



#plymplanning

**Democratic and Member Support**

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## PLANNING COMMITTEE

Thursday 9 February 2017  
2.00 pm  
Council House, Plymouth

**Members:**

Councillor Wigen, 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 - 8)

The Committee will be asked to confirm the minutes of the meeting held on 12 January 2017.

#### 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.

##### 6.1.9 Meadow Rise, Plymouth, PL7 1JL - 16/02340/FUL (Pages 9 - 16)

Applicant:	Mrs & Mrs Keith Vowles
Ward:	Plympton Erle
Recommendation:	Grant Conditionally

**6.2.9 The Crescent, Plymouth, PL1 3AB - 16/02119/LBC (Pages 17 - 24)**

Applicant: Mr R Elliott  
Ward: St Peter and the Waterfront  
Recommendation: Grant Conditionally

**6.3. Melville Building, Royal William Yard, Plymouth, PL1 3RP - 16/01376/FUL (Pages 25 - 66)**

Applicant: Mr Adam Willetts  
Ward: St Peter and the Waterfront  
Recommendation: Grant Conditionally Subject to a S106  
Obligation in accordance with agreed  
timescales. Delegated authority to the  
Assistant Director of Strategic Planning &  
Infrastructure to refuse if not met

**6.4. Melville Building, Royal William Yard, Plymouth, PL1 3RP - 16/01377/LBC (Pages 67 - 86)**

Applicant: Mr Adam Willetts  
Ward: St Peter and the Waterfront  
Recommendation: Grant Conditionally

**6.5. Royal Eye Infirmary, Apsley Road, Plymouth, PL4 6PJ - 16/02377/S73 (Pages 87 - 100)**

Applicant: Mr Evenson  
Ward: Drake  
Recommendation: Grant Conditionally

**6.6. Land at Ridge Road, Plymouth, PL7 1UE - 16/01818/FUL (Pages 101 - 110)**

Applicant: Mr Steven Hawken  
Ward: Plympton Erle  
Recommendation: Grant Conditionally

**6.7. Theatre Royal, Royal Parade, Plymouth, PL1 2TR - 16/02248/FUL (Pages 111 - 122)**

Applicant: Theatre Royal Plymouth  
Ward: St Peter and the Waterfront  
Recommendation: Grant Conditionally

**6.8. Stoke Damerel Community College, Somerset Place, Plymouth, PL3 4BD - 16/02229/FUL (Pages 123 - 152)**

Applicant: Inspiring Schools Partnership  
Ward: Stoke  
Recommendation: Grant Conditionally

**6.9. Former Plympton Hospital, Market Road, Plympton, Plymouth, PL7 1QR - 16/02233/FUL (Pages 153 - 180)**

Applicant: DCH Group  
Ward: Plympton Erle  
Recommendation: Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met

**6.10. Former Plymouth College Site, Hartley Road, Plymouth, PL3 5LW - 16/02413/S73 (Pages 181 - 194)**

Applicant: Mr Kevin Briscoe  
Ward: Peverell  
Recommendation: Grant Conditionally

## Planning Committee

Thursday 12 January 2017

### PRESENT:

Councillor Mrs Bridgeman, Vice Chair in the Chair.

Councillor Kelly, Vice Chair.

Councillors Ball, Mrs Bowyer (substitute for Councillor Wigen), Cook, Sam Davey, Fletcher, Mrs Foster (substitute for Councillor Mrs Pengelly), McDonald, Morris, Sparling, Stevens and Tuohy.

Apologies for absence: Councillors Mrs Pengelly and Wigen.

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 4.53 pm.

*Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.*

#### 101. Appointment of Vice Chair

The Committee agreed to appoint Councillor Kelly as Vice Chair for this particular meeting.

#### 102. Declarations of Interest

The following declarations of interest were made in accordance with the code of conduct –

Name	Minute Number and Item	Reason	Interest
Councillor Mrs Foster	107 – Plymstock School Grounds (between Howard Road and Church Road) – WCA.011	Member of the Plymouth Local Access Forum	Personal
Councillor Mrs Foster	108– Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house – WCA.004	Member of the Plymouth Local Access Forum	Personal
Councillor Mrs Foster	109 – Land between Church Hill Road and	Member of the Plymouth Local Access Forum	Personal

	Stamford Lane, Turnchapel – WCA.007		
Councillor Mrs Foster	110 – 6 Finches Close, Plymouth, 16/01935/FUL	Close relative has a house in Finches Close	Personal
Councillor Kelly	107 – Plymstock School Grounds (between Howard Road and Church Road) – WCA.011	Governor of Plymstock School	Prejudicial
Councillor Kelly	109 – Land between Church Hill Road and Stamford Lane, Turnchapel – WCA.007	Some of the residents who have registered as using the area are known to him	Personal
Councillor Stevens	109 – Land between Church Hill Road and Stamford Lane, Turnchapel – WCA.007	Employee of Devon and Cornwall Police	Personal
Councillor Stevens	110 – 6 Finches Close, Plymouth – 16/01935/FUL	One of the applicants is his partner's cousin	Personal

103. **Minutes**

Agreed the minutes of the meeting held on 15 December 2016.

104. **Chair's Urgent Business**

There were no items of Chair's urgent business.

105. **Questions from Members of the Public**

The following question was received from a member of the public for this meeting, in accordance with part B, paragraph 11 of the Constitution.

<b>Question No.</b>	<b>Question by</b>	<b>Committee Chair</b>	<b>Subject</b>
Q1 16/17	Mr Emery	Councillor Mrs Bridgeman	Public Rights of Way
<p>Question:</p> <p>Statutory Regulations require the Council to consider Public Path Order applications within two years. Why are applications listed on the Council's website from 2009 still outstanding and what action is being taken to record the 750 known footpaths in</p>			

Plymouth on the Definitive Map before the 2026 cut off date?

Response:

There is no statutory requirement for a Public Path Order to be completed within two years and the processing of such applications is a discretionary power not a statutory duty. In the past decade Plymouth City Council has only accepted 2 applications for a Public Path Order which it has progressed promptly; one under the Highways Act 1980 at Ridgeway School in Plympton which was completed in 2012 and the second under the Town and Country Planning Act 1990 at the Former Downham School site in Plymstock which was considered by Planning committee in February 2016, confirmed in November 2016 and brought into effect in January 2017.

We are not aware of any evidence that there are 750 unrecorded public rights of way in Plymouth. Whilst the 2026 cut-off date implemented by Parliament will have an impact on any unrecorded path which existed prior to 1949 the intention of Parliament appears to be to encourage national and local user groups to identify those paths which are important to them and work with local authorities to ensure they are protected, which may be done by submitting an application for a modification order before 2026. Plymouth City Council enjoys a good track record of dealing with applications to modify the definitive map and statement promptly. We were successful at a public examination where this committee's decision was upheld last summer, there is a public inquiry into another application being arranged for later this year and three further applications will be considered at today's meeting. Details about all the applications we are dealing with are available online if further information is required.

