hall. To the rear it includes the servicing area to the rear of the building but none of the service road itself. The access road at the rear is around 1m lower than the footway to the north of 19 Mayflower St.

The Money centre lies to the north east of the site across an unnamed access road serving the Methodist Hall, and separates the site from Cobourg St. To the south is the Methodist Central Hall, and to the south west is the Mayflower East Multi-storey car park and the service road that surrounds it. To the west are two storey shops facing Mayflower St and to the north lies the 4-5 storey office building Cobourg House. The University campus (The Roland Levinsky Building) is within 100m to the north.

2. Proposal description

The proposal is to demolish the existing buildings and construct a building with a larger footprint comprising two rectangular adjoining blocks that face Mayflower St and the access road to the east. A 2.5m wide ramped route would be retained between 21 Mayflower St and the proposed building. The building at this point would follow the existing front and rear building lines. However, the larger rectangular footprint, which would be aligned with the access road (leaving a footway c 3.5m wide), would project forward of the building line to align with the Money Centre's north elevation such that it would appear as a 'visual end stop' in views back along Mayflower St from the west.

The building provides accommodation over 17 storeys (basement, ground, plus 15 upper floors). It features separate stair cores for its office uses to those for its student accommodation. The student accommodation would be at floors 2-15, with some supporting facilities at ground floor and at basement level.

The basement (accessed from the rear) is largely given over to student cycle parking (spaces for 130 cycles) and bin storage, but also provides a laundry facility, gym and a cinema room for students, plant rooms including potential surface water attenuation tanks (in addition to two crated tanks beneath the pavement outside the building) and a storage area for the A3 unit. Bins will be brought up to street level at the rear by way of a bin lift operated by the building's management team (see note on drawing ASI5.11L.93.01.P2). The stairs leading down to basement level are described as 'cycle compliant steps'.

The ground floor commercial unit occupies 243sq m of the ground floor facing east, and also includes 81sq m at basement level and a 138 sq m mezzanine at first floor (totalling 462 sq m). Both areas would be accessed via a dedicated staircase within the unit itself. Uses within classes A1 (retail shop), A2 (financial/professional services), or A3 (café/restaurant) are sought for this unit, so it could be occupied by any of these uses. Its main access would face the Money Centre, but it would also have an access from the terrace area at the rear, adjacent to which an internal bin store for the A1-A3 unit is also proposed.

Two BI office units (136 & 215 sq m) would also be provided at first floor. These benefit from a dedicated access from Mayflower St.

The majority of the building (floors 2-15) would provide student accommodation in the form of studios and cluster flats. Two entrances to the main staircase area (which features a single staircase and two lifts extending from basement to level 15) are proposed: the front entrance from Mayflower St would be via the reception, whereas the rear door (from the terrace) would provide direct access into the main stair core. An office, study room and breakout room are also proposed at ground floor level for use as student support services.

Following minor internal alterations to the scheme made during the application (reconfiguration of the stair arrangement), the number of student bedspaces has increased from 253 to 267 bedspaces shared across 162 units. The additional bedspaces were achieved by converting 2-bedroom flats at the south of the building into 3-bedroom flats. The final mix comprises:

126 studio flats = 126 bedspaces

11 x 5 bedroom cluster flats = 55 bedspaces

11 x 4-bedroom cluster flats = 44 bedspaces

14 x 3-bedroom cluster flats = 42 bedspaces

The target opening date for the Student Accommodation is September 2018.

In terms of its design, the building features a limited palette of materials. Its two main elements are designed to appear different from one another. The smaller block (13 storeys) features horizontally emphasised (landscape) windows with a Plymouth limestone cladding plus black metal cladding (aluminium powder coated) to the corner elements. The larger element is proposed as a clay cladding system in three different shades of blue/grey, again with a black metal cladding treating the projecting element facing south. Feature entrances covered in contrasting cladding cover each of the main entrances. The windows on the largest elevation which faces the Money Centre have been designed as projecting 'oriel' windows which feature opaque glazing to the north side and transparent glazing to the south side.

The scheme proposes to improve the public realm around the site with a mix of granite paving taken up the edge of the carriageway (and across it in the turning head area). New tree planting is also proposed.

The application is supported by numerous supporting documents, the content of which is summarised as follows:

Design and Access Statement – Explains the design of the proposals and the rationale for that design. This document incorporates the tall buildings study.

Design and Access Statement Addendum – Explains minor changes and provides additional information including how the building could be adapted to alternative uses (apartments) in future if necessary.

Environmental Noise Report & Updated Glazing Assessment – assessed existing noise levels, including noise from the Mambos, and recommends interventions to achieve a satisfactory noise environment for future residents.

Air Quality Assessment – Identifies a risk of impacts on local air quality, but concludes that the proposal would have negligible impacts.

Site Waste Management Plan – Sets out in brief how construction waste at the site will be minimised and recycled.

Energy Statement – Assesses proposals to minimise energy use and generate renewable energy at the site, including proposals to use gas-fired Combined Heat and Power, Solar Photovoltaics, and to provide for a future connection to a District Heat network.

Ecology Survey – reports on phase I habitat survey (low biodiversity value and no protected species), and proposes swift boxes and replacement tree planting to achieve net gain in biodiversity.

Travel Plan – Sets preliminary targets as 90% sustainable modes, 10% car trips (including deliveries and visitors); confirms proposed appointment of Travel Plan co-ordinator who will co-ordinate numerous travel planning measures.

Wind Comfort Desk Study - shows that the proposed development will have no adverse effect on the wind climate of the area surrounding area with the exception of the south west region of the site where protection measures around entrances will be needed.

Management Plan (for student accommodation) - sets out the proposed management arrangements for the scheme from its proposed first operation in September 2018.

Daylight/Sun lighting Impact Report – In addition to a traditional shadow analysis, this document assesses the impacts of the development on the sun and daylight available to the Money Centre, both in terms of impacts on its existing windows, and how it may be affected as a development site. It concludes that guidance set the development complies with the national guidance (provided by the Building Research Establishment).

3. Pre-application enquiry

The proposal was subject to pre-application guidance under reference 15/02113/MAJ, including presentation to the Devon Design Review Panel. Officers attended several meetings and issued an interim written response giving advice on uses, design, transport, green infrastructure, sustainable energy, drainage, and limited guidance on CIL and planning obligations. The applicant was also advised to undertake pre-application community engagement and advised of likely validation requirements. Officers were generally supportive of the scheme, subject to further analysis and justification. In respect of design, officers raised no objection in principle to the height of the building proposed, but set out that the applicant would need to justify its acceptability through a tall buildings assessment in accordance with the adopted Sustainable Design in Plymouth SPD.

Pre-application guidance on various student redevelopment schemes was also given to the previous owner over a number of years.

4. Relevant planning history

Planning history associated with comprehensive redevelopment of the site goes back to 2012 as follows:

12/00070/OUT: Demolition of public house and redevelopment of site to create new building of 7 to 12 storey's, containing 177 student bedrooms (configured in 24 cluster flats and 55 bedsit/studios) with ancillary facilities, together with restaurant/café and drinking establishment, commercial uses on ground floor frontages of Mayflower Street, (use classes A3 and A4) – Application WITHDRAWN 15 May 2012

13/01045/OUT: Outline planning application for demolition of public house and redevelopment of site to create a new 12 storey building containing 199 student bedrooms (configured in 27 cluster flats and 43 bedsit/studios) with ancillary facilities, together with restaurants/cafes (use class A3) and drinking establishments (use class A4) commercial uses on ground floor frontages on mayflower street - Application WITHDRAWN 16 August 2013

5. Consultation responses

Economic Development Department: No objection subject to conditions requiring an employment skills plan.

Plymouth University (Director of Estates & Capital Projects): given the scale of the development proposed, raises concerns about the potential for issues arising from a cluster of student accommodation in this area where there are two other large purpose-built student blocks in close proximity (if this scheme is approved and constructed there could be at least 1300 student rooms in the locality). They explain that there are two types of risk. Firstly noise and disruption affecting students during construction could result in the loss of students from the University given that student satisfaction with their accommodation is known to influence students' views of the University and course of study. Secondly, social concerns could arise in the area due to the high concentration and the fact that management responsibility for the accommodation rests with an external provider rather than the University itself. In conclusion, the correspondence states 'Whilst the University is supportive of schemes to improve residential provision for students, and in particular those within easy reach of our teaching locations, we are also concerned where there is too much development in one place.'

Urban Design Officers: Support the scheme, including the height proposed. Conditions should be attached to prevent unsightly roof level plant and to prevent the obscuring of windows with vinyls. Welcome use of Plymouth limestone and the clay cladding proposed, the colours for which should be drawn from Plymouth limestone tones in a gloss finish to minimise weathering.

The proposal to provide a high quality public realm using natural materials (granite) and provision of new street trees is welcomed. The public realm scheme is supported although there are issues of detail still to be resolved to ensure an acceptable scheme that can be adopted where necessary (a Section 278 highways agreement will be required).

Design Review Panel: (application stage desktop review conducted as follow up to pre-application panel session): supportive of the proposal, which is noted to be a significant improvement on the scheme previously presented to the panel. The footprint/siting and relationship to the proposed city centre masterplan is supported, as is the proposed cladding (subject to being high quality and well detailed). Some concerns were expressed about the position of the commercial bins, and the panel suggested that a more innovative/funky feel to the smaller building, and greater transparency through the ground floor would be beneficial. Further detailed comments about the design of landscaping, public realm, external lighting were also made.

Highway Authority: no objection in principle subject to conditions and minor changes on the highway in the immediate vicinity of the site, which would require a highway agreement.

Devon & Cornwall Constabulary Designing Out Crime Officer – no objection.

Public Health: no objection in principle. Notes that the application is just outside the Council Cumulative Impact Policy Area where it is unlikely that additional alcohol sales licenses would be granted (unless alcohol provision is ancillary to other activities such as the provision of food).

Historic Environment Officer: Notes that the site may include remains of the historic Drake's (aka Plymouth) Leat. A condition is therefore necessary to require recording prior to works which may impact or destroy the remains.

Environment Agency: no objection. The proposed drainage strategy can achieve a betterment compared to the existing situation in terms of minimising the risk of sewer flooding and pollution of the water environment. The application should not be determined until the Lead Local Flood Authority (LLFA) has confirmed that they are satisfied with the detail of the proposed drainage scheme.

Lead Local Flood Authority: an assessment of exceedance flow routes should be

undertaken and confirmed on a plan. An assessment of surface water flows from land outside the site should be completed, and any mitigation proposed. Details of how and when the proposed drainage system is to be managed and maintained should be submitted (in this case all of the above may be secured by way of a pre-commencement condition).

Natural Infrastructure Team: No objection subject to conditions (securing biodiversity enhancement and protecting any nesting birds) and S106 contributions. Replacement tree planting for trees being removed will be needed. Trees on the adjacent site subject to a tree preservation order should be protected from accidental damage during construction works.

Public Protection Service: No objection subject to conditions as recommended.

Low Carbon Team: No objection. The final report addresses our points raised, but the solar PV panels proposed should not be at the expense of the S106 contribution already agreed (in line with policy CCO5).

Wales & West Utilities: provides information about their apparatus in the area (crossing the area where the new building would be constructed) and confirms that the applicant would need to contact them before commencing any works on site [the letter has been passed to the applicant].

6. Representations

The applicant's Design and Access Statement confirms that they held a community engagement event in the shop unit on site prior to the submission of the application. The event, which was publicised by way of a leaflet drop, targeted invites and a press release (which led to a Plymouth Herald article) took place on 26 February 2016 from 15.00 until 20.00. Only two comments were received on the day – both were positive and supportive of the development.

Two rounds of formal public consultation have been carried out during the assessment of the planning application. In total, 2 representations in support and 4 representations in objection have been received.

Consultation on the initially submitted scheme generated one letter of support and one of objection. In support of the scheme the points made are summarised as follows:

- Student accommodation is needed for an ever growing university, and enables converted houses in residential areas to become available to non-students.
- The city centre is the perfect location - more life will be brought to the city centre, hopefully attracting more businesses.
- A high number of high rise buildings concentrated into one area is better than having them scattered around (a lot of cities have concentrated high rises).
- These buildings have been derelict for too long.

In objection to the scheme, the points made are summarised as follows:

- The building will dwarf others in the vicinity, casting permanent blight and a permanent shadow on them.
- The building has no design features of merit and is incongruous – it will neither bring pleasure to, or enhance quality of life of dwellers.

One further objection was received following the close of the initial consultation period. This raised the following concerns:

- Impact of this tall building (considered alongside Mayflower House) on shops in Mayflower St (loss of light and the street will become oppressive).

- The influx of new students will add to the congestion in Mayflower St, which is already the second busiest street in the city centre. Buses could be affected. Particular concerns are expressed about likely congestion at student drop off time at the start of term, and during the construction period.

Planning agents representing the owner of the adjacent Money Centre also wrote at this stage to confirm that they do not object in principle, but wish to ensure that the development does not preclude the future development of the Money Centre (a pre-application enquiry for the redevelopment of the site to provide a mix of town centre uses expected to include student accommodation and a hotel has recently been submitted). They pointed out the need to consider the day/sunlight implications on the Money Centre, and to preserve its existing/future servicing arrangements.

The applicant therefore generated additional materials which were subject to further consultation alongside revised drawings which included changes made to the north east elevation, internal reconfiguration which facilitated the addition of 14 extra bedspaces and other minor design changes. The second consultation generated one further comment in support, and two objections (including the Money Centre).