106. **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.

107. **Plymstock School Grounds (between Howard Road and Church Road) - WCA.011**

The Strategic Director for Place submitted a report outlining proposals for an Order, under section 53 of the Wildlife and Countryside Act 1981, to modify the definitive map and statement of public rights of way by the addition of a public footpath from Howard Road, heading south through the grounds of Plymstock School to a point on Church Road.

The Committee was satisfied that the evidence submitted by the applicant was insufficient to support the view that public rights of way subsist, or could be reasonably alleged to subsist, and therefore **REFUSED** to make a Modification Order.

(The Committee heard representations against this application)

(Councillor Kelly declared a prejudicial interest in this agenda item and was not present for the debate or vote on this item)

Councillor Mrs Foster declared a personal interest in this agenda item)

108. **Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house - WCA.004**

The Strategic Director for Place submitted a report outlining proposals for an Order, under section 53 of the Wildlife and Countryside Act 1981, to modify the definitive map and statement of public rights of way by the addition of a byway open to all traffic from Lake Road heading west over a slipway to Hooe Lake.

The Committee was satisfied that the evidence submitted by the applicant was insufficient to support the view that public rights of way subsist, or could be reasonably alleged to subsist, and therefore **REFUSED** to make a Modification Order. However it was agreed that officers would work with the Radford and Hooe Lake Preservation Association to endeavour to find the correct piece of legislation to protect this slipway for future use.

(The Committee heard representations in support of this application)

Councillor Mrs Foster declared a personal interest in this agenda item)

109. **Land between Church Hill Road and Stamford Lane, Turnchapel - WCA.007**

The Strategic Director for Place submitted a report outlining proposals for an Order, under section 53 of the Wildlife and Countryside Act 1981, to modify the definitive map and statement of public rights of way by the addition of a footpath linking Church Hill Road and Stamford Lane, Turnchapel.

The Committee was satisfied that the evidence submitted by the applicant was robust enough to support the view that public rights of way subsist, or could be reasonably alleged to subsist, and therefore **AGREED** to make a Modification Order.

(The Committee heard representations against this application)

(Councillors Mrs Foster, Kelly and Stevens declared a personal interest in this agenda item)

110. **6 Finches Close, Plymouth - I6/01935/FUL**

Mr Steven Didymus

Decision:

Application **GRANTED** conditionally.

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



(Councillors Mrs Foster and Stevens declared personal interests in this agenda item)

(A Planning Committee site visit was held on Wednesday 11 January 2017 in respect of this application)

## 111. **Planning Enforcement Policy**

The Committee noted the Planning Enforcement Policy. The following suggestions were made to officers –

- The Council's website should provide more information on S215 untidy land notices;
- There should be some Planning Committee involvement in identifying priorities for enforcement cases based on the policy;
- Officers to consider staff resource requirements for enforcement in light of its importance;
- Enforcement policy should be communicated as widely with possible with the local community/interested parties;
- Clarification is needed on ways the public can report alleged breaches in planning control and whether this always needs to be in writing.

## 112. **Planning Application Decisions Issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on decisions issued for the period 6 December 2016 to 22 December 2016.

## 113. **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.

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## PLANNING COMMITTEE – 12 January 2017

## SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
107	Plymstock School Grounds (between Howard Road and Church Road) - WCA.011	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Mrs Foster, McDonald, Morris, Sparling, Stevens and Tuohy			Councillor Kelly	
108	Slipway from Lake Road to Hooe Lake adjoining the Royal Oak public house - WCA.004	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Kelly, McDonald, Morris, Sparling, Stevens and Tuohy		Councillor Mrs Foster		
109	Land between Church Hill Road and Stamford Lane, Turnchapel - WCA.007	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Fletcher, Mrs Foster, Kelly, McDonald, Morris, Stevens and Tuohy	Councillor Sam Davey	Councillor Sparling		
110	6 Finches Close, Plymouth - 16/01935/FUL	Councillors Ball, Mrs Bowyer, Mrs Bridgeman, Cook, Sam Davey, Fletcher, Kelly, McDonald, Morris,		Councillor Mrs Foster		

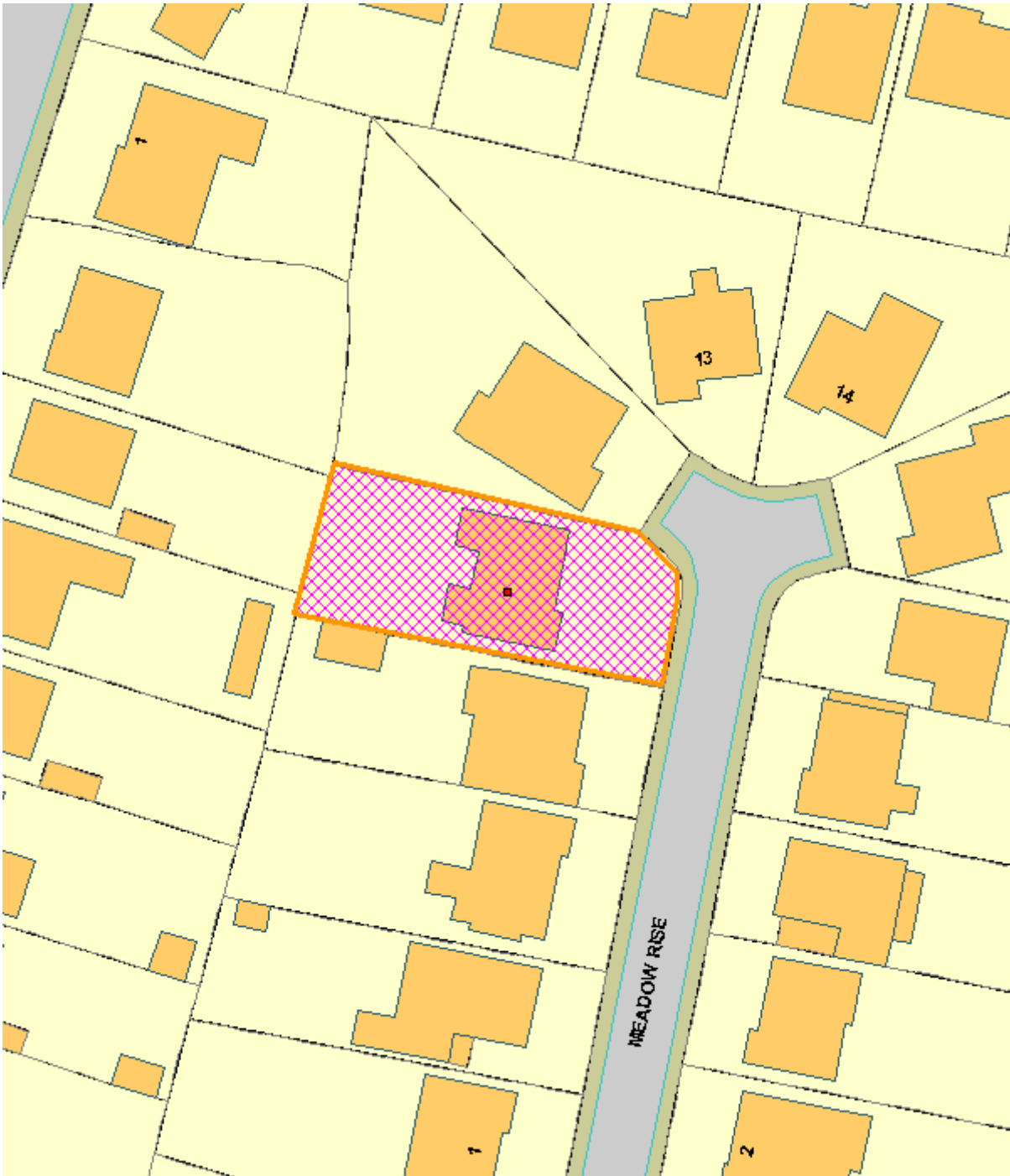
<b>Minute number and Application</b>	<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
		Sparling, Stevens and Tuohy			

# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/02340/FUL	<b>Item</b>	01
<b>Date Valid</b>	29.11.2016	<b>Ward</b>	PLYMPTON ERLE

<b>Site Address</b>	9 Meadow Rise Plymouth PL7 1JL		
<b>Proposal</b>	Rear extension and raised patio.		
<b>Applicant</b>	Mrs & Mrs Keith Vowles		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>24.01.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Member/PCC Employee		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Grant Conditionally		



**This application has been referred to the Planning Committee because the applicant is an employee of Plymouth City Council.**

**1. Description of Site**

The property is a detached bungalow close to the end of a cul-de-sac close to the junction with Lower Farm Road in the Plympton St Maurice and Yealmpstone neighbourhood. The street consists of a mix of bungalows of different styles, materials and orientation.

**2. Proposal Description**

The applicant is seeking consent for the construction of a rear extension and raised patio. The proposed extension would cover roughly the southern half of the rear elevation and would be 4.0 metres deep with a gable end pitched roof. It would include a 1.8 metres deep patio with steps leading down to the garden and would replace an existing smaller conservatory type extension.

**3. Pre-application enquiry**

None.

**4. Relevant planning history**

None.

**5. Consultation responses**

None required.

**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 First Review (2013), and the National Planning Policy Framework (NPPF) 2012. The primary planning considerations in this case are the impact on neighbour amenity and the impact on the character and appearance of the area.



## Impact on neighbour amenity

3.No neighbour objections have been received. The new extension would replace a smaller conservatory type extension. The property is detached with reasonable levels of separation from neighbours thus minimising the possibility of loss of privacy or loss of light. The application would comply with the 45 degree guidance set out in the SPD. The extension would be directly north of the nearest neighbour so removing any overshadowing concerns.

4. The proposed raised patio would be connected to the new extension with steps leading down to the garden from folding doors. The scale of development here is modest and there are no significant privacy concerns here.

## Impact on the character and appearance of the area

5.The proposed extension and the patio would be at the rear of the property and would not be visible from the street.

6. The case officer considers that the proposal complies with Core Strategy policies CS02 (Design) and CS34 (Planning application considerations) and is recommended for 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**

Not applicable.

## **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.

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

## **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 policy and national guidance and specifically policies CS02 (Design) and CS34 (Planning applications considerations), the Development Guidelines Supplementary Planning Document (First Review) 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 **29.11.2016** and the submitted drawings BLOCK PLAN, 2796, it is recommended to **Grant Conditionally**

## **15. Conditions**

### **1) CONDITION: COMMENCE WITHIN 3 YEARS**

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.

### **2) CONDITION: APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans: Block plan, 2796.

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**

- 1) INFORMATIVE: UNCONDITIONAL APPROVAL (APART FROM TIME LIMIT AND APPROVED PLANS)** In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.

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

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).

3) **INFORMATIVE: PROPERTY RIGHTS**

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

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# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/02119/LBC	<b>Item</b>	02
<b>Date Valid</b>	21.11.2016	<b>Ward</b>	ST PETER AND THE WATERFRONT

<b>Site Address</b>	9 The Crescent Plymouth PL1 3AB		
<b>Proposal</b>	Roof repairs and new rooflights at rear		
<b>Applicant</b>	Mr R Elliott		
<b>Application Type</b>	Listed Building Consent		
<b>Target Date</b>	<b>16.01.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Member/PCC Employee		
<b>Case Officer</b>	Mrs Kate Price		
<b>Recommendation</b>	Grant Conditionally		



This application is being brought before the Committee because the applicant resides with an employee of Plymouth City Council.

### **1. Description of Site**

9 The Crescent is part of an attractive curved Grade II terrace designed by George Wightwick who worked with John Foulston. The terrace, which was built c1860, stands in the Hoe Conservation Area. The building is 3 storey plus attic, with a basement, and each pair of houses in the terrace are mirror images of each other. The buildings are stucco with stucco detailing, with mansard roofs, laid with natural slate.

### **2. Proposal Description**

The application seeks Listed Building Consent to repair, restore and replace the roof materials, adding insulation under the slates between the rafters. The applicant also proposes to install 3 conservation Velux window lights to the rear roof slope.

### **3. Pre-application enquiry**

None requested.

### **4. Relevant planning history**

10/01380/LBC Installation of security grilles to lower ground floor windows GRANTED CONDITIONALLY

09/01862/FUL Change of use from B1 to B1/A2 of lower ground floor GRANTED CONDITIONALLY

**5. Consultation responses**

None required

**6. Representations**

None received

**7. Relevant Policy Framework**

The legislation under which listed building consent applications are considered is the Planning (Listed Buildings and Conservation Areas) Act 1990 and the National Planning Policy Framework 2012.

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant listed building consent for any works the local planning authority .....shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NPPF CHAPTER 12 Conserving and enhancing the historic environment paragraphs 129, 131 and 132 are particularly relevant to this application.

Paragraph 129 of the NPPF states:

Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 states:

In determining planning applications, local planning authorities should take account of:

- \* the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- \* the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- \* the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional.

In addition the Hoe Conservation Area Appraisal and Management Plan (CAAMP) is to be considered and in particular the following principles:

Principle 2 - The position, scale, massing and materials of new development will be expected to respect the existing character of the Conservation Area. This will include respecting historic plot widths.

Principle 3 – Priority will be given to the retention and enhancement of buildings of heritage value identified in the Conservation Area Appraisal and Management Plan. (Primarily Listed Buildings and buildings identified as making a positive contribution to the Conservation Area).

### **8. Analysis**

1 This application has been considered in the context of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and other material policy documents as set out in Section 7.