Comments in support are summarised as follows:

- Good quality, properly managed student blocks are preferable to the continued conversion of former family houses into overcrowded, often poorly maintained student HMOs. These are described as destroying local communities by bringing problems of litter, parking and anti-social behaviour to the long-term residents of these areas that remain.
- The existing building has been vacant/derelict for some time and is becoming an eyesore

Comments in objection are summarised as follows:

- There is already enough student accommodation in existence or in construction.
- The City Centre is in danger of being overrun by these buildings.
- The building is too big

A further representation submitted on behalf of the Money Centre, whilst supportive in principle and welcoming the Oriel windows incorporated into the design, objects to the proposals on the basis that it will reduce sun and daylight to the site affecting both the existing building and their proposed redevelopment of the site. Their objection is supported by a sun and daylight study which concludes that the proposed development would have:

- A perceptible impact on the skylight of all 77 windows on the Money Centre's south west façade, with all windows falling below the 27% 'Vertical Sky Component' level recommended by the accepted national guidance on sun and daylight analysis (BRE Report 209). The most affected window would be reduced from 39% to 8.95%.
- A perceptible impact on the sunlight levels of 69 of the 77 windows on the south west façade of The Money Centre. Window 6 would be the worst affected window with its annual probable sunlight hours (APSH) reduced from 1018h50m to 213h09m and its annual probable sunlight hours in the winter months (WPSH) reduced from 363h28m to 122h17m.
- An impact on the potential for any future development at The Money Centre site to achieve good diffuse daylighting. The VSC of the worst affected point 1.6m above the centre line of the road between 17-19 Mayflower Road and The Money Centre would be reduced from 30.50% to 2.95%.

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 Core Strategy policies of most relevance to the determination of this application are CS01 (Sustainable Communities), CS02 (Sustainable Design), AV03 (Plymouth City Centre Area Vision), CS04 (Future Employment Provision), CS06 (City Centre), CS13 (Evening / Night Time Economy Uses), CS15 (Overall Housing Provision), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS26 (Sustainable Waste Management), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33

(Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations). All policies with a 'CS' prefix referred to below are those of the Core Strategy.

3. The site is located within the area of the city centre covered by City Centre and University Area Action Plan (AAP) proposal CCI1 (Cornwall St, part of the Core Retail District). Policies CC01 (Place making and the Historic Environment), CC03 (City Centre Public Realm), CC04 (A Sustainable City Centre Neighbourhood), and CC05 (CHP, District Heating and Cooling) are also relevant. All policies/proposals with a 'CC' prefix referred to below are those of the City Centre and University AAP.
4. 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).
5. The main planning considerations are the principle of the change of use; design considerations including impact on movement around this part of the city centre precinct as well as impact on its character and appearance, transport issues, sustainability, and other environmental issues including microclimate, noise and air quality. The consideration of these issues is explained in full below.

Principle of Development – Retail and Office

6. In order to deliver its vision of reinforcing the City Centre's role 'as a vibrant and thriving regional destination... as well as being a safe place of quality in which to live', the Core Strategy (Area Vision 3) encourages a diversification of City Centre functions to give more life outside shopping hours, including intensification of residential, office and cultural uses (including where appropriate, the introduction of tall buildings). The significant intensification it promotes (to include taller buildings at key locations) should 'offer visitors and residents a 24-hour life'.
7. Policy CS06 also welcomes development which improves the overall mix of uses in the city centre in order to assist with its objectives of improving its viability and vitality and creating a safe and accessible shopping environment.
8. In this location, the proposed replacement of a public house use (Use Class A4) with a mixed-use building comprising A1-A3 uses (as described in Section 2 of this report), offices, and student accommodation, fits well with this vision. It proposes an efficient use of previously developed land which will significantly intensify the use of the site, by introducing three distinct uses which bring significant benefits to the city centre for a number of reasons.
9. First and foremost, the proposal will bring a longstanding vacant/derelict building in this prime city centre gateway location back into use. As the site has been unused since 2009, reuse in itself will bring significant benefits to the immediate environment.
10. Turning to the uses proposed, the office units will support the city centre by locating workers where they can support shops and other services. The 267 students will bring similar benefits (in an area where there are currently few, if any, residential units), but will also bring activity, surveillance and vibrancy to the city centre outside normal working/shopping hours. The benefits brought by the shop unit will depend on which use it is put to, but A1 or A2 uses will bring surveillance and activity at this key location on walking routes between Eastlake St and Mayflower St/Cornwall St. An A3 café/restaurant use could bring further benefits by animating this area into the evenings. The office units (where

proposed) also have further benefits within the building itself by acting as a buffer between the food and drink and residential uses, thereby reducing noise transfer between these uses.

11. Whilst on the face of it the mix of uses proposed therefore appears to offer significant benefits to this part of the city it is necessary to consider each use in more detail.
12. The retail uses proposed in the shop unit receive support from proposal CC11. Whilst this policy sought specifically to support the delivery of a large new department store (Cornwall St west of Armada Way) alongside a major retail redevelopment proposal on the block containing this site, this proposal has clearly not come to fruition. However, the site remains within the City Centre's Core Retail District and continues to be considered suitable for retail led regeneration. The recent City Centre Masterplan (prepared by LDA Design as an evidence base document to the emerging Plymouth Plan) indicates a development of c16,000sq m of retail and c7000sq m of residential in this area, along with 416 parking spaces in a new multi-storey car park fronted with retail units. The current proposal has been designed specifically to support the objectives of this masterplan (this issue is discussed further in the design section later in this report) and would not undermine this development proposal in any way. Critically, the retail use proposed by this scheme will support this masterplan proposal (as it would the current shops on Mayflower St) by activating the key pedestrian desire line between Eastlake St and Mayflower St and drawing more shoppers onto Mayflower St.
13. Whilst neither proposal CC11 nor the City Centre Masterplan specifically envisaged office uses on this site, CS04 seeks to develop the city centre's role as the city's core location for new office development. The creation of new office units is welcomed in an environment where existing offices such as those at Mayflower House are being lost temporarily as part of redevelopment proposals. It is notable that proposal CC15 promotes offices and student accommodation (amongst other uses) rather than retail on the 'Northern Triangle' areas to the north of Mayflower St (both east and west). The City Centre Masterplan also promotes this as an office location, noting that office space 'can ensure greater degree and consistency of activity throughout all times of day and year...' compared to student accommodation as a single use. The inclusion of office space on this site, although just outside the CC15 boundary, would support the Northern Triangle objectives and is particularly important to balance the student accommodation proposed.

Principle of Development – Student Accommodation

14. Consideration of the need for a detailed policy on purpose built student accommodation in this area is underway as part of the Plymouth Plan work. Although there is no such policy within the adopted Core Strategy or City Centre & University AAP, other policies contain relevant wording: CS01 requires development to help support a sustainable linked community and CS15 deals with conversion of properties into flats or Houses in Multiple Occupation (although it does not deal specifically with students or purpose built accommodation).
15. The Development Guidelines SPD does, however, contain detailed guidance (paragraphs 2.8.46-2.8.54), including detailed guidance on transport considerations and standard of accommodation. Paragraph 2.8.46 is particularly relevant in setting the general approach:
16. Purpose-built student accommodation in the form of cluster flats and studio developments, in accessible locations, with on-site management staffing, relieves the pressure on family-sized dwellings in popular locations such as Mutley and Greenbank and Derriford and reduces the need for students to commute by car. The Council supports this form of student accommodation as long as it is well designed, provides a decent standard of accommodation and is suitably located to minimise any negative impacts on residential amenity.

17. Emerging Plymouth Plan policies are also relevant: Policy I identifies that it is important that every student feels welcome and has access to quality accommodation near their place of study. Policy 15 offers similar criteria for assessment, with the addition of regeneration objectives as an additional consideration:

The City will ensure that everyone has access to a decent, safe and affordable home, which is suited to their needs, promotes health and is located in a community where they want to live, by...

The LPA will contribute to meeting local housing needs by:

Supporting purpose built student accommodation in the form of cluster flats and studio developments where these are [i] in locations close to the education establishment, [ii] support wider regeneration objectives, [iii] are acceptable in terms of their impact on existing residential areas, and [iv] which provide decent accommodation with support facilities and appropriate provisions for on-going management of the development.

18. Considering each element of the emerging policy in turn:

i/ The site is very well located relative to the University.

ii/ The proposal supports the regeneration of the city centre in many ways (as discussed above) and will redevelop a long standing vacant unit. However, the degree to which a potential emerging concentration of student accommodation in this location could undermine regeneration objectives for the city centre is discussed below.

iii/ There is no residential context to the scheme (with the exception perhaps of a single flat within the Methodist Church complex which has not raised any objection), and therefore there is no potential for impact on a residential area

iv/ All units would have access to a laundry, student gym (37 sq m) and student cinema (54 sq m) in the basement, with a study room (59 sq m) and breakout room (55 sq m) at ground floor and a further small study room (17 sq m) at first floor. The units themselves are also reasonably sized, with all studios exceeding 20 sq m (typically 4m wide x 5m deep), and bedrooms to the cluster flats around 14 sq m (2.6m wide x 5.4m deep). The communal kitchen/diners/lounges to the cluster flats are also typically 20 sq m (shared between 3, 4 or 5 bedrooms). These sizes appear to compare favourably with other schemes consented recently and far exceed the housing room size minimum of 6.5 sq m.

19. The office and breakout room on the ground floor would allow for consultations or similar welfare facilities if these were needed to provide student support services.
20. The application is supported by a document setting out the proposed management arrangements (see summary in section 2 of this report) which will include on site staff during office hours, and trained student wardens with 24hr access to security services after hours. This document confirms that a comprehensive, professional and permanent management regime will be put in place, operating with the student occupiers and in collaboration with the Universities and the local community. Whilst key principles are set out, a pre-commencement condition (referencing the submitted document) will be needed to secure full details once an operator and student management team has been appointed to manage the scheme.
21. The applicant's submitted report mirrors the assessment above in relation to the location and type of product proposed, and explains why a higher quality product is proposed (they have confirmed separately that the scheme will target returning rather than first year students):

The proposed development would be extremely well located compared with market competitors, meaning that it is likely to have strong appeal. Its location adjacent to the University campus would be attractive, especially in a market where location is a key consideration. The

proposed room types would be placed into a competitive and growing marketplace, and the proposed rents would need to be coupled with a high specification product.'

22. Overall the scheme appears to satisfy the criteria set out in emerging policy and in the existing adopted SPD.
23. Whilst the specific regeneration benefits of student accommodation to the city centre are acknowledged by existing and emerging policies, and by supporters who have made representations to this application, there have also been objections to the introduction of additional student accommodation. In particular, the degree to which there is a need for purpose built student housing has been questioned, and it is clear that a significant number of purpose built student bedspaces are currently under construction. Whilst there is no policy requirement for a developer to demonstrate need, and consequently no justification for refusal in principle if the need for the development is in question, it is useful to consider issues of supply and demand.
24. In respect of demand, the applicant's report, prepared in support of the application by Cushman and Wakefield, concludes that:

'Student number growth at Plymouth University has been below the national average over the last five years, although the institution is recruiting an increasing number of students from outside the South West, raising the demand for accommodation bed spaces. It has also managed to increase its number of postgraduate students at a rate faster than the national average since 2009/10'

25. In terms of supply, PCC's own high level analysis (being undertaken in support of the development of Joint Local Plan planning policy in this area) suggests that there are around 5000 purpose built bedspaces in the city (some of which can be occupied by key workers as well as students), with a further 1300 currently under construction, equating to around 1 purpose built bedspace for every 3 full time (FT) students in the city.
26. The figures in the 2016 Savills UK Student Housing Report suggest stronger need than that suggested by PCC's own figure. It identifies Plymouth as having 4+ FT students for each purpose built bedspace, whereas it notes that one third of all full time UK students live in purpose built student accommodation. The report notes that a greater proportion of students are housed in purpose built accommodation in other cities, including Bristol and Cardiff (2.5-3.0: 1) and Liverpool, Manchester, Sheffield and Nottingham (2-2.5:1).
27. The applicant's own report states by way of a summary that:

'Despite recent stalls in recruitment and the development of additional accommodation stock, the student to bed ratio in Plymouth remains healthy, and will only fall to the national average with the development of the 2,000+ bed spaces in the planning pipeline. This should mean that products that offer good value and a great student experience should still be set to succeed in the Plymouth market.'

28. The report also notes that:

'the development of private sector accommodation has increased the quality of product available to students, and has allowed the University to raise the standard of stock it provides through nomination agreements.'

29. This is, however against the backdrop that

'Overall accommodation quality in Plymouth is below the national average, with the UPP stock [managed on behalf of the University] the poorest overall – largely a result of taking on older, standard bed spaces.'

30. Overall, officers' conclusion from this analysis is that, whilst demand appears to be less than that being reported by leading property consultants, there remains a demand for new purpose built accommodation in quantitative terms, as well as in qualitative terms.

31. The key planning test for any proposal is whether it would cause harm, either to its immediate locality, or by association to wider planning/regenerations objectives for the area. In this respect it is necessary to return to the University's concerns about the emergence of a potentially undesirable concentration in this locality. Proposal CCI5 encouraged a gradual change in this area 'so that it has a stronger relationship with the University and the North Cross office district'. Whilst offices, residential and hotel uses were also promoted, student accommodation has proved the most attractive to the market, and this has given rise to some concerns amongst objectors, including the University themselves.
32. These concerns reflect recent planning decisions which have approved significant numbers of student bedspaces to be managed by 3rd party operators (not by the University) in the 'Northern Triangle East' site (between Cobourg St, Mayflower St and Armada Way) as follows:
 - Beckley Court – 507 bedspaces (14/01329/FUL) – Under construction
 - Mayflower House – 490 bedspaces (15/01622/FUL) – Not yet commenced, although existing uses have been vacated to facilitate redevelopment.
33. If both completed, these two schemes, when coupled with the existing 214 bedspace 'Discovery Heights' building managed by Unite (at least 75% of which is students) could lead to there being 1211 students in this area. Whilst the application site is slightly removed from this area it is in very close proximity.
34. One of the University's concerns is that impacts from construction noise etc, may impact on student retention and students' perception of the University by disrupting students in existing accommodation nearby. This concern would apply equally to any development regenerating this part of the City Centre, and refusal on such grounds is not justifiable where impacts can be managed through conditions. Officers consider that this issue can therefore be mitigated by attaching conditions to secure the usual construction management plans.
35. More significant are the concerns about the concentration of bedspaces in a particular area. As set out above there are no existing residential communities in this part of the city centre whose amenity could be harmed; however, if a concentration were to generate social concerns such as noise and anti-social behaviour, these could undermine the wider regeneration objective of establishing a mixed community in the city centre as set out in policies CS15, policy CC04, and policies 12, 15 and 42 of the emerging Plymouth Plan.
36. It is firstly worth noting in this respect that although the schemes in question will accommodate a large number of students, because of their high rise nature and efficient use of land there will remain further sites through which development could deliver other types of housing to contribute to a broader housing mix. The indicative proposal for Cornwall St East in the City Centre Masterplan, for example, includes 92 residential apartments.
37. Secondly, it is notable that whilst the University raises concerns about the potential impacts of this concentration, they do not object in principle. In fact they confirm that they are supportive of schemes to improve residential provision for students, particularly where they are within easy reach of their teaching locations, as is the case with this site. They appear to suggest that the acceptability of the proposal rests with its management arrangements; their concern is that such matters are beyond their control if the scheme is managed by a private operator.
38. The applicant has, however, submitted a management plan with the application, and a condition is proposed to enable this to be confirmed once an operator for the development is in place. The plan confirms that a comprehensive, professional and permanent management regime will be put in place, operating with the student occupiers and in collaboration with the Universities and the local community. A dedicated specialist student management company

and team will be appointed and the building will be operated in accordance with ANUK Code of Standards for Larger Developments (www.anuk.org.uk).

39. An on-site management team will manage the site Monday to Friday 8.30am to
40. 5.00pm (times may vary depending on needs of service). The management team will consist of a Manager, administrative, cleaning and maintenance staff. Out of core hours cover will be provided by retained student wardens, with a mature outlook, who are resident on the site. At least one warden will be on call on a rota basis when the daytime site team is off duty. Student Wardens are employed by the managing agent under an annual contract of employment and receive a monthly salary. They have access to an on call security company to respond to any serious issues.
41. Officers have not been presented with any evidence that a concentration of this number of students cause any social or environmental harm, and there is no reason to believe that adequate management arrangements cannot be put in place for a scheme of this size. Similarly, officers do not consider that the concentration will be such that the wider objectives for city centre regeneration will be undermined.
42. On this basis, officers conclude that the principle of student accommodation in this location, and in the form proposed, is lent significant support from existing and emerging policy, and consider that alongside the other uses within the scheme, it could bring significant benefits to this part of the city centre in compliance with relevant policies/proposals CS01, AV03, CS04, CS06, CS13 and CS15; CC11 and CC04; and emerging Plymouth Plan policies 12, 15 and 42.

Housing Delivery and 5 Year Land Supply

43. 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. The July 2016 consultation on the Plymouth & SW Devon Joint Local Plan (incorporating the document formerly known as the Plymouth Plan) identifies a need for 21,000 new homes in the 'at Plymouth' area (the city's administrative boundary as well as some of its immediate environs in adjacent Local Authority areas) between 2014 and 2034.
44. When determining applications for residential development it is important to give consideration to housing supply. Although it is proposed to limit occupation of this scheme by planning condition, consideration must be given to student accommodation developments that result in additional dwellings to the dwelling stock (i.e. cluster flats).
45. 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"
46. 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."
47. 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.

48. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
- a. Available to develop now
 - b. Suitable for residential development in terms of its location and sustainability; and
 - c. 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.
49. Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision-taking this means:
- a. approving development proposals that accord with the development plan without delay; and
 - b. where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
 - c. 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”
50. 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.
51. 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

52. The proposal has been through a detailed pre-application process which has involved a presentation to the Devon Design Review Panel and a subsequent ‘Desktop Review’ where the panel commented on resultant changes made to the scheme. Similar development proposed on the site has also been subject to significant pre-application discussions (including Devon Design Review Panel sessions) under its previous ownership, and the design development work has been passed to the current owner. The scheme before members therefore represents the culmination of several years of design thinking which has evolved over numerous iterations, and officers agree (as does the design panel) that the scheme has improved greatly through that process.
53. The site occupies a challenging position insofar as it must address public areas to three of its four sides. Following several complex proposals, the footprint of the building has been rationalised and simplified such that it addresses each of its frontages successfully. The acquisition of the former Vibes music shop has helped the current owner to achieve this as previously rights of light to the shop’s side windows meant that the main building line along Mayflower St could not be continued. The building line is now continued before stepping forward such that it creates a ‘bookend’ in the streetscape when looking eastwards along Mayflower St. This approach is supported by officers and the design panel.

54. The north eastern elevation addresses the unnamed service road between the site and the Money Centre, and includes an active shop unit with significant glazing which will animate the busy pedestrian route between Drake Circus and Mayflower St. To the south the footway would extend into a terrace to the rear of the shop unit which will have a sunny south facing aspect and will create surveillance over the multi-storey car park and its perimeter access road. Both are currently unattractive and not subject to any overlooking. Officers consider this area of the site, which is also a key pedestrian route from Cornwall St to the car park and Mayflower St, will be radically improved by the scheme. These aspects of the scheme receive support from policy CS02 which encourages recognisable, legible routes, safe and attractive spaces surrounding buildings, and active frontages and surveillance.
55. Another major benefit brought by the scheme is that it creates a new pedestrian link from Cornwall St and the Car Park to Mayflower St to the west of the building. Whilst this footpath will be narrow, more glazing has been introduced on this elevation, and a condition will secure details of lighting. The major benefit of this change (also brought through the integration of the former Vibes record shop) is that the scheme protects land to enable the wider N-S link suggested by the City Centre Masterplan (as an intimate shopping street of the type not currently provided in the city centre) to be delivered in future. LDA Design (consultant author of the Masterplan acting on behalf of Plymouth City Council) has confirmed that the proposals would not prejudice the masterplan's aspirations in this respect.
56. The Design Review Panel were supportive of the scheme's height, and following review of a tall building analysis submitted as part of the Design and Access Statement, officers agree that the height proposed is acceptable in design terms. Although the scheme lies just outside the tall building zone, it is within the zone of intensification and occupies a gateway location on the edges of the historic Beaux Arts grid. In this respect it is considered acceptable when considered against policies CC01 and CS02. The views analysis shows that the building would not be especially dominant in the skyline in medium to long distant views. It would be most visible in views from Mountbatten, but from this viewpoint it would be set against the backdrop of Beckley Court, which once completed would remain the tallest and most prominent building in this view. Again the proposal is considered consistent with policy CS02 and the tall buildings part of the Sustainable Design SPD.
57. The form of the buildings has also been simplified through design evolution and it now reads as a simple but elegant form comprising two distinct elements. Each of these is treated differently in design terms. The materials proposed are high quality, with large expanses of Plymouth Limestone used as a cladding on the smaller block, and a varied blue/grey clay cladding system used on the taller half of the building.
58. Officers consider it essential that cladding systems on tall buildings are high quality, with a particular need to not accumulate dirt in the way that render does. There is also a need for the clay cladding to be high performance in this case as the design intentionally extends the cladding almost down to ground level making it potentially vulnerable to damage as well as dirt accumulation from vehicle pollution etc. The applicant is confident that the cladding system is suitably robust, and conditions are proposed to secure the final details of this system.

Adaptability

59. The applicant has provided a statement setting out how the building could be adapted to alternative uses in future in the event that the market changes and the demand for student accommodation reduces. This is important in sustainability and design as well as housing mix terms, as it will protect this large building from becoming redundant such that carbon emissions embodied through the construction of a building are not wasted through premature demolition. When constructing tall buildings in the city centre this is particularly

important to ensure that they would not stand vacant in future, blighting the environment. The statement seeks to demonstrate how the units could be reused as open market apartments with minimal intervention. Whilst some concerns are raised over the size of some 1-bedroom units (30sq m) compared to Plymouth's previous SPD space standards (46 sq m) and the emerging National Space Standards (37-50sq m), two studios combined would create a 1-bedroom flat (42sq m) in compliance with the 1-person national standard (37sq m), and the 2-bedroom unit shown (61sq m) would also meet the national standard (61sq m). Officers consider that the cluster flats could readily be adapted to larger flats and with further upgrading it would be possible to amalgamate some studios/cluster beds to create larger units. The applicant has also confirmed that the proposed (concrete frame) construction type would allow for all internal fit-out to be removed if desired to enable the building to be used as an office or similar. Overall, officers consider the building to be suitably adaptable for alternative uses in future if this becomes necessary so raise no objection subject to a condition which is proposed to ensure that the building is constructed in this way.

Public Realm, Landscaping and Biodiversity

60. The scheme proposes new hard landscaping to the edges of the roads around the site, plus an area extending across the turning head carriageway. All paving would be Granite in accordance with the Plymouth Paving Manual so is supported by design officers. The paving across the turning head is to be laid in alignment with the heavily used pedestrian cut-through between Drake's Circus and Mayflower St, and picks up on an existing striped pattern on Eastlake Street. Officers acknowledge that this route at present is either along a narrow footway or across part of the Methodist Centre car park. Whilst it is not clear whether there will be any scope to continue this directional theme in the near future, the paving would set a strong precedent which any improvement to the Methodist Centre car park could pick up on. Officers therefore support this aspect of the proposal on this key pedestrian route.
61. Two trees would be lost from large planters in the public realm, but two new trees are proposed by way of compensation. Whilst the loss is regretted, retention is not feasible as part this design. Details of the new planting will be secured by condition. Conditions are also needed to prevent any impact on the trees to the south of the Money Centre which are covered by a Tree Preservation Order, and to secure biodiversity benefits as set out in the submitted document.

Microclimate, including Sun and Daylighting

62. The application is supported by a wind study, shadow study, and a daylight/sunlight study which specifically considers its impact on the adjacent Money Centre (submitted in respect to an objection from its owner).
63. The wind study confirms that whilst there would be some impacts in the south west area where the rear student entrance is proposed, the scheme would not have a negative impact on the wind climate in areas which would affect other buildings. The entrance canopy at the rear is designed to mitigate the impacts in this area.
64. The Spring/Autumn equinox analysis shows that parts of the 5 storey office building to the north (Cobourg House) would be shadowed by the scheme until around 1pm, after which shadowing would be experienced only in the road and by the Money Centre. In mid-summer there would still be some overshadowing of Cobourg House in the morning, but this would be minimal, and no part of the building would experience shadowing from midday onwards.

65. The fact that a building is shaded does not, however, mean that it receives no daylight, as daylight is also reflected. A more sophisticated sun and daylight analysis has been carried out for the Money Centre in response to comments received from its owner who also wishes to redevelop their site for mixed-use purposes including student accommodation. Whilst the study concludes that the impacts on the existing office will be acceptable, the Money Centre has queried its findings and produced their own report which concludes that the scheme has significant negative impacts in respect of sun and daylight.
66. At the time of concluding this report discussions are ongoing between the applicant's and the objector's sun and daylight consultants. These discussions reflect the applicant's assertion that the differences between the results arise from the use of more or less detailed analysis using different computer software analysis. Officers await a further response from the applicant to understand whether the applicant has been able to reassure them that sun and daylight impacts will not be of significant detriment to the existing office building, or to the redevelopment potential of the site for alternative uses (as per current pre-application enquiry).
67. Officers will update committee on this issue by way of an update report.

Privacy

68. Although the Money Centre did not raise any concerns about loss of privacy, officers asked whether a solution to improve the distance between facing windows might be available given that the new building would be less than 14m from the existing Money Centre façade. The applicant has amended the scheme to include projecting Oriel windows which allow light in from both sides, but only give occupants a view in a south easterly direction. These will protect the privacy of future occupiers as well as the potential for residential occupation/redevelopment of the Money Centre. They will also improve solar gain into the units on this side, and are likely to afford good views over Sutton Harbour to Staddiscombe and beyond from the higher floors.

Noise

69. The former Voodoo lounge nightclub at the ground floor of the adjacent Money Centre complex has reopened during the course of this planning application under the name 'Mambos'. Its licence permits it to open until 04.30AM. In recognition of this fact, the applicant has carried out a further noise study, including a survey of noise from Mambos on what the public protection agree would be a typical winter evening. In response, the acoustic performance of the building's façade and windows is to be uprated, including the provision of a mechanical ventilation system which will mean that future residents do not need to open their windows to gain adequate ventilation. These requirements are secured by condition, along with uprated acoustic performance in the floor between the commercial and student uses.
70. Conditions are also proposed to control the proposed retail unit such that issues such as opening hours, deliveries and waste collection do not impact on the amenity of the future occupiers of the site, particularly if it is occupied as an A3 café/restaurant use into the evenings.