2 An extract from the Historic England listing description for the properties is as follows:

SX4754 THE CRESCENT, Hoe 740-1/57/295 (South side) 25/01/54 Nos.2-12 (Consecutive) and attached forecourt walls and railings (Formerly Listed as: THE CRESCENT, Plymouth Nos.1-12 (Consecutive))

#### GV II

Part of planned crescent. c1860s after a design by George Wightwick. Stucco with stucco detail; dry slate mansard roofs behind parapet with band; attic windows, most with sashes; rendered copings between roofs, brick stacks over most, some with old clay pots. Double- depth plan arranged in mirror-image pairs with paired entrances, the right-hand house a half pair, the 6 houses to the right of this destroyed in the Blitz. EXTERIOR: 3 storeys plus attic over basement; each house a 3-window range. Sashes, some with glazing bars. Ground-floor openings within recessed panels with segmental arches; sill bands and giant pilasters between houses to upper floors and windows with recessed architraves. Overlights and panelled doors. INTERIOR: former list description: No.11 has geometric staircase in circular well; vaulted vestibule and curved doorcases with key-motif decoration; 1st floor with tapered and eared doorcases and cornices to ceilings. No.12 the same but without ground-floor curved doors and key-motif decoration to doorcases. SUBSIDIARY FEATURES: forecourt walls with low plinths surmounted by wrought-iron railings with vase balusters. Part of an important planned group of terraces and villas by Foulston and his pupil Wightwick on the Hoe, a scheme which placed Plymouth in the forefront of town planning in the early/mid C19. (The Buildings of England: Pevsner N: Devon: London: 1989-: 638; Colvin H: A Bibliographical Dictionary of British Architects 1600-1840: London: 1978-: 888-890).

3 The primary planning considerations in this case are the impact on the character and appearance of the listed building and on the Conservation area as a whole.

The impact on the character and appearance of the listed building

4 The proposal is to repair, restore and replace the roof materials, reusing to the front principal



roof slope any of the salvaged blue-grey slate that is in good condition good, and using Montenegris Spanish Natural Slate on the main front mansard and to the rear roof slope. The proposal is also to insulate the roof slopes between the rafters and the use of breather felt and new battens. The applicant also proposes to install 3 conservation Velux window lights to the rear in order to provide natural light into the attic space for potential conversion in a future phase.

5 The revised proposals received have altered the scope of the work slightly and have arisen after site discussion when the applicants were informed that further detail was required on construction in general and reduction of the size of the roof-lights and their siting on the rear roof slope. There is no need to re-advertise.

6 With regard to the replacement, retention and reuse of slate to the roof, it is considered that this is the most acceptable way in which to carry out this necessary maintenance and repair work. On the front of the building facing the main road, the applicant proposes to reuse those existing natural slates that are currently on the roof and are in good condition. To the rear, a matching natural slate from Spain will be used to cover the roof. This then is an acceptable proposal and there will be no detrimental impact on the listed building and the conservation area as a whole. A condition will be imposed to ensure the all of the slates will be attached with copper nails.

7 With regard to the new roof insulation, the proposal is to insulate according to the information as set out in the Proposal of Works- revised and dated 11th January 2017. In principle these proposals are acceptable however a condition will be included within the slates condition so that there is no increase in depth of the roof finish and they finish as existing and flush with the neighbouring properties. This is to ensure that there will be no detrimental impact on the listed building and the conservation area as a whole.

8 With regard to Velux windows – roof-lights, the selection type and size has been agreed with the applicant and described in the revised proposal of works and these are now acceptable.

9 This proposal will preserve the building by allowing essential roof repairs and will not have a detrimental impact on the architectural and historic character of this grade II listed building The principle of the roof repairs and sizing, and siting, of the roof-lights is therefore acceptable.

### **Other Impacts**

The impact on the character and appearance of the Hoe Conservation Area

10 This proposal will not have a detrimental impact on the architectural and historic character nor significantly impact the Hoe Conservation Area.

### **9. Human Rights**

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

**10. Local Finance Considerations**

None

**11. Planning Obligations**

None

**12. Equalities and Diversities**

None applicable to this application

**13. Conclusions**

Officers have taken account of the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990, and conclude that the proposal will not cause any significant harm to these grade II listed buildings or the Hoe Conservation Area, or to their special architectural and historic interest. Officers therefore recommend approval.

**14. Recommendation**

In respect of the application dated **21.11.2016** and the submitted drawings it is recommended to **Grant Conditionally**

**15. Conditions**

1) **CONDITION: TIME LIMIT COMMENCEMENT**

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

Reason:

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

2) **CONDITION: APPROVED PLANS**

The works hereby permitted shall be carried out in accordance with the following approved plans:

Revised Plan at 1:500 showing the rooflights; Plan at 1:250; Plan at 1:1250; Plan showing position of proposed Velux windows; Heritage statement; Design and Access Statement; Revised Proposal of works dated 11th January 2017.

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012.

3) **CONDITION: USE OF NATURAL SLATE**

The roof shall be clad using natural slate, fixed with nails, not clips. As many as possible of the existing blue-grey slates shall be salvaged and re-used - no purple Welsh slates shall be re-used. The slates shall be laid to all roof slopes so that there is no increase in depth of the roof finish and they finish as existing and flush with the neighbouring properties. A sample of the new slates- Montenegris was agreed and if there is departure from this type then details must be submitted to the Local Authority for prior approval

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012.

**Informatives**

1) **INFORMATIVE: CONDITIONAL APPROVAL WITH NEGOTIATION**

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.

2) **INFORMATIVE: LISTED BUILDING (OFFENCE WARNING)**

This permission is not a grant of Listed Building Consent. Under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 it is an offence to execute or cause to execute any works for the demolition of a listed building or its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised by and executed in accordance with the terms of a Listed Building Consent and any conditions attached to it.