Air Quality

71. The site is within the Air Quality Management Area (AQMA) declared due to exceedances of the annual mean nitrogen dioxide (NO₂) objective. In addition, the new building would create a street canyon with the adjacent buildings along Mayflower Street which may result in

a worsening of air quality. The application is therefore supported by an air quality assessment which assesses the risk that pollutant concentrations at the site may exceed the relevant air quality objectives and the development would result in new exposure within a location of poor air quality.

72. However, the air quality assessment predicts a negligible impact on 1-hour NO₂ and 24-hour PM₁₀ concentrations as a result of the new street canyon, meaning that the impact on existing receptors would be negligible. Furthermore the receptors adjacent to the Site along Mayflower Street are commercial or retail and therefore are not relevant exposure in terms of the annual mean objectives.
73. The public protection service agrees with these findings, and officers therefore conclude that no specific air quality mitigation measures are necessary.

Flood Risk and Surface Water Drainage

74. Surface Water is to be captured on site and attenuated in two tanks beneath the footways (there is also scope for further attenuation if required in the basement) before being released at a total discharge rate of 10ltrs/second into a SWW surface water drain. Neither the Environment Agency nor the Lead Local Flood Authority (LLFA) raise objections to the scheme, and the submitted drainage strategy includes confirmation that South West Water is also happy with the strategy proposed. A green roof has recently also been added to the scheme in line with a request made by the LLFA. The strategy and its constituent parts are to be secured by condition.

Sustainable Energy

75. The energy strategy for the site is based upon the 'lean, clean, green' approach which is the generally accepted hierarchical approach to saving carbon emissions through reducing energy demand, using energy efficient systems, and providing zero carbon/renewable technologies on site. The proposal is for gas fired Combined Heat and Power (CHP) delivering domestic hot water and electricity (for communal areas and student space heating). Further electricity is to be provided through Solar Photovoltaics (PV) to be provided at roof level. Air Source Heat Pumps are also proposed to serve the office and retail units. Whilst the scheme would be unlikely to connect to a City Centre district heat scheme until replacement of the CHP engine is needed, the applicant has agreed to future proof the scheme to allow a future connection, and has also agreed to make a financial contribution of £100,000 towards the establishment of the network.

Transport Implications

76. The Local Highway Authority and Planning Officers agree that subject to conditions there are no transport reasons to justify refusal of the application. A car-free development for students in this location is acceptable in line with the Development Guidelines SPD and emerging policy guidance, and public car parking around the site is plentiful for visitors to all the uses proposed.
77. The site is in close proximity to University and City Centre facilities so all facilities (including a large supermarket) are immediately accessible from the site on foot. The applicant has also agreed to make a S106 contribution towards strategic transport. Whilst this is part of a wider scheme for Charles Street, the amount is equivalent to the estimated cost for the provision of an improved replacement pedestrian crossing over Charles St between the Jigsaw Garden and Tavistock Place. This will significantly improve pedestrian accessibility

between the site and the numerous student facilities and accommodation which exist in this area as well as Plymouth College of Art itself. Public realm improvements immediately around the site are also proposed, and are discussed under the design section of this report.

78. Adequate cycle parking (130 for students) and refuse storage facilities are proposed, and a full Travel Plan will be secured by condition. The submitted Travel Plan makes reference to the University Travel Plan and proposes measures to promote walking, cycling and bus use, including info and advice; a covenant in tenancy agreements to prevent able bodied tenants from keeping a car. The management plan also confirms that residents will not be permitted to join any residents' parking scheme. Arrangements for review include a residents' survey 6 months after first occupation; annual review in consultation with PCC and a formal review with PCC after five years.
79. The management plan and Travel Plan both propose a regime to manage drop-off and pick-up at peak times such as the start and end of term, and officers consider the 2 loading spaces proposed, along with the multi-storey car park to the rear and on-street parking to the front to be adequate (subject to management as proposed).

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 Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule.

11. Planning Obligations

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

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

- Strategic Transport (Tavistock Place pedestrian crossing, forming part of the Charles Cross and Exeter St Improvement Scheme)
- Low Carbon
- Local/Strategic Greenspace & Playing Pitches

The submitted viability appraisal has been scrutinised by development viability officers, who agree that reduction of S106 contributions to £325,000.00 is justified. Since this time, officers have negotiated an additional £25,000.00 through negotiations on the site energy strategy. The final agreed package therefore equates to £350,000.00 to be split as follows:

- | | |
|---|-------------|
| • Strategic Transport (Tavistock Place pedestrian crossing) | £217,000.00 |
| • Low Carbon | £100,000.00 |
| • Playing Pitches: | £33,000.00 |

12. Equalities and Diversities

The building will incorporate new, accessible retail/cafe unit and office floor space. 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, subject to final confirmation of impacts upon sun and daylighting to the Money Centre office building adjacent, the proposal accords fully with the adopted development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7. Officers consider that the scheme would bring significant regeneration benefits to this part of the City Centre. These include redevelopment of a derelict site through the introduction of a good mix of uses which make efficient use of land, provide for additional employment and retail/café floorspace and purpose-built student accommodation. The introduction of these uses fully supports regeneration objectives for the City Centre by introducing new facilities that will significantly improve the environment on this heavily trafficked walking route, as well as new residents and workers who will support shops, business and other facilities and bring safety and security improvements to the wider City Centre. The design of the proposal at this gateway location at the entrance to the Abercrombie grid (policy CS02) is high quality and subject to final confirmation of sun and daylight impacts its local environmental impacts (including transport) have all been assessed and found to be acceptable.

14. Recommendation

In respect of the application dated **01/06/2016** and the submitted drawings ASI5.11 L.01.00 P2 SITE LOCATION PLAN; ASI5.11 L.06.00 P2 DEMOLITION PLAN; ASI5.11 L.01.01 P4 PROPOSED SITE PLAN; ASI5.11 L.02.00 P4 BASEMENT FLOOR LEVEL; ASI5.11 L.02.01 P4 GROUND FLOOR LEVEL; ASI5.11 L.02.02 P3 FIRST FLOOR LEVEL; ASI5.11 L.02.03 P3 FLOOR LEVELS 2-12; ASI5.11 L.02.04 P4 FLOOR LEVELS 13; ASI5.11 L.02.05 P3 FLOOR LEVELS 14-15; ASI5.11 L.02.06 P4 FLOOR LEVEL 16; ASI5.11 L.93.00 P5 EXTERNAL WORKS DRAWING; ASI5.11 L.93.01 P3 EXTERNAL WORKS - REFUSE and CYCLE STORAGE; ASI5.11 L.04.01 P3 PROPOSED EAST ELEVATION; ASI5.11 L.04.02 P3 PROPOSED SOUTH ELEVATION; ASI5.11 L.04.03 P3 PROPOSED WEST ELEVATION; ASI5.11 L.04.04 P3 PROPOSED NORTH ELEVATION; ASI5.11 L.03.00 P2 PROPOSED SECTIONS - Sheet 1; ASI5.11 L.03.01 P3 PROPOSED SECTIONS - Sheet 2; ASI5.11 L.32.00 P1 PROPOSED WINDOWS - 'EYELID' OPAQUE GLAZING; ASI5.11 S.06.00 P3 ACCOMMODATION SCHEDULE; it is recommended to: **Grant Conditionally Subject to a S106 Obligation. Delegated Authority to Assistant Director for Strategic Planning & Infrastructure to refuse if agreed timescales are not met by the applicant.**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 due to the need to accelerate housing delivery in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) of the Local Development Framework Core Strategy and Policy 46 of the Plymouth Plan.

CONDITION: APPROVED PLANS

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

- AS15.11 L.01.00 P2 SITE LOCATION PLAN;
- AS15.11 L.06.00 P2 DEMOLITION PLAN;
- AS15.11 L.01.01 P4 PROPOSED SITE PLAN;
- AS15.11 L.02.00 P4 BASEMENT FLOOR LEVEL;
- AS15.11 L.02.01 P4 GROUND FLOOR LEVEL;
- AS15.11 L.02.02 P3 FIRST FLOOR LEVEL;
- AS15.11 L.02.03 P3 FLOOR LEVELS 2-12;
- AS15.11 L.02.04 P4 FLOOR LEVELS 13;
- AS15.11 L.02.05 P3 FLOOR LEVELS 14-15;
- AS15.11 L.02.06 P4 FLOOR LEVEL 16;
- AS15.11 L.93.00 P5 EXTERNAL WORKS DRAWING;
- AS15.11 L.93.01 P3 EXTERNAL WORKS - REFUSE and CYCLE STORAGE;
- AS15.11 L.04.01 P3 PROPOSED EAST ELEVATION;
- AS15.11 L.04.02 P3 PROPOSED SOUTH ELEVATION;
- AS15.11 L.04.03 P3 PROPOSED WEST ELEVATION;
- AS15.11 L.04.04 P3 PROPOSED NORTH ELEVATION;
- AS15.11 L.03.00 P2 PROPOSED SECTIONS - Sheet 1;
- AS15.11 L.03.01 P3 PROPOSED SECTIONS - Sheet 2;
- AS15.11 L.32.00 P1 PROPOSED WINDOWS - 'EYELID' OPAQUE GLAZING;
- AS15.11 S.06.00 P3 ACCOMMODATION SCHEDULE;

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: CONSTRUCTION MANAGEMENT PLAN

(3) Prior to the commencement of the development hereby approved (including demolition of existing buildings), 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 management plan 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. The management plan should also set out proposals for:

- i/ The location and proposed operation of any site construction compound (notwithstanding part 4 of schedule 2 to the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended),
- ii/ Proposals for the management of construction traffic, including vehicles removing waste materials from the site, those delivering new construction materials, and staff/contractor car parking
- iii/ method statements for the protection of the drainage system and water environment is protected during demolition and construction.
- iv/ details of works to be carried out in the vicinity of the Holly and Eucalyptus trees located to the east of the turning head at the south side of The Money Centre, which are subject to Tree Preservation Order 458, and any measures (as relevant) necessary to protect those trees with reference to BS5837

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 as approved.

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 cause pollution or undue impact on local amenity such as disturbance to local residents or disruption to traffic and parking.

PRE-COMMENCEMENT: CONTAMINATED LAND

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

Section 1. Site Characterisation

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

The report of the findings must include:

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

(ii) an assessment of the potential risks to:

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

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

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

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning

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

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

Reason:

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

Justification for pre-commencement:

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

PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS PLAN

(5) 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 benefits of the construction process are available to local people.

PRE-COMMENCEMENT: ARCHAEOLOGY

(6) No construction shall be commenced (except for the demolition of existing buildings) until the applicant (or their agent or successors in title) has secured and implemented a programme of

archaeological work to include an archaeological watching brief to establish the nature and extent of preservation of any surviving remains which may be present and to make a record of such remains prior to any impact caused by the development.

The development shall be carried out in strict accordance with the approved scheme, or such other details as may be agreed in writing in advance by the Local Planning Authority.

All of the above shall be agreed in accordance with a WSI (written scheme of investigation) which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification for pre-commencement:

To ensure that any archaeological deposits (potentially the Drake's Leat) can be appropriately investigated and recorded prior to any potentially destructive below-ground works.

PRE-COMMENCEMENT: SURFACE WATER DISPOSAL

(7) No development (except for the demolition of existing buildings) shall take place until further details of the proposed drainage system have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of how impacts on the system from surface water from beyond the site will be prevented.
- exceedance flow routes (and associated mitigation as relevant) for flood events greater than the design standard for the drainage scheme, which shall ensure that any exceedance flows are contained on site and directed away from public areas
- detailed design including pipe types and sizes, manhole schedule and details of silt traps and interceptors. Pipe types and sizes for the proposed drainage system should be identified. The system including manholes and pipes should be designed in accordance with Sewers for Adoption 7th Edition (WRc 2012) where appropriate.
- management and maintenance arrangements for the system

The drainage system, which unless otherwise agreed in writing by the Local Planning Authority shall be in accordance with the submitted 'flood risk and drainage strategy' by Wardell Armstrong dated 06 May 2016, shall be implemented in accordance with the details once approved.

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, and that an as built record information including attenuation systems has been submitted.

The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

Justification for pre-commencement:

To ensure the drainage provisions within the development, which include the need for below ground works and the specification of finished ground levels, are adequately designed before development commences such that undue problems to the wider drainage infrastructure are not caused

PRE-COMMENCEMENT: STRUCTURAL APPROACH AND ADAPTABILITY

(8) No development (except for the demolition of existing buildings) shall commence until a statement confirming the structural approach to the proposed construction has been submitted to and approved in writing by the Local Planning Authority. The statement shall confirm that the structural approach will facilitate the future adaptation of the building to alternative uses as confirmed by the applicant during the assessment of the application (Design and Access Statement Addendum supplemented by minutes to 15 November 2016 meeting, agreed 24 November).

Reason:

In order to ensure the future adaptability of the building to alternative uses in the interests of good design and sustainable resource use in accordance with policies CS02, CS20 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 15 and 19 of the National Planning Policy Framework 2012.

Justification for pre-commencement:

To ensure that the building is to be constructed in a manner suitable for future conversion to alternative uses (if necessary) prior to the commencement of construction.

Other Conditions

INTERIM SITE RESTORATION MEASURES

(9) In the event that redevelopment of the site has not commenced within 6 months of the date that demolition of the existing (above ground) building(s) has been commenced, a scheme of site restoration works, including the erection of two metre high hoardings around the perimeter of the site shall be submitted to the Local Planning Authority (within the same time period) for approval in writing. The scheme shall be implemented in accordance with that approval within 3 months of that approval unless otherwise agreed in writing by the Local Planning Authority, and shall be maintained as such until redevelopment of the site commences.

Reason: - In order to preserve the visual amenity of this part of the City Centre 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 .

BEFORE RELEVANT WORKS: DESIGN DETAILS

(10) Further details of the following elements of the building design shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site. Details shall include samples where specified, if possible in the form of a single composite panel erected on site (accompanied by a written specification) to enable consideration of individual materials side-by-side:

- a/ Cycle compliant steps down to basement level
- b/ Retaining wall and balustrade forming external terrace
- c/ Entrances (including canopies)
- d/ Junctions of plinth with cladding
- e/ Typical window openings to demonstrate reveals and heads
- f/ Oriel windows
- g/ Plymouth limestone rainscreen cladding (sample including joint and fixing details)
- h/ Clay rain screen cladding in different colours (samples including joint and fixing details)
- i/ PPC aluminium for insulated cladding panels (sample including joint and fixing details)
- j/ Louvres other than plant screen (sample and typical junction detail)
- k/ Roof level plant screen, showing relationship to roof level plant proposed
- l/ Flashings/copings/lining (sample and typical junction detail)
- m/ Granite paving (samples)

The relevant part of the building shall thereafter be constructed only in accordance with the approved details.

PRIOR TO RELEVANT WORKS / PRE-OCCUPATION

(11) No hard-landscaping or works to the public highway shall be commenced unless otherwise agreed in writing by the Local Planning Authority until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads, footways and hard landscaped areas forming part of the development have been submitted to and approved in writing by the Local Planning Authority.

The package of works shall include:

- i/ Highway Improvement works to the turning head in the unnamed service road;
- ii/ Junction amendment,
- iii/ New pedestrian link to the west of the building, which notwithstanding its absence from the approved drawings shall include a build-out/pedestrian refuge arrangement to protect pedestrians where the new link joins the car park service road
- iv/ Creation of a demarcated route adjacent/within the car park service road to link the pedestrian refuge to the footway route south of the proposed terrace
- v/ Footway improvement works and proposed terrace as shown on approved plans
- vi/ Drop-off/loading/unloading bays to west of proposed terrace as shown on approved plans

The works shall be completed in accordance with that approval prior to the first occupation of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To provide a road and footpath pattern that secures a safe, convenient and high quality environment in the interests of highway and pedestrian safety in accordance with Policies CS28 & 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-OCCUPATION: ACOUSTIC TREATMENT

(12) Construction of the building hereby permitted shall be completed in accordance with the recommendations of Section 6 of the submitted 'Assessment of Glazing Requirements' Report (Acoustic Associates South West Ltd), dated 31st October 2016, or in accordance with an alternative scheme of acoustic mitigation which has first been submitted to and approved in writing by the Local Planning Authority, prior to occupation of the student accommodation hereby permitted.

The development should be built in such a way that it meets BS8233:2014 Good Room criteria, meaning there must be no more than 35 dB Laeq for living rooms and bedrooms (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).

Measures set out in the submitted report include:

- uprated acoustic treatment to facades
- uprated acoustic treatment to windows
- mechanical ventilation designed to enable windows to remain closed when necessary
- uprated acoustic separation to ceiling/floor between the commercial uses at first floor level and the student accommodation at floor level 2

The acoustic measures shall thereafter be retained and maintained in accordance with that approval unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the residents from unwanted noise, after occupation of the building avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRIOR TO OCCUPATION: NOISE VERIFICATION

(13) Prior to occupation of the student accommodation hereby approved the applicant shall submit in writing for approval a noise verification report demonstrating compliance with the levels required in the condition above.

Reason: To protect the residents from unwanted noise, after occupation of the building to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRIOR TO VENTILATION/EXTRACT/A/C: NOISE CONTROL MEASURES

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

The approved schemes when implemented in accordance with the approved details shall not be altered or varied without prior approval of the local planning Authority.

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 to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PRIOR TO A3 EXTRACTION: ODOUR CONTROL MEASURES

(15) Prior to the installation of any mechanical kitchen extract ventilation system for the A3 use hereby permitted, a scheme for the installation of the equipment to control the emissions of fumes and smell from the premises shall be submitted to and approved in writing by the local planning authority. The approved scheme shall thereafter be implemented in accordance with that approval and the system and its filters maintained in accordance with the manufacturers instructions.

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

PRE-OCCUPATION: LOW CARBON ENERGY

(16) Construction of the building hereby permitted shall be completed (and thereafter permanently maintained) in accordance with the recommendations of the submitted 'Former Good Companion Site Energy Statement' (Consolux M&E Consulting Ltd), dated 23rd November 2016, or in accordance with an alternative scheme to reduce carbon dioxide emissions (supported by energy use and carbon dioxide emissions calculations) which has first been submitted to and approved in writing by the Local Planning Authority. Any energy strategy for the site must allow for future connection to a local district heating network in line with current best practice.

Reason:

To ensure that the development incorporates onsite renewable energy production whilst allowing for future district heating connection in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy CC05 of the City Centre Area Action Plan (2010), the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

PRIOR TO OCCUPATION: SOFT LANDSCAPING

(17) Soft landscaping at the site shall be provided in full in accordance with a scheme to be submitted to and approved in writing in advance by the Local Planning Authority prior to the first occupation of the building hereby approved unless an alternative timetable is agreed in advance in writing by the Local Planning Authority. The submitted details shall include (but not necessarily be limited to):

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

ii/ Details of proposed sedum green roof

iii/ A landscape management plan, including long term objectives, management responsibilities and maintenance schedules

If within a period of five years from the date of planting any tree (or other planting), or any tree (or other planting), 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, replacement planting of the same species and size as that originally planted shall be planted in the same location, unless the Local Planning Authority gives its written consent to any variation.

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.

PRIOR TO OCCUPATION: BIODIVERSITY MEASURES

(18) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be constructed in accordance with the submitted Ecological Survey and Assessment Report (Code 7 Consulting, March 2016) prior to first occupation, except that the swift boxes shall be located on either the northern or eastern aspects in locations to be submitted to and approved in writing by the Local Planning Authority.

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.

PRE-OCCUPATION: LIGHTING DETAILS

(19) The building hereby approved shall not be occupied until a scheme of external artificial lighting has been fully implemented in accordance with details submitted to and approved in writing by the Local Planning Authority in advance. The lighting scheme shall thereafter be permanently maintained in accordance with that approval.

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site and members of the public passing through/adjacent to it in the interests of safety and security [and that it does not interfere with navigation], in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 125 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PARKING

(20) The relevant part of the building hereby approved shall not be occupied until provision for the parking of bicycles has been made as follows:

- 1 'Sheffield' cycle stand to be provided (in accordance with details to be submitted to and approved in writing in advance by the Local Planning Authority) in the footway outside the student/office entrance for use by the office unit
- 2 'Sheffield' cycle stands to be provided in the footway to the south of the café in accordance with approved drawings ASI5.11.L.02.01P4, for use by the ground floor retail unit
- 130 spaces at basement level space has been laid out within the site in accordance with approved drawings ASI5.11.L.02.00P4 and ASI5.11.L.93.01P3

The cycle parking shall thereafter be maintained in accordance with that approval, and shall remain permanently available for its intended purpose and shall not be used for any other purpose without the prior written 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: TRAVEL PLAN DETAILS

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

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

establishment or use of car clubs

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

Reason:

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

PRIOR TO OCCUPATION: BIN STORES

(22) The refuse and recycling storage areas shown on the approved plans shall be provided in accordance with those plans prior to the occupation of the unit(s) to which they relate. The stores shall thereafter be maintained free of obstruction and used only for their intended purpose unless agreed in writing by the Local Planning Authority. All waste and recycling associated with the development shall thereafter be stored only in the storage areas shown on the approved plans, except on the day of collection when bins can be presented for collection from the outside of the building.

Reason:

To ensure that the amenity of the area is protected and that highway and pedestrian safety is not compromised by waste storage receptacles in accordance with policy CS34 of the Plymouth Local Development framework Core Strategy 2007.

PRE-OCCUPATION: ACCOMMODATION MANAGEMENT PLAN

(23) None of the student rooms/units hereby permitted shall be occupied until a final site management plan has been submitted to and approved in writing by the

Local Planning Authority. The management plan shall be in general accordance with the approved management plan dated 22 March 2016 (Academy Property Consultants) but shall provide more specific details of the proposed management arrangements, including details of:

- accommodation/management standards to be adhered to
- relationship to Plymouth University accommodation office
- staffing of the site, including hours that staff will be available on site

- warden provision (or alternative management arrangements for out-of hours management), including details of warden selection criteria and training
- security arrangements, including security service response out of hours
- arrangements for neighbours or members of the public to report concerns about occupiers/management of the building
- arrangements for residents to access welfare facilities
- management of communal facilities
- drop-off and pick up (residents moving in and out) arrangements, including any specific measures required to manage vehicles at the busiest times

The property shall thereafter be managed in accordance with the approved management plan, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To ensure that the accommodation is of a good standard and well managed in order to protect future residents whilst protecting the amenities of the area and the aspiration of attracting further residential uses to the city centre, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy CC04 of the City Centre & University Area Action Plan (adopted 2010) and paragraph 123 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: MAINTENANCE SCHEDULE

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

ONGOING: RESTRICTION ON OCCUPATION

(25) 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.

ONGOING: LIMIT ON BEDSPACES

(26) No more than 267 bedspaces shall be provided as part of this development. 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 acceptability of any additional occupation at the site would require further consideration to enable its impacts to be considered. This condition is in accordance with policy CS15 of the Plymouth Local Development Framework Core Strategy

ONGOING: USE OF LOADING AREAS

(27) The land indicated on the approved plans for drop off / loading and unloading of vehicles shall be permanently maintained for such purposes and 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, and paragraph 32 of the National Planning Policy Framework 2012.

ONGOING: A3 OPENING HOURS

(28) Any A3 use (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: 0630 - 0000 hours Monday - Saturday; 08.00-23.00 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.

ONGOING:DELIVERY AND REFUSE HOURS

(29) Deliveries and refuse collections shall be taken at or dispatched from the site only between the hours of 08.00-18.00 Monday to Saturday, and no deliveries or refuse collections shall be taken at or dispatched from the site on Sundays or bank 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, 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

ONGOING: NO VINYL ON WINDOWS

(30) Notwithstanding Section 55(2)(a) of the Town and Country Planning Act 1990 (as amended), the windows at ground and first floor shall remain visually transparent - 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 agreed in writing by the Local Planning Authority.

Reason:

To maintain the character and appearance of the shopping frontage and the safety and security benefits brought by overlooking through these windows, in accordance with Policies CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

ONGOING: NO ADDITIONAL ROOF PLANT

(31) 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 appearance is maintained to a high standard 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.

Informatives

INFORMATIVE: ARCHAEOLOGY

(1) A list of Archaeological Contractors who have undertaken work within Plymouth to a satisfactory standard is available from the Historic Environment Team, Strategic Planning & Infrastructure, Plymouth City Council, T +4401752304366

INFORMATIVE: CODE OF PRACTICE

(2) The Construction 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 in addition to measures specifically requested in the condition 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.

You are advised to ensure that any permissions needed (including the agreement of the landowner) are in place for any proposals for any site construction compound.

INFORMATIVE: LANDSCAPING OF TRIANGLE AREA

(3) The applicant is reminded of their agreement to include the grassed triangle area to the south of the building in a hard and/or soft landscaping scheme for the site for which details are to be submitted to discharge condition(s) attached to this consent.

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

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

INFORMATIVE: TRAVEL PLAN

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

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

INFORMATIVE: NESTING SEASON

(6) You are hereby advised that it is an offence under the Wildlife and Countryside Act to damage or destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

INFORMATIVE: DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

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

INFORMATIVE: S106 DECISION

(8) You are advised that this planning permission was granted subject to a legal agreement under S106 of the Town and Country Planning Act 1990. This agreement may contain obligations on the applicant and should therefore be read alongside this decision notice.

PLANNING APPLICATION REPORT



Application Number	17205	Item	06
Date Valid		Ward	Radford

Site Address	LAND KNOWN AS THE BOTTOM FIELD, RADFORD, PLYMOUTH		
Proposal	An application to register the land as a town or village green		
Applicant	Mr Jonathan Parlour		
Application Type	Village Green		
Target Date		Committee Date	Planning Committee: 15 December 2016
Decision Category			
Case Officer	Julie Parkin		
Recommendation	The amended application site should be added to the register of Town and Village Greens		

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1. Description of site

1.1 Land known as the Bottom Field in the Radford Ward, Plymouth. Specifically the land is to the rear of 4, 6 and 8 Westcombe Crescent and rear of 25 – 39 (odd) Broom Park. It is bounded by Hooe Road in Plymstock.

2. Introduction

2.1 A town or village green is land that is subject to the right of local inhabitants to enjoy general recreational activities on it. Registered greens are protected under statute from encroachment and development.

2.2 Plymouth City Council is the Registration Authority for town or village greens and this means it must maintain a register of all those registered within its registration area. It must be made clear that this application is therefore before the Committee not in its capacity as the Local Planning Authority but as the Town or Village Green Registration Authority.

2.3 The relevant legislation for this particular application is the Commons Act 2006 (the Act) and its associated Regulations.

2.4 The benefits of registering land as a village green are to:

- Secure permanent recording of the land as a town or village green,
- Protect the land from development and other forms of detrimental activity
- Secure the right of local people to enjoy the land for recreation in perpetuity.
- Give the registered land a new status as land for the community, to be valued and enjoyed
- Ensure that existing and prospective owners are aware of the established recreational function of the land.