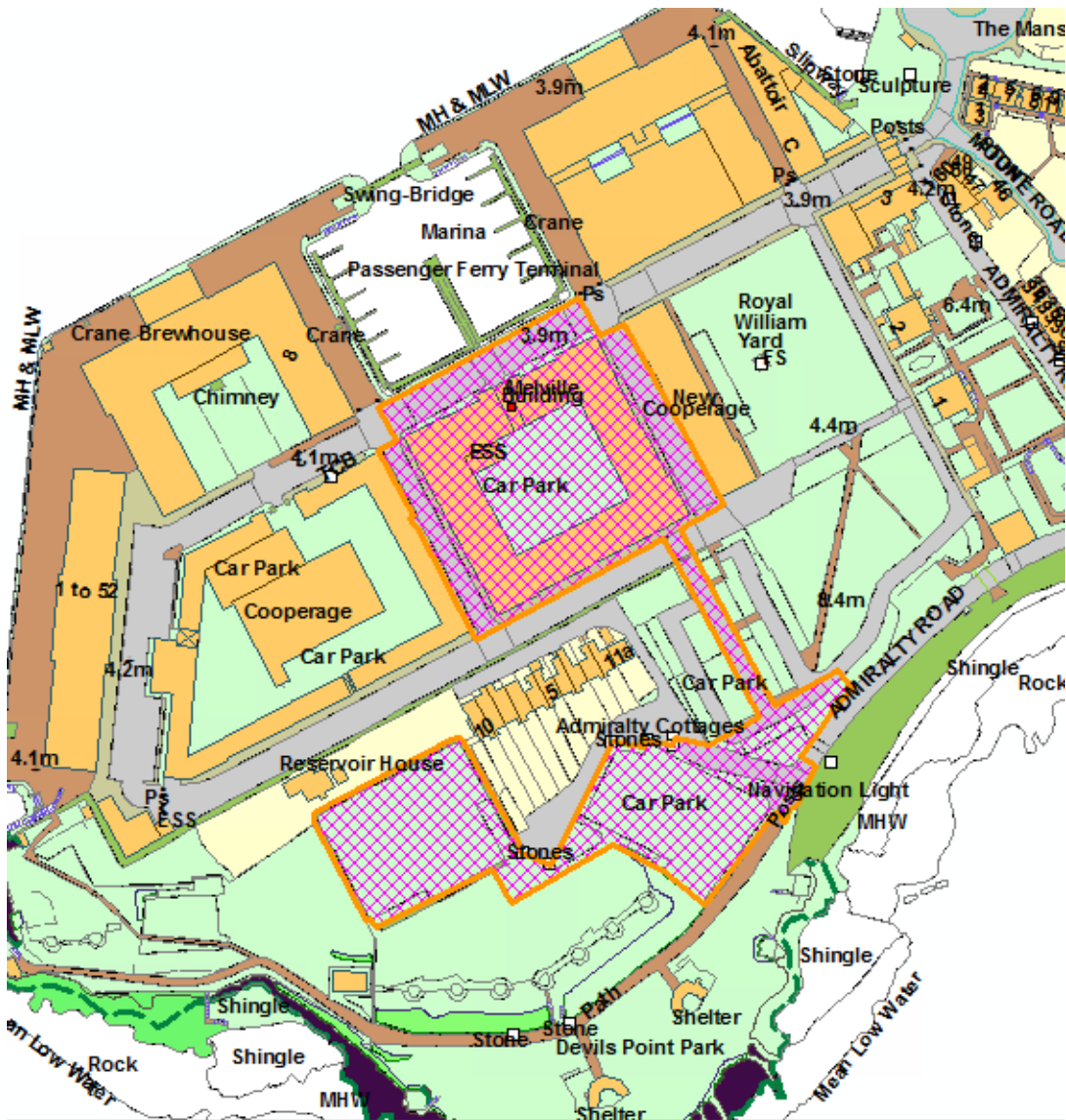
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# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/01376/FUL	<b>Item</b>	03
<b>Date Valid</b>	10.08.2016	<b>Ward</b>	ST PETER AND THE WATERFRONT

<b>Site Address</b>	Melville Building, Royal William Yard Plymouth PL1 3RP		
<b>Proposal</b>	Change of use to hotel and flexible mixed use including shops (Class A1), restaurants & cafe (Class A3), office (Class B1), residential (Class C3), non-residential institutions (Class D1), assembly & leisure and courtyard events space (Class D2). Reconfigure Devil's Point car park & overflow parking in reservoir		
<b>Applicant</b>	Mr Adam Willetts		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>28.02.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Major - More than 5 Letters of Representation Received		
<b>Case Officer</b>	Miss Katie Graham		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met		



## I. Description of Site

The application site consists of a Grade I Listed Building, “Melville”, part of the nursery car park including a Grade II\* boundary wall, Devil’s Point car park and the adjacent Grade II listed reservoir. These buildings are located in the destination Royal William Yard (RWY), sited within the Stonehouse Peninsula, which is also a designated Conservation Area.

Melville is located centrally within RWY fronting onto the basin. It was originally built as a general store and offices, and was largely complete by 1832. It is constructed from Plymouth limestone with granite trim and timber floors supported by cast iron columns. Melville is partly characterised by a central arched entrance with turret clock and dome above, and symmetrical built form. It is also characterised by a central courtyard, currently used for parking and a substation in the north west corner. There are also parking spaces surrounding the building. The building is currently vacant.

To the south east of Melville there is the existing nursery car park, providing 150 spaces. This is accessed from the main entrance to the Royal William Yard. There is a Grade II\* boundary wall along the south and west boundary.

To the south is the existing Devil’s Point car park which provides 71 spaces. This is accessed from Admiralty Road. There is a Site of Special Scientific Interest (SSSI) located to the south of Devil’s Point car park.

The Grade II listed reservoir is located to the south west of Melville. This is grassed and has two

ramps which allows pedestrian access. The reservoir is located within a County Wildlife Site(CWS).

Admiralty Cottages are located to the north of the Devil's Point car park. These residential properties are accessed from Admiralty Road.

Reservoir House is sited adjacent to the north of the reservoir.

### **2. Proposal Description**

Change of use to hotel and flexible mixed use including shops (Class A1), restaurants & cafe (Class A3), office (Class B1), residential (Class C3), non-residential institutions (Class D1), assembly & leisure and courtyard events space (Class D2).

Reconfigure Devil's Point car park & overflow parking in reservoir

### **3. Pre-application enquiry**

15/02330/MAJ A scoping meeting was held (which addresses in principle comments only). The key comments were: Support for hotel use, concern over residential unit size, retail use will need to be restricted and a retail impact assessment provided, further discussions are needed in relation to upgrading the flood defences, changes to Devil's Point parking not justified, object to reservoir car parking due to potential heritage concern, but objection to loss of CWS and strategic greenspace. It was recommended that further pre-app was applied for but this was not pursued.

### **4. Relevant planning history**

13/02320/FUL Change of use and conversion of building to form hotel with ancillary uses and associated works to building, courtyard and quarry Conditional Consent 27/02/2014

13/02321/LBC Repair works to building and alterations for conversion to hotel including works to courtyard and quarry Conditional Consent 27/02/2014

General:

10/00591/LBC - Replacement of defective limestone - Grant conditionally 11/06/2011

09/01247/LBC - Replacement of defective limestone - Granted conditionally 09/11/2009

00/00206/FUL - Change of use of the ground floor (south east wing) to form office/film archive areas - Grant Conditionally 26/04/2000

Relevant to proposal:

12/00868/FUL - The development of a new 150 parking space surface car park on the site of the Officers' walled garden, together with associated access and landscape screening works - Conditional Consent 24/09/12

13/01663/FUL - Retrospective change of use of parts of former public realm quay areas to continue use as outdoor seating areas for existing restaurants (use class A3) in Brewhouse and Mills Bakery buildings' - Conditional Consent 05/12/2013

### **5. Consultation responses**

#### **Police Architectural Liaison Officer:**

Original Comments: Not acceptable due to concerns regarding the reservoir parking (lack of surveillance or lighting, no details of security /management).