2.5 However, certain criteria must be met under section 15 of the Act to enable land to successfully be registered as a green.

2.6 Careful consideration must be given to all applications as if successful they can and will place restrictions on the land owner's use of the land.

2.7 Certain checks need to be undertaken by any applicant prior to submitting an application to ensure that there is nothing preventing the registration of the land as a green, such as there is a current planning application for the land which has yet to be determined.

2.8 Once it has been established that there is nothing preventing the possible registration consideration must be given by the applicant to the essential criteria and the tests needed for a green. The ones relevant for this particular application are those in Section 15(2) of the Commons Act 2006. These are as follows:

“(a) a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years.”

and

“(b) they continue to do so at the time of the application.”

2.9 Therefore, it is incumbent upon any applicant to submit with their application for registration evidence to support all the essential criteria. The application is then submitted to the relevant Registration Authority for detailed consideration and determination.

3. Process for Determination

3.1 The process for consideration and determination by Plymouth City Council as the Registration Authority is that the application will be allocated to a case officer who will process and progress the application. The authority to make a final decision of any town or village green application is with the Planning Committee as set out in its Terms of Reference. However:

- a) if there are objections which raise issues worthy of being tested orally; or/and
- b) where the evidence is finely balanced; or/and
- c) where the Registration Authority have an interest in the land; or/and
- d) where points of law arise

3.2 The Registration Authority has the discretion to appoint an independent person to advise it as to whether the application should be accepted or refused. This is usually undertaken by way of a public inquiry.

3.3 An inquiry for this purpose, set up at the discretion of the registration authority and not as a requirement of law is, therefore, a ‘non-statutory inquiry’.

3.4 If an inquiry is held the independent inspector will consider in detail the evidence and then prepare a report with his recommendation. The Council as Registration authority will then determine the application on the basis of the advice provided from the inspector and the evidence submitted.

3.5 With regard to the final decision there is no right of appeal, however, a landowner can under Section 14(b) of the Commons Registration Act 1965 apply to the high court to rectify the register of town or village greens to delete the registration of a new green. Further both parties do have the right to apply for permission to challenge any decision by way of a judicial review in the high court.

4. The Application

4.1 The Application for The Bottom Field was submitted by Mr John Parlour (the Applicant) of 10 Broom Park, Plymstock on the 18 February 2013. The Applicant provided justification for the application, along with other evidence. This included photographic evidence, various correspondence, site plans and numerous completed evidence questionnaires. Further evidence was provided before the Inquiry.

4.2 The Application was advertised and one objection was received on the 24 April 2014 by the Registration Authority from the landowner, Lancrest Properties Limited (the Objector).

4.3 The Applicant was provided with an opportunity to respond to the objections made to the Registration Authority. These were received on the 28 August 2014.

4.4 Advice was obtained from an independent legal advisor as to whether the issues between the parties could be dealt with in correspondence. It was considered that due to the need to clarify certain important points and to afford all parties a fair and equal opportunity it would be more effective to hold a public inquiry.

5. The Inquiry

5.1 The Inquiry was held on the 19 and 20 July and Mr Alun Alyesbury M.A., Barrister at Law was appointed as the independent inspector. At the Inquiry submissions were made by the Applicant and the legal representative for the Objector. The Applicant called various witnesses who gave oral evidence and who were subjected to cross examination and also questions from the Inspector.

5.2 The Inspector had visited the site the day before the Inquiry and undertaken an unaccompanied site visit. However, an accompanied formal site visit, with the Applicant and the Objectors representative was carried out on the second day of the Inquiry.

5.3 It should be noted that during the course of the Inquiry it was agreed with all parties by the Inspector to amend the site plan to exclude certain areas from the application.

6. The Inspector's Report

6.1 The Inspectors report was received by the Registration Authority on the 1 September 2016 and sets out in detail the evidence submitted by both the Applicant and Objector and all the witnesses who gave oral evidence. Further it shows how the Inspector considered the specific criteria in the Act and assessed these in light of the evidence.

6.2 Finally the report contains the Inspectors conclusions and recommendation based upon the legal issues and evidence.

7. Conclusion

7.1 In this particular case the Planning Committee have the benefit of a detailed Inspectors report which sets out a clear recommendation. The recommendation is:

“Accordingly my recommendation to the Council as Registration Authority is that the land of the amended application site **should** be added to the Register of Town or Village Greens, pursuant to the Applicant’s application under **Section 15(2)** of the **Commons Act 2006**, for the reasons given in my Report.”

7.2 It should be noted that if the committee were minded to refuse the application then there would need to be evidence provided to support this which supports a different assessment from the current Inspectors recommendation and evidence already submitted. Detailed reasons would also have to be given for this contrary decision.

7.3 It is the officer’s view that there are no reasons to refuse this application and on the basis of the Inspectors report and recommendation the Registration Authority should proceed to register the amended application site as a green.

8. Recommendation

In respect of the application dated 18 February 2013 it is recommended that the Registration Authority should add to the Register of Town or Village Greens the amended application site subject to the Applicant’s application under Section 15(2) of the Commons Act 2006 for the reasons as set out in the Inspectors Report.

9. Reasons

See Inspectors Report

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PLANNING COMMITTEE

Decisions issued for the following period: 14 November 2016 to 5 December 2016

Note - This list includes:

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

Item No 1

Application Number: 16/01044/FUL **Applicant:** Aldi Stores Ltd
Application Type: Full Application
Description of Development: Erection of a Class A1 foodstore (1,842sqm gross floor area) with associated access, car parking and landscaping
Site Address LAND AT SOUTHWAY DRIVE SOUTHWAY PLYMOUTH
Case Officer: Ali Wagstaff
Decision Date: 29/11/2016
Decision: Grant Conditionally

Item No 2

Application Number: 16/01100/FUL **Applicant:** EOP II PROP CO I S.A.R.L
Application Type: Full Application
Description of Development: Erection of drive-thru restaurant (Class A3/A5) with access and servicing arrangements, car parking, landscaping and associated works
Site Address LEGACY PLYMOUTH INTERNATIONAL HOTEL, 270
PLYMOUTH ROAD PLYMOUTH
Case Officer: Ali Wagstaff
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 3

Application Number: 16/01102/S73 **Applicant:** EOP II PROP CO I S.A.R.L
Application Type: Removal or Variation of Condition
Description of Development: Section 73 application to modify conditions: 2 (plans), 11 (car parking provision), 14 (car parking management), 19 (odour control), 20 (delivery hours), 39 (hot food takeaway), 40 (opening hours) of application 12/02320/FUL to allow re-siting of unit 5 (168 sqm) A3 restaurant/café and to trade between 7am - 11pm
Site Address LEGACY PLYMOUTH INTERNATIONAL HOTEL, 270 PLYMOUTH ROAD PLYMOUTH
Case Officer: Ali Wagstaff
Decision Date: 30/11/2016
Decision: Grant Subject to S106 Obligation - Full

Item No 4

Application Number: 16/01107/FUL **Applicant:** Babcock International
Application Type: Full Application
Description of Development: Erection of single storey storage building
Site Address BROW COMPOUND, DEVONPORT DOCKYARD, SALTASH ROAD KEYHAM PLYMOUTH
Case Officer: Kate Price
Decision Date: 14/11/2016
Decision: Grant Conditionally

Item No 5

Application Number: 16/01269/OUT **Applicant:** Harlyn Sands Retirement & Deat
Application Type: Outline Application
Description of Development: Outline application (with details of access, layout and scale) for demolition and redevelopment with seven dwellings and associated parking
Site Address BEACON CASTLE SPORT & SOCIAL CLUB, CHANNEL PARK AVENUE EFFORD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 16/11/2016
Decision: Grant Conditionally

Item No 6

Application Number: 16/01330/FUL **Applicant:** Mr Steven Hawken
Application Type: Full Application
Description of Development: Erection of agricultural building (amended scheme)
Site Address LAND AT RIDGE ROAD PLYMPTON PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 25/11/2016
Decision: Grant Conditionally

Item No 7

Application Number: 16/01443/FUL **Applicant:** Mr David Scantlebury
Application Type: Full Application
Description of Development: Change of use of ground floor from Class B1, plus single storey rear extension to create 2no additional units (Class C3)
Site Address 9-11 DURNFORD STREET PLYMOUTH
Case Officer: Christopher King
Decision Date: 23/11/2016
Decision: Application Withdrawn

Item No 8

Application Number: 16/01445/LBC **Applicant:** Mr David Scantlebury
Application Type: Listed Building
Description of Development: Change of use of ground floor from Class B1, plus single storey rear extension to create 2no additional units (Class C3)
Site Address 9-11 DURNFORD STREET PLYMOUTH
Case Officer: Christopher King
Decision Date: 23/11/2016
Decision: Application Withdrawn

Item No 9

Application Number: 16/01503/FUL **Applicant:** Ministry of Defence
Application Type: Full Application
Description of Development: 2x chimneys and work to existing chimneys
Site Address 6 THE TERRACE, MORICE YARD, HMR NAVAL BASE
PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/11/2016
Decision: Grant Conditionally

Item No 10

Application Number: 16/01505/LBC **Applicant:** Ministry of Defence
Application Type: Listed Building
Description of Development: 2x chimneys and work to existing chimneys
Site Address 6 THE TERRACE, MORICE YARD, HMR NAVAL BASE
PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/11/2016
Decision: Grant Conditionally

Item No 11

Application Number: 16/01545/FUL **Applicant:** Mrs Kay Granger
Application Type: Full Application
Description of Development: Change of use to coffee shop (A3) on ground floor and offices
(B1) on upper floors
Site Address 37 NEW STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 29/11/2016
Decision: Grant Conditionally

Item No 12

Application Number: 16/01546/LBC **Applicant:** Mrs Kay Granger
Application Type: Listed Building
Description of Development: Change of use to coffee shop (A3) on ground floor and offices (B1) to upper floors
Site Address 37 NEW STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 29/11/2016
Decision: Grant Conditionally

Item No 13

Application Number: 16/01560/FUL **Applicant:** Unit Build
Application Type: Full Application
Description of Development: 10x commercial units (Class B1 & D1) with access roads, parking and landscaping
Site Address PLYMOUTH INTERNATIONAL MEDICAL & TECHNOLOGY PARK, NEAR WILLIAM PRANCE ROAD DERRIFORD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 17/11/2016
Decision: Grant Conditionally

Item No 14

Application Number: 16/01561/S73 **Applicant:** Thames Bank Property Compan
Application Type: Removal or Variation of Condition
Description of Development: Variation of conditions 2 (plans), 27 (delivery hours) & 28 (opening hours) of application 16/00028/FUL to allow minor material amendments including revising shop windows, add mezzanines, lowering of the floor level, changes to loading bay and courtyard, changes to demolition & reconstruction, alterations to windows & cladding and allow extended delivery/opening hours
Site Address DERRYS DEPARTMENT STORE, 88 ROYAL PARADE PLYMOUTH
Case Officer: Simon Osborne
Decision Date: 14/11/2016
Decision: Grant Subject to S106 Obligation - Full

Item No 15

Application Number: 16/01607/FUL **Applicant:** Street Factory
Application Type: Full Application
Description of Development: Change of use from warehouse (Class B8) to dance studio (Class D1)
Site Address 4-8 SAWREY STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 22/11/2016
Decision: Grant Conditionally

Item No 16

Application Number: 16/01614/FUL **Applicant:** New Wave Installations Cardtron
Application Type: Full Application
Description of Development: Freestanding ATM and bollards (retrospective)
Site Address WESTON MILL FILLING STATION, WOLSELEY ROAD
PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 14/11/2016
Decision: Grant Conditionally

Item No 17

Application Number: 16/01616/ADV **Applicant:** New Wave Installations Cardtron
Application Type: Advertisement
Description of Development: Non-illuminated ATM signage (retrospective)
Site Address WESTON MILL FILLING STATION, WOLSELEY ROAD
PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 14/11/2016
Decision: Grant Conditionally

Item No 18

Application Number: 16/01656/FUL **Applicant:** Miss K Welsh
Application Type: Full Application
Description of Development: Replacement rear extension (revision of previous approval 16/00338/FUL)
Site Address 7 EASTFIELD CRESCENT PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 25/11/2016
Decision: Grant Conditionally

Item No 19

Application Number: 16/01684/FUL **Applicant:** Mr M Michaelides
Application Type: Full Application
Description of Development: Rear extension
Site Address 2 & 4 GEORGE STREET DEVONPORT PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 20

Application Number: 16/01685/LBC **Applicant:** Mr M Michaelides
Application Type: Listed Building
Description of Development: Rear extension
Site Address 2 & 4 GEORGE STREET DEVONPORT PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 21

Application Number: 16/01712/FUL **Applicant:** Mr Luke Evans
Application Type: Full Application
Description of Development: Two storey side and single storey rear extension
Site Address 15 BRIDLE CLOSE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 17/11/2016
Decision: Grant Conditionally

Item No 22

Application Number: 16/01725/ADV **Applicant:** Sutton Harbour Holdings
Application Type: Advertisement
Description of Development: Wayfinding monolith signage
Site Address MULTIPLE SITES IN SUTTON HARBOUR PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 23

Application Number: 16/01743/FUL **Applicant:** Mr David Kewell
Application Type: Full Application
Description of Development: Raised decking and storage to rear (retrospective)
Site Address ATHENAEUM LODGE, 4 ATHENAEUM STREET
PLYMOUTH
Case Officer: Kate Price
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 24

Application Number: 16/01744/LBC **Applicant:** Mr David Kewell
Application Type: Listed Building
Description of Development: Raised decking and storage to rear (retrospective)
Site Address ATHENAEUM LODGE, 4 ATHENAEUM STREET
PLYMOUTH
Case Officer: Kate Price
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 25