Updated comments: Updates have gone some way to address comments. Request lighting plan.

Further comments: The revised layout has improved scheme but request proposed gates / barriers

marked on the drawings. The lighting plan does not appear to be to BS 5489 (which is hard to achieve with bollard and wall mounted lighting).

Final comments: Object to the reservoir scheme due to lack of bollards. Without bollards I would expect this car park to be used by 'boy-racers' and persons engaged in other anti- social behaviour due to its isolated position. If this becomes a problem for the site owner expensive retrospective measures would be required to alleviate the problem. Having discussed this with officers I was told the potential of a new site such as the reservoir would be an attractive site for these groups as it's isolated and would be seen as a good gathering spot. The issue of having to drive via the RYW was not considered to be a deterrent. Push for collapsible bollards at this site to ensure that this problem does not migrate further into the Devil's Point car park site. Otherwise it will absorb more valuable police time and place further pressures on the scarce resources of the authorities having to deal with the potential complaints for the local residents.

### **Historic England:**

Original Comments: The proposal includes alternative layouts which raises procedural issues and also raised concerns over the compartmentalisation of Melville. Overall the scheme is less interventionist than the previous application. No objection to the proposed reuse of the (Grade II listed) reservoir site as overflow car parking, which makes use of a discreet location for cars, provides a use for a disused heritage asset, and should have the beneficial effect of easing car parking problems within the yard area itself.

Updated comments: Applicant has addressed concerns by limiting the amount of subdivision, by retaining open plan units on the ground floor and on the eastern side of the building. The hotel will result in compartmentalisation but the office will retain the open plan element. The previously approved bridge has been omitted. "the modest level of harm to the significance of the building incurred through the subdivision associated with hotel use is firmly outweighed by the heritage benefits of bringing this Grade I listed building back into active beneficial use". This is in compliance with para 15 of the NPPG. The latest amendments have minimised the harm to the significance of the listed building, and that these proposals therefore represent the building's optimum viable use.

Associated with the conversion of the Melville building is a proposal to use an existing drained reservoir as overflow car parking for the Royal William Yard. The reservoir is a Grade II listed structure, originally designed to provide fresh water for shipping vessels. Disused for many years, turf currently covers the originally cobbled surface and it is informally used for public recreation. In heritage terms the reuse of the reservoir for car parking has little physical impact, and indeed the sunken nature of the reservoir will minimise the visual impact of car parking on the setting of various nearby heritage assets. Suggest that a planning condition restricting the opening of the proposed car park to busier periods at the Royal William Yard could strike an appropriate balance between continued enjoyment and appreciation of the Western King Park and the need for the yard to provide adequate parking provision to sustain its operations.

It is proposed to create a vehicular access from the existing "nursery" car park through the Grade II listed perimeter wall of the Royal William Yard. Part of the existing Devil's Point car park would be grassed over to create a pedestrian route from the new aperture in the boundary wall to Western King Park. We feel these proposed arrangements have been handled with care and skill; the new opening in the wall is as small an intervention as possible and the landscaping arrangements to Devil's Point Car Park will enhance the setting of the various heritage assets surrounding.

Updated comments on later revisions for car park layout: Do not wish to offer any further comments.



### **Historic Environment Officer:**

Ground Floor: The indicative proposals for retail / restaurant use are acceptable, and the removal of the electricity sub-station will be a great improvement to the courtyard space. The proposed use of the sets of opposing double doors to form glazed routes through the building is welcomed to improve permeability and create internal shop fronts. They will be quite heavy louvres throughout these passages as they will hide the tops of the columns. Lighting in these areas will be particularly important to draw people through the building.

Original flagstones should be left in-situ if possible, or if patchy, potentially lifted and used as the floor surface for the glazed routes.

The subdivision of the ground floor should be kept to a minimum to preserve the open character of the spaces. The stairs in each corner of the internal courtyard are to become service cores with lifts, with one new one being inserted, which minimises the intrusion for these elements within the rest of the space. The principle of lowering the ground floor window cills (facing into the courtyard) to create doors is acceptable, but thought should be given to whether they all need to be dropped and turned into doors, as shown on the plan, as this will mean some units will have a number of doors.

Details of the surface for the courtyard / events space will also be required.

First and Second Floors: The proposals show the entire left side of the building over both floors being heavily sub-divided to create the hotel. The principle of heavily sub-dividing half of the building is likely to be acceptable, subject to further details, although careful thought will be required in terms of fire, sound insulation, thermal insulation and the installation of services. The proposed roof terraces are also shown either side of the clock tower, it is unclear who would have access.

The right side of the building over both floors is proposed to be office space which has the advantage of being far more open plan and requiring considerably less sub-division and so preserving the character of the large open spaces. These partitions between the offices should be quite light weight to maintain this sense of space.

Having both a hotel and residential accommodation would substantially harm the character of the building by overly sub-dividing all the large open spaces which give this Grade I listed building its distinctive character.

The principles are acceptable and will overall cause less than substantial harm to this Grade I building at risk.

Devil's Point Car Parking Scheme: The 6m wide opening in the Grade II\* listed wall is still proposed but without the addition of a further pedestrian opening as well, and the wall above the opening will also be retained. Details of this will be required along with details of the ramp to be created within the Nursery car park up to the new opening.

It is proposed that the Grade II listed reservoir will become a 95 space over flow car park. This is a good use for a semi-derelict former reservoir as it will refurbish it and give the structure a new long-term use. Further details of the works / repairs to the reservoir will be required but this could be conditioned or provided in the form of a schedule of works.

Overall the proposed works to the car parks will be beneficial and will enhance and improve the area around Devil's Point and Admiralty Cottages as well as the Grade II listed former reservoir.

### **Lead Local Flood Authority:**

Original comments: No drainage strategy has been submitted and details should be submitted.

Updated comments : The drainage can be dealt with by condition

### **Natural Infrastructure Team (NIT):**

No objection to the redevelopment of the Melville building itself. However, there are requirements to make the conversation of the Reservoir located on Devils Point into a car park acceptable including delivery of a comprehensive mitigation and compensation package and conditions to be added to the application.

Initially the NI Team had objections to the application due to the unacceptable loss of greenspace and CWS as a result of the Reservoir conversation as there was no proposed mitigation or compensation. However through the life of the application the applicant has provided more detail on the measure they will be implementing to mitigate impacts and compensate for the loss of an area of publicly accessible greenspace and part of the CWS.

The mitigation and compensation package now includes direct delivery of new wildflower planting around the reconfigured car park as well as S106 contributions towards – native planting on Devils Point, improved access infrastructure within the greenspace as well as a contribution towards the development of a Masterplan for the site to drive further improvements on Devils Point. The final element of the compensation scheme was that the remaining areas of public greenspace (including the rest of the CWS) be transfer to the Council to protect the special values of the site in perpetuity. This would form part of the compensation package for the development impacts. This land transfer was agreed in principle with the applicant but the NI Team requests that to make the development acceptable and the compensation package binding this land transfer should form part of the S106 that accompanies this application.