Application Number: 16/01749/FUL **Applicant:** Mr Hawkar Rasool
Application Type: Full Application
Description of Development: Mechanical extraction system for existing hot food takeaway (Class A5) (retrospective)
Site Address 95 WOLSELEY ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 24/11/2016
Decision: Grant Conditionally

Item No 26

Application Number: 16/01752/FUL **Applicant:** Mr Shane O'Carroll
Application Type: Full Application
Description of Development: Change of use to flat and maisonette, 3 rear dormers and external staircase
Site Address 8 PROVIDENCE PLACE STOKE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 17/11/2016
Decision: Grant Conditionally

Item No 27

Application Number: 16/01772/FUL **Applicant:** The Prince Maurice
Application Type: Full Application
Description of Development: Polycarbonate roof to front pagoda
Site Address PRINCE MAURICE PUBLIC HOUSE, FARM LANE
EGGBUCKLAND PLYMOUTH
Case Officer: Liz Wells
Decision Date: 16/11/2016
Decision: Refuse

Item No 28

Application Number: 16/01774/FUL **Applicant:** Mr Hughes Jones
Application Type: Full Application
Description of Development: Change of use and construction of rear dormer to form 8 bed HMO (Sui Generis)
Site Address 44 BELGRAVE ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 29

Application Number: 16/01797/FUL **Applicant:** Mrs Katrina Houghton
Application Type: Full Application
Description of Development: Rear extension
Site Address 10 BREAN DOWN ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 25/11/2016
Decision: Grant Conditionally

Item No 30

Application Number: 16/01799/FUL **Applicant:** Plymouth Hospitals NHS Trust
Application Type: Full Application
Description of Development: Infilling of existing lightwell to provide additional theatres, ancillary medical rooms & staff facilities
Site Address DERRIFORD HOSPITAL, DERRIFORD ROAD PLYMOUTH
Case Officer: Robert McMillan
Decision Date: 29/11/2016
Decision: Grant Conditionally

Item No 31

Application Number: 16/01800/FUL **Applicant:** Mr Mark Hunns
Application Type: Full Application
Description of Development: Replace conservatory and outhouse with rear extension and decking
Site Address 37 WHITEFORD ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 14/11/2016
Decision: Grant Conditionally

Item No 32

Application Number: 16/01808/FUL **Applicant:** The Co-operative Group
Application Type: Full Application
Description of Development: Shop front alterations, replace refrigeration plant and condenser to the rear and new fencing and gate
Site Address 34-40 EMBANKMENT ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 15/11/2016
Decision: Grant Conditionally

Item No 33

Application Number: 16/01816/LBC **Applicant:** Stratton Creber Commercial
Application Type: Listed Building
Description of Development: Lime render repairs to South elevation
Site Address 18 CATHERINE STREET PLYMOUTH
Case Officer: Kate Price
Decision Date: 28/11/2016
Decision: Grant Conditionally

Item No 34

Application Number: 16/01817/ADV **Applicant:** Mr John Ware
Application Type: Advertisement
Description of Development: Illuminated signage
Site Address 702 BUDSHEAD ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 35

Application Number: 16/01825/ADV **Applicant:** Virgin Media Ltd
Application Type: Advertisement
Description of Development: 1x illuminated fascia
Site Address VIRGIN MEDIA, 36 NEW GEORGE STREET PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 28/11/2016
Decision: Grant Conditionally

Item No 36

Application Number: 16/01829/S73 **Applicant:** Premier Parking Solutions Ltd
Application Type: Removal or Variation of Condition
Description of Development: Removal of condition 14 of approval notice 16/01396/FUL (parking charges)
Site Address 98-100 VAUXHALL STREET PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 16/11/2016
Decision: Grant Conditionally

Item No 37

Application Number: 16/01833/TPO **Applicant:** Mrs Vicki Dunning
Application Type: Tree Preservation
Description of Development: T1 Beech - reduce side branches nearest house by a maximum of 2m and crown raise to give 3m clearance above ground level.
T2 Horse Chestnut - reduce side branches nearest to house by up to 2m.
T3 Horse Chestnut - reduce side branches nearest house and over extended lateral by up to 2m.
T4 Beech - reduce side branches over neighbours garden by a maximum of 3m.
Site Address 17 LOPWELL CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/11/2016
Decision: Grant Conditionally

Item No 38

Application Number: 16/01835/FUL **Applicant:** Mr Phil Burrows
Application Type: Full Application
Description of Development: Rear extension and remodel front porch
Site Address 58 COMPTON AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 23/11/2016
Decision: Grant Conditionally

Item No 39

Application Number: 16/01840/FUL **Applicant:** Bouygues UK
Application Type: Full Application
Description of Development: Retention of timber fence to plots 1, 2, 10, 11, 12, 13 & 14
Site Address WATERLOO COURT, WATERLOO CLOSE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 40

Application Number: 16/01850/TPO **Applicant:** DCH
Application Type: Tree Preservation
Description of Development: Various tree management works as detailed in schedule to include:
Beech (tree 2) - fell
Ash (tree 7) - fell
Site Address VARIOUS SITES AT STOTT CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/11/2016
Decision: Grant Conditionally

Item No 41

Application Number: 16/01852/S73 **Applicant:** Mr & Mrs Hobbs
Application Type: Removal or Variation of Condition
Description of Development: Variation of conditions 2, 7, 8, 9, 10 and 11 of application 13/02156/FUL to allow changes to boundary treatments and landscaping (part retrospective).
Site Address LAND OFF BURROW HILL PLYMOUTH
Case Officer: Jon Fox
Decision Date: 17/11/2016
Decision: Grant Conditionally

Item No 42

Application Number: 16/01855/LBC **Applicant:** GBH (Devon) Ltd
Application Type: Listed Building
Description of Development: Conversion of part attic areas, amendments to internal layout of flats, new external cycle store including adjustment of external levels and re-modelling of east elevation
Site Address ROYAL EYE INFIRMARY, APSLEY ROAD PLYMOUTH
Case Officer: Kate Saunders
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 43

Application Number: 16/01862/FUL **Applicant:** Marine Academy Plymouth
Application Type: Full Application
Description of Development: Change of use to non-residential institution (Class D1)
Site Address 114 BEACON PARK ROAD PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 44

Application Number: 16/01866/ADV **Applicant:** Lidl UK GmgH
Application Type: Advertisement
Description of Development: Illuminated totem
Site Address 11 HORN CROSS ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 45

Application Number: 16/01875/FUL **Applicant:** Ms Jan Lee Johnson
Application Type: Full Application
Description of Development: Erection of dwelling
Site Address 21 MEADOW PARK PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 18/11/2016
Decision: Grant Conditionally

Item No 46

Application Number: 16/01881/TPO **Applicant:** Mrs Julie Cook
Application Type: Tree Preservation
Description of Development: Elm - crown raise to 3-4m above ground level and crown clean removing crossing/rubbing branches and deadwood.
Site Address 71 GREEN PARK ROAD PLYMSTOCK PLYMOUTH
Case Officer: Jane Turner
Decision Date: 23/11/2016
Decision: Grant Conditionally

Item No 47

Application Number: 16/01885/PRDE **Applicant:** Mr and Mrs R Davies
Application Type: LDC Proposed Develop
Description of Development: Single storey side extension.
Site Address EARLSWOOD, PLYMOUTH ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 17/11/2016
Decision: Issue Certificate - Lawful Use (Pro)

Item No 48

Application Number: 16/01890/FUL **Applicant:** Mr Rob Bishop
Application Type: Full Application
Description of Development: Change of use from 2no units Class A1 (shops) to 1no unit in class A1 (shop), A2 (financial) or B1 (business) and works to rear elevation.
Site Address 17 WOLSELEY ROAD AND 15 BEAUMONT STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 14/11/2016
Decision: Grant Conditionally

Item No 49

Application Number: 16/01893/LBC **Applicant:** Mr Soraya Phillips
Application Type: Listed Building
Description of Development: Chimney liners and cowls, alterations to fireplaces and ceilings
Site Address 21 WYNDHAM SQUARE PLYMOUTH
Case Officer: Kate Price
Decision Date: 23/11/2016
Decision: Grant Conditionally

Item No 50

Application Number: 16/01899/TPO **Applicant:** Mrs Foster
Application Type: Tree Preservation
Description of Development: 2x Poplar - re-pollard to previous pruning points.
Site Address 11 STANDARHAY CLOSE ELBURTON PLYMOUTH
Case Officer: Jane Turner
Decision Date: 24/11/2016
Decision: Grant Conditionally

Item No 51

Application Number: 16/01900/TPO **Applicant:** Mrs Griffiths
Application Type: Tree Preservation
Description of Development: Oak - reduce branches on house side by 1m & crown raise over road by up to 1m
Site Address 37 HOLTWOOD ROAD GLENHOLT PLYMOUTH
Case Officer: Jane Turner
Decision Date: 24/11/2016
Decision: Refuse

Item No 52

Application Number: 16/01901/FUL **Applicant:** Mr Colin McBride
Application Type: Full Application
Description of Development: Convert garage to bedroom & bathroom, construct detached garage, reconfiguration of vehicular entrance gates, drive & garden and construction of veranda
Site Address ABBEY LODGE, 93 CRAIGIE DRIVE PLYMOUTH
Case Officer: Kate Price
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 53

Application Number: 16/01903/FUL **Applicant:** Mr Andrew Palmer
Application Type: Full Application
Description of Development: Two storey rear extension and front porch
Site Address 78 COPLESTON ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 54

Application Number: 16/01904/FUL **Applicant:** Alec Maclead
Application Type: Full Application
Description of Development: Addition of balcony and amended openings to existing building
Site Address 135 HOE ROAD PLYMOUTH
Case Officer: Karen Gallacher
Decision Date: 17/11/2016
Decision: Grant Conditionally

Item No 55

Application Number: 16/01907/FUL **Applicant:** Athenaeum Lodge
Application Type: Full Application
Description of Development: Change of use from guesthouse (Class C1) to dwellinghouse (Class C3)
Site Address ATHENAEUM LODGE, 4 ATHENAEUM STREET
PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 22/11/2016
Decision: Grant Conditionally

Item No 59

Application Number: 16/01920/TCO **Applicant:** Mr Steven Payne
Application Type: Trees in Cons Area
Description of Development: Amended works agreed on site 7/11/16
•Group of three Ash (T1, T2 and T5 Ash not Beech) and two Beech (T3 and T4 on plan) close to house – reduce group as a whole by approximately one third and shape. (NB: T4 Beech can be removed if decay at base found to be significant)
•Two mature Beech (T6 and T7) – mature specimens no work necessary.
•Sycamore (T8) – multi-stemmed – reduction of one third in height.
Site Address 31 RIVERSIDE WALK TAMERTON FOLIOT PLYMOUTH
Case Officer: Jane Turner
Decision Date: 15/11/2016
Decision: Grant Conditionally

Item No 60

Application Number: 16/01922/ADV **Applicant:** Persimmon Homes (Cornwall) Lt
Application Type: Advertisement
Description of Development: Totem signs
Site Address LAND AT TAVISTOCK ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 21/11/2016
Decision: Refuse

Item No 61

Application Number: 16/01923/ADV **Applicant:** Charles Church (Cornwall) Ltd
Application Type: Advertisement
Description of Development: Totem sign
Site Address LAND AT BILLACOMBE ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 22/11/2016
Decision: Grant Conditionally

Item No 62

Application Number: 16/01924/FUL **Applicant:** Mr York & Ms Taylor
Application Type: Full Application
Description of Development: Two storey side extension incorporating existing garage (re-advertised due to amended development description)
Site Address 8 JENKINS CLOSE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 28/11/2016
Decision: Grant Conditionally

Item No 63

Application Number: 16/01927/FUL **Applicant:** Mrs Freeda Allen
Application Type: Full Application
Description of Development: Rear conservatory
Site Address 18 RUSSELL CLOSE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 16/11/2016
Decision: Grant Conditionally

Item No 64

Application Number: 16/01929/FUL **Applicant:** Winners Gaming Ltd
Application Type: Full Application
Description of Development: Demolition of existing buildings and change of use of gaming centre to form extended car park.
Site Address 80 to 82 EBRINGTON STREET PLYMOUTH
Case Officer: Mike Stone
Decision Date: 29/11/2016
Decision: Grant Conditionally

Item No 65

Application Number: 16/01931/FUL **Applicant:** Mrs Iris Elford
Application Type: Full Application
Description of Development: Extension to the elevation that fronts Revell Park Road
Site Address 19 REVELL PARK ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 05/12/2016
Decision: Grant Conditionally

Item No 66

Application Number: 16/01934/FUL **Applicant:** Mr Teri Wise
Application Type: Full Application
Description of Development: Single storey extension
Site Address 1 LIDDLE WAY PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 67

Application Number: 16/01939/S73 **Applicant:** Higos Insurance Services Ltd
Application Type: Removal or Variation of Condition
Description of Development: Variation of condition 3 of decision notice 11/01630/FUL to allow premises to be used as insurance brokers
Site Address 47 MUTLEY PLAIN PLYMOUTH
Case Officer: Jon Fox
Decision Date: 02/12/2016
Decision: Grant Conditionally

Item No 68

Application Number: 16/01941/REM **Applicant:** Mr Simon Bennett
Application Type: Reserved Matters
Description of Development: Application for reserved matters including appearance, scale and landscaping of 1no. Self-build plot (plot 26) following grant of permission 15/00486/OUT
Site Address WEST PARK PRIMARY SCHOOL, WANSTEAD GROVE PLYMOUTH
Case Officer: Christopher King
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 69

Application Number: 16/01944/ADV **Applicant:** Safestore
Application Type: Advertisement
Description of Development: 4x fascia signs, 2x banner signs and 1x freestanding totem sign
Site Address 12 ST MODWEN ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 17/11/2016
Decision: Grant Conditionally

Item No 70

Application Number: 16/01945/FUL **Applicant:** Thompson and Jackson
Application Type: Full Application
Description of Development: Two storey rear office extension
Site Address 4 ST LAWRENCE ROAD PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 16/11/2016
Decision: Grant Conditionally

Item No 71

Application Number: 16/01946/FUL **Applicant:** Mr Henry Sells
Application Type: Full Application
Description of Development: Chimney alterations
Site Address 4 ALBEMARLE VILLAS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 28/11/2016
Decision: Grant Conditionally

Item No 72

Application Number: 16/01947/LBC **Applicant:** Mr Henry Sells
Application Type: Listed Building
Description of Development: Chimney alterations
Site Address 4 ALBEMARLE VILLAS PLYMOUTH
Case Officer: Liz Wells
Decision Date: 28/11/2016
Decision: Grant Conditionally

Item No 73

Application Number: 16/01948/ADV **Applicant:** Three Sixty Developments
Application Type: Advertisement
Description of Development: 2x internally illuminated letter signs & 1x internally illuminated projecting cube sign
Site Address BECKLEY COURT, ARMADA WAY PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 24/11/2016
Decision: Grant Conditionally

Item No 74

Application Number: 16/01949/FUL **Applicant:** Miss Rosie Foster
Application Type: Full Application
Description of Development: Change of use from office (Class B1) to tattoo studio (Sui Generis)
Site Address 56A NOTTE STREET PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 28/11/2016
Decision: Grant Conditionally

Item No 75

Application Number: 16/01951/TPO **Applicant:** Mrs Rita White
Application Type: Tree Preservation
Description of Development: Removal of 1 bay tree (in neighbours property - ownership needs to be clarified before proceeding)
1 Oak and 3 Beech in neighbours property - reduction of overhanging branches to create 2-3m clearnace from side of extension.
Oak over drive - reduce lowest branch over drive by 1-2m to natural growth points.
Site Address 17 KINGSLAND GARDENS CLOSE PLYMOUTH
Case Officer: Jane Turner
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 76

Application Number: 16/01953/FUL **Applicant:** Rowen Rhead
Application Type: Full Application
Description of Development: Rear extension
Site Address VALLEY VIEW, 298 FORT AUSTIN AVENUE PLYMOUTH
Case Officer: Liz Wells
Decision Date: 01/12/2016
Decision: Grant Conditionally

Item No 77

Application Number: 16/01954/REM **Applicant:** Mr Alan Lavers
Application Type: Reserved Matters
Description of Development: Application for approval of reserved matters including appearance, layout and scale of 1no. Self-build plot (Plot 9) following grant of planning permission (15/00486/OUT)
Site Address WEST PARK PRIMARY SCHOOL, WANSTEAD GROVE PLYMOUTH
Case Officer: Christopher King
Decision Date: 17/11/2016
Decision: Grant Conditionally

Item No 78

Application Number: 16/01956/S73 **Applicant:** Las Iguanas
Application Type: Removal or Variation of Condition
Description of Development: Variation of condition 11 and removal of condition 12 of application 14/01300/FUL
Site Address LAS IGUANAS, UNITS 3-5 BREWHOUSE ROYAL WILLIAM YARD PLYMOUTH
Case Officer: Adam Williams
Decision Date: 24/11/2016
Decision: Grant Conditionally

Item No 79

Application Number: 16/01957/FUL **Applicant:** Mr & Mrs Hart
Application Type: Full Application
Description of Development: Front porch, side extension, rear alterations and hardstanding
Site Address 95 LOOSELEIGH LANE PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 24/11/2016
Decision: Grant Conditionally

Item No 80

Application Number: 16/01959/FUL **Applicant:** Mr Darran Lakin
Application Type: Full Application
Description of Development: Erection of kiosk
Site Address 14 PLACE DE BREST (STREET TRADING PITCH)
PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 81

Application Number: 16/01963/FUL **Applicant:** Mr & Mrs Kelley
Application Type: Full Application
Description of Development: Two storey side/rear extension
Site Address 52 ASHBURNHAM ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 25/11/2016
Decision: Grant Conditionally

Item No 82

Application Number: 16/01972/PRDE **Applicant:** Mr & Mrs J C Govan
Application Type: LDC Proposed Develop
Description of Development: Hip to gable roof alterations and rear dormer
Site Address 192 WOODFORD AVENUE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 17/11/2016
Decision: Issue Certificate - Lawful Use (Pro)

Item No 83

Application Number: 16/01975/FUL **Applicant:** Mr Ben Winchester
Application Type: Full Application
Description of Development: Rear extension
Site Address 67 WOODFORD AVENUE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 16/11/2016
Decision: Grant Conditionally

Item No 84

Application Number: 16/01983/FUL **Applicant:** Mr Paul McAuley
Application Type: Full Application
Description of Development: Change of use from six-bed HMO (Class C4) to seven-bed HMO (Sui Generis)
Site Address 8 MOUNT GOULD ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 24/11/2016
Decision: Refuse

Item No 85

Application Number: 16/01988/FUL **Applicant:** Yarlagadda and Misra
Application Type: Full Application
Description of Development: Driveway gates
Site Address 71 ABERDEEN AVENUE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 28/11/2016
Decision: Grant Conditionally

Item No 86

Application Number: 16/01989/FUL **Applicant:** Mr Chris Beer
Application Type: Full Application
Description of Development: Rear garage and dropped kerb
Site Address 30 BOULTER CLOSE PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 21/11/2016
Decision: Grant Conditionally

Item No 87

Application Number: 16/01990/FUL **Applicant:** Mr Stephen Brunet
Application Type: Full Application
Description of Development: Rear extension at first floor level
Site Address 68 HOTHAM PLACE PLYMOUTH
Case Officer: Rebecca Boyde
Decision Date: 18/11/2016
Decision: Grant Conditionally

Item No 88

Application Number: 16/01991/FUL **Applicant:** The Co-operative Group
Application Type: Full Application
Description of Development: Installation of AC unit and associated works including shop front alteration
Site Address 41 TORRIDGE WAY PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 29/11/2016
Decision: Grant Conditionally

Item No 89

Application Number: 16/02005/FUL **Applicant:** Mr Nigel Earp
Application Type: Full Application
Description of Development: Front extension
Site Address 42 HORSHAM LANE TAMERTON FOLIOT PLYMOUTH
Case Officer: Liz Wells
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 90

Application Number: 16/02006/FUL **Applicant:** Mr & Mrs Taylor
Application Type: Full Application
Description of Development: Front and rear extension with side roof alterations
Site Address 3 MOORLAND VIEW DERRIFORD PLYMOUTH
Case Officer: Alumecci Tuima
Decision Date: 24/11/2016
Decision: Grant Conditionally

Item No 94

Application Number: 16/02015/FUL **Applicant:** Mrs Judy Easson
Application Type: Full Application
Description of Development: Change of use from Guesthouse (Class C2) to dwelling (Class C3) (retrospective)
Site Address 223 CITADEL ROAD EAST PLYMOUTH
Case Officer: Christopher King
Decision Date: 01/12/2016
Decision: Grant Conditionally

Item No 95

Application Number: 16/02022/PRDE **Applicant:** Mr & Mrs Barry Grigg
Application Type: LDC Proposed Develop
Description of Development: Side extension
Site Address 36 TOR ROAD PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 24/11/2016
Decision: Issue Certificate - Lawful Use (Pro)

Item No 96

Application Number: 16/02023/TCO **Applicant:** Geoff O'Neill
Application Type: Trees in Cons Area
Description of Development: Cherry - reduce by half and thin
Pittisporum - remove
Please note that the palm trees are not classified as trees.
Site Address 1 COMPTON PARK ROAD PLYMOUTH
Case Officer: Jane Turner
Decision Date: 24/11/2016
Decision: Grant Conditionally

Item No 97

Application Number: 16/02024/GPD **Applicant:** Mr Loveys
Application Type: GPDO Request
Description of Development: A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.435m, has a maximum height of 3.577m, and has an eaves height of 3.14m
Site Address 19 HIGHBURY CRESCENT PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 16/11/2016
Decision: Prior approval not req

Item No 98

Application Number: 16/02025/ADV **Applicant:** TSB PLC
Application Type: Advertisement
Description of Development: 1no fascia and 1no illuminated sign
Site Address 36 MORSHEAD ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 05/12/2016
Decision: Grant Conditionally

Item No 99

Application Number: 16/02030/FUL **Applicant:** Mr & Mrs Barry Grigg
Application Type: Full Application
Description of Development: Single storey side extension to form residential annexe
Site Address THE WHITE COTTAGE, 36 TOR ROAD PLYMOUTH
Case Officer: Jon Fox
Decision Date: 01/12/2016
Decision: Refuse

Item No 100

Application Number: 16/02031/PRDE **Applicant:** Mr & Mrs Air
Application Type: LDC Proposed Develop
Description of Development: Rear dormer
Site Address 25 TRELAWNEY ROAD PEVERELL PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 24/11/2016
Decision: Issue Certificate - Lawful Use (Pro)

Item No 101

Application Number: 16/02036/FUL **Applicant:** The Co-operative Group
Application Type: Full Application
Description of Development: Refrigeration and air-conditioning units, fencing and alterations to shopfront
Site Address 288-296 BEACON PARK ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 05/12/2016
Decision: Grant Conditionally

Item No 102

Application Number: 16/02037/FUL **Applicant:** Pemberton Homes Ltd
Application Type: Full Application
Description of Development: Provide new adoptable highway and associated engineering works
Site Address WHITLEIGH COMMUNITY CENTRE, WHITLEIGH GREEN PLYMOUTH
Case Officer: Christopher King
Decision Date: 01/12/2016
Decision: Grant Conditionally

Item No 103

Application Number: 16/02042/FUL **Applicant:** Mrs Teresa Reed
Application Type: Full Application
Description of Development: Pitched roof above existing two storey side extension with first floor infill
Site Address 19 ROCKINGHAM ROAD PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 25/11/2016
Decision: Grant Conditionally

Item No 104

Application Number: 16/02045/PRDE **Applicant:** Mr & Mrs Kerswell
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site Address 130 UNDERLANE PLYMPTON PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 01/12/2016
Decision: Issue Certificate - Lawful Use (Pro)

Item No 105

Application Number: 16/02062/TCO **Applicant:** DCH
Application Type: Trees in Cons Area
Description of Development: Beech - reduce lateral branches by 2m on north and south side next to adjacent properties.
Ash - crown lift to 4m above ground level.
Site Address CASTLE BARBICAN, FORE STREET PLYMPTON PLYMOUTH
Case Officer: Jane Turner
Decision Date: 30/11/2016
Decision: Grant Conditionally

Item No 106

Application Number: 16/02066/FUL **Applicant:** Mr Steve Lord
Application Type: Full Application
Description of Development: First floor side extension
Site Address 43 DAYTON CLOSE PLYMOUTH
Case Officer: Alumeci Tuima
Decision Date: 01/12/2016
Decision: Grant Conditionally

Item No 107

Application Number: 16/02067/S73 **Applicant:** The Harbour Centre (Plymouth)
Application Type: Removal or Variation of Condition
Description of Development: Variation of condition 4 of application 14/01685/FUL to allow the property to be used by the clients of the Harbour Centre (Plymouth) and Bournemouth Churches Housing Association (BCHA)
Site Address 9-10 ERMINGTON TERRACE PLYMOUTH
Case Officer: Amy Thompson
Decision Date: 05/12/2016
Decision: Grant Conditionally

Item No 108

Application Number: 16/02072/PRDE **Applicant:** Mr P Galley
Application Type: LDC Proposed Develop
Description of Development: Rear extension
Site Address 6 HAM CLOSE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 01/12/2016
Decision: Issue Certificate - Lawful Use (Pro)

Item No 109

Application Number: 16/02075/FUL **Applicant:** Mr and Mrs S Lakey
Application Type: Full Application
Description of Development: First floor rear extension
Site Address 94 SHERFORD ROAD PLYMOUTH
Case Officer: Liz Wells
Decision Date: 05/12/2016
Decision: Grant Conditionally

Item No 110

Application Number: 16/02080/24 **Applicant:** Vodafone Limited
Application Type: GPDO PT24
Description of Development: A 15m shrouded monopole with 2 dishes, 2 ground based cabinets and ancillary development.
Site Address HIGHWAYS LAND ON STADDISCOMBE ROAD PLYMOUTH
Case Officer: Mike Stone
Decision Date: 17/11/2016
Decision: Prior approval not req

Item No 111

Application Number: 16/02083/FUL **Applicant:** Mrs Linda Harris
Application Type: Full Application
Description of Development: Rear extensions (revised scheme)
Site Address 14 RUSSELL CLOSE PLYMOUTH
Case Officer: Chris Cummings
Decision Date: 01/12/2016
Decision: Grant Conditionally

Item No 112

Application Number: 16/02105/FUL **Applicant:** Safestore Self Storage

Application Type: Full Application

Description of Development: Shopfront and associated alterations

Site Address 12 ST MODWEN ROAD PLYMOUTH

Case Officer: Alumeci Tuima

Decision Date: 05/12/2016

Decision: Grant Conditionally

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