The proposed mitigation planting delivered directly by the applicant equated to 750sqM of wildflower planting around the existing car parking. This package would have been acceptable. However further revisions of the car parking design seems to have significantly reduced the space for wildflower planting and we therefore need to understand where the 750sqM will now be planted. It is recommended that a condition is attached to the application requiring, prior to commencement of any works on Devils Point, a plan to be submitted which details where the 750SqM of wildflower planting will be located.

Two trees will be removed as part of the proposals to break through the existing RWY wall. The landscape plan for the site should show where these trees will be replaced. It is suggested that this requirement is specifically detailed in a landscape condition.

The other element of mitigation required to make the development acceptable is a site specific contribution to the management of recreational pressure on the Plymouth Sound and Estuaries Special Area of Conservation. This will ensure the application complies with the requirements of the Habitat Regulations by ensuring the development does not have a significant impact on the European Marine Site.

Other items are required to be covered by condition including; the delivery and management of the wildflower planting (landscape condition) the delivery of an attractive and sensitive boundary treatment between the greenspace and the road with is proposed to lead down to the new Reservoir car park (boundary condition) and the submission of a full construction environmental management plan (CEMP). The development is being undertaken in a sensitive setting and therefore construction activities need to be strictly controlled to ensure they do not have an unacceptable impact on the natural environment (pre-commencement CEMP condition).

## **Transport:**

This is one of the last remaining buildings within the RWY to come forward for redevelopment with the principle of a hotel use within Melville being included within the original Mott McDonald Transport Assessment (TA) for the RWY and subsequently included within the adopted Millbay and Stonehouse AAP. Therefore the principle of a hotel use within this building along with offices and supporting A1-A3 uses is accepted.

Trip Generation: Although the applicant is looking to secure a flexible consent with a number of different use classes it is likely that the primary uses within the building will be Hotel, Offices, Retail and Restaurants/Cafes. Therefore the trip generation has been based upon these uses. On the basis of the application of trip rates derived from the TRIC's database and on the assumption that the retail use would not be a generator of trips in its' own right (instead retail trips would form part of a linked-trip), the proposed mix of uses would generate in the region of 76 two-way movements during the am peak hour and 114 during the pm. Whilst it has not been in use for some considerable period of time it is noted that the former MOD use of the building would have been a generator of trips in its' own right. On the basis of the trip rates derived from both TRIC's (for the warehousing) and the office trip rates included within the original Mott McDonald TA, the previous use of the building would have generated around 84 movements during the am peak and 64 in the pm.

Whilst it is noted that the proposed use would generate double the number of two-way movements in the pm when compared to the previous use, such an increase (50 trips) equates to less than 1 vehicle per minute and would not give rise to any highway capacity issues on the local road network.

Furthermore if the decision were made to replace the proposed hotel floor space with residential units then the net increase in traffic movements would be similar to that associated with the hotel.

Car Parking: The previous application submitted for a Hotel within Melville proposed an off-site parking facility. This is no longer proposed as part of this new application and therefore an alternative approach has been taken to addressing the issue of car parking.

The proposed redevelopment of the Melville building will result in the loss of 90 existing unallocated car parking spaces within the Yard with the majority of those spaces being removed from the Melville courtyard area. Therefore the number of unallocated spaces serving the Yard as a whole reduces from 435 to 345.

Based upon the mix of proposed uses a maximum of 327 car parking spaces could be provided to serve the Melville building based upon application of the maximum car parking standards as outlined within the Development Guidelines SPD. However in view of the shared use approach that has been established for car parking serving the RWY, the current peak parking demand equates to 46% of the maximum standards (which results in the need for 150 spaces) and this reduces to 34% during the off-peak periods (111 spaces).

A number of car parking surveys have undertaken place both during on and off-peak periods during 2016. The results of these surveys would seem to indicate that car parking demand only outstrips supply for limited times during peak periods (these primarily being lunchtimes on Sundays when monthly food markets are taking place). During the remainder of the time

it can be seen that there is sufficient car parking capacity taking into account the loss of spaces as a result of the redevelopment of Melville although clearly during the peak lunchtime periods the difference between car parking demand and actual capacity reduces.

Devils Point Car Park: In order to help reduce some of the car parking shortfall and provide the further car parking considered necessary to serve Melville (between 111 and 150 spaces) it is proposed to reconfigure the public car park at Devils Point. This will reduce the number of publically accessible spaces from 71 (65 + 6 disabled) to 46 (41 + 5 disabled). It is the view of the Highway Authority that proportionally the provision of 5 disabled spaces within a car park providing 46 spaces in total is an over-provision of such and that the number of disabled spaces should be reduced to 3 in order to increase the number of general spaces.

The changes to Devils Point car park will result in the creation of a further 32 pay and display

spaces which will form part of the dedicated car parking allocation serving RWY (Devils Point North) and will be accessed through the Yard itself via a new link through the Walled Garden Car Park.

At present it is acknowledged that the availability of spaces at Devils Point for use by the general public is restricted as a result of the car park being used by staff/commuters working within the RWY. The planned introduction of parking restrictions by PCC to limit the duration of stay to will help address this problem. Parking surveys undertaken by US would seem to suggest that around half of the number of vehicles recorded during the surveys (max 89) are used by commuters for all day car parking. Therefore in the region of 40+ spaces would be required to meet the demands of visitors to the area and consequently the number of public car parking spaces proposed is considered to be acceptable.

### Reservoir Car Park:

As mentioned above car parking demand often outstrips supply when larger events are taking place at the RWY and this is confirmed by car parking survey data and forecasted future demand profiles provided by the applicant's traffic consultant. Therefore in order to address these periods of increased demand it is proposed to provide a further 95 spaces within the former reservoir area at Western Kings. Whilst this car park would be available on a daily basis in reality it is only likely to be used during peak periods of increased activity at the Yard. For the majority of the time this parking area would remain vacant (being the car park furthest away from the Yard these spaces would be the last to be used).

### Cycle Parking:

As the proposed split of uses within the building is not yet known it is difficult to determine how many secure and covered cycle parking spaces will be required. I would therefore recommend that a condition be attached which requires cycle parking being provided in accordance with the minimum standards as set out within the Development Guidelines SPD. Layout:

The proposed ramp from the nursery car park through to Devils Point (North) is relatively steep at a gradient of 1:10. In view of this I would recommend that high friction surfacing be provided on this section of road which links the 2 car parking areas.

The creation of a delivery area on the western side of the Melville building would result in HGV's having to undertake a very tight 90 degree turn in order to access Back Alley. This may necessitate the removal of 1 or 2 existing on-street spaces and would need to be determined by carrying out tracking plots.

### Transport Strategy (TS):

Upon its' approval it was accepted that the RWY Transport Strategy would be a document that would need to be updated as further development within the RWY comes forward. Whilst an addendum to the approved TS has been submitted in support of this application, it is recommended that the TS is fully updated to reflect the changes to it brought about by this application and that this be made subject to a condition.

### Travel Planning:

One of the criticisms of Urban Splash has been a distinct lack of progress in respect of the promotion and delivery of the approved Travel Plan and associated monitoring of the measures contained within it in order to deliver modal shift. A further over-riding concern is that the creation of more car parking serving the RWY could lead to a negative impact in terms of encouraging the use of sustainable modes of transport for journeys being made to and from the RWY.

The TP refers to each individual occupier funding their own bespoke TP initiatives in line with those measures set out in the site-wide approved TP. However it is not currently clear how this will be achieved and it is therefore recommended that a condition be attached which requires occupiers to fund the provision of a travel voucher for all members of staff who may wish to use sustainable modes of transport to access the site. The cost of such will be based upon the cost of the 3 month bus pass (£65 per month for zones 1 and 2) and shall have flexibility to be used for the purchase of either a bus pass or vouchers towards the purchase of a bicycle. I would recommend that a condition be attached relating to the need for a suitable Travel Plan for Melville which accords with the site-wide document.

To conclude The Local High Authority do not raise any objections to this application however recommend that the conditions are attached to any grant of consent.

### **Housing Services:**

Refuse storage needs to be provided. Consideration should be given to the Housing Health and Safety Rating System (HHSRS)

### **Natural England:**

Internationally and Nationally Designated Sites – Further information required:

The application site is located approximately 150m from the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and 1.6km from the Tamar Estuaries Complex Special Protection Area (SPA). These are European designated sites. As a competent authority you need to have regard to the Habitats Regulations. The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

Condition requested for pollution prevention guidelines.

Site of Special Scientific Interest - No objection – no conditions requested. This application is in close proximity to Western King Site of Special Scientific Interest (SSSI). Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application as submitted (i.e. there will be no extension to the boundaries of the Devil's Point car park to encroach on the SSSI) will not damage or destroy the interest features for which the site has been notified.

Protected Species: Standing Advice should be used for the consideration of this application.

Biodiversity enhancements: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.

Updated comments on mitigation and draft CEMP: Agree that the mitigation comprehensively covers discussion with NIT and that with these measures in place a separate HRA will not be required.

### **Environment Agency:**

The proposal can be acceptable provided that planning conditions are included to ensure that the development will be safe over its lifetime and a legal framework to secure funding for the future upgrade of the defences is agreed.

Our position mirrors that taken in respect of the previously approved application 13/02320/FUL and seeks to ensure that the defences for the main entrance and Firestone tunnel are completed and that the glass balustrade around the yard and steel plate around the basin will be upgraded to meet the challenge of Climate Change. Our recommended conditions together with comments justifying our position are set out below. Recommended conditions: Flood Resilience Measures, Flood Emergency Management Plan (Flood Action Plan), Flood Defence Delivery Plan (Flood Management Strategy).

### **Public Protection Service:**

Concern over the proposed gym and probable impacts including noise and vibration. The complaints range from being able to hear classes taking place to the vibrations and thudding of weights and medicine balls being dropped on the floor. On the whole the airborne noise complaints have been managed through negotiation and enforcement, however when the problem centres on the thudding and vibration of weights being dropped on the floor this has proved a lot more difficult to resolve.

There is concern that if residential is above the gym the same thing is likely to happen. Despite the

assurance of the raised acoustic floors mentioned in section 5.9 of the Design and Access statement it is not considered that this would mitigate the impact of weights etc.

It is for this reason this department would not support office or residential above a gym in this location. Hotel accommodation above a gym would however not pose so much of a problem as hotel guests are transient and would not be subjected on a daily basis. To clarify, Public Protection would approve the placing of a gym beneath a hotel but not beneath office or residential units. Royal William Yard is a mixed use site and has a number of commercial food outlets existing beneath sensitive residential property. This has given rise to a number of noise and odour complaints throughout the site. Consideration must be given to controlling sources of noise and odour, in particular arising from use of outside spaces and the operation of food businesses from mechanical units. The applicant has advised that extraction systems will be installed as required in line with current guidance and acoustic flooring is to be installed providing a barrier between commercial and Hotel/Residential uses.

Support plans to bring building back into use.

### **Economic Development Department:**

Support the success of the regeneration of the site to date, including the previous investment needed. Acknowledge the challenge that Melville (along with the other remaining building Factory Cooperage) poses. On this basis no objection to a pragmatic delivery focused approach which includes commercial (A1 or A3) use on the ground floor, and residential (C3) use on the first and second floors. Whilst not preferred outcome, these may be delivered. Hotel (C1), office (B1), and conference (D1) use would certainly be preferable from a land use planning and economic development perspective, not just for RWY, but for Plymouth, but may not be viable, and flexibility will be required if Urban Splash are to achieve anything at all. Otherwise there is a genuine risk that Melville will remain empty and disused for the foreseeable future, and will continue to deteriorate. Suggest a pragmatic flexible approach is needed for the parking proposals.

- Support ground floor alterations to Melville which will help viability of commercial units
- Events space in courtyard also add viability
- Residential units are small but acceptable
- Office use supportable and has worked well within the RWY
- Careful consideration needed of the new access and reservoir parking.

### **South West Water:**

No objections to the proposal

### **Queens Harbour Master:**

No comment

## **6. Representations**

656 Objections on following grounds:

### **Devil's Point:**

- Devil's Point should remain as greenspace for everyone to enjoy
- New junction from nursery car park
- Devil's Point is used by older and more vulnerable people
- Pleasant short walk and view
- Only 2 disabled spaces
- Number of free spaces reduced, free parking spaces should be retained
- Car park used by staff who work at RWY to avoid parking fees as opposed to genuine users of Devil's Point
- Approval could set a precedent for development on Devil's Point
- Adverse impact on tranquillity and extent of Devil's Point

- Devil's Point designation as local green space proposed as part of Plymouth Plan and is widely supported
- Removal of listed wall
- Should be retained as a free car park
- 2 hour parking is not sufficient for family day out
- Car park would blight area
- Used by people fishing and walkers
- Car park not big enough currently so should not be reduced
- Historically important location
- Need signage for Admiralty Cottages for private land

### **Reservoir:**

- Kept as green space for people of Plymouth
- Not spoilt by cars
- Infringement upon relaxation and health benefits
- Lack of compensation for communities who use reservoir
- Reservoir used by public for recreation
- Reservoir is not an unused historic monument so refurbishing but removing its value to community is inappropriate
- No details on overflow use, and how this is managed, meaning it could be used more often
- If reservoir developed this will require compensatory investment in family and natural resources
- Reservoir part of area to roam
- Loss of reservoir as a recreation facility
- Contrary to Plymouth Plan consultation responses
- Contrary to NPPF in respect of historic environment and protection of local green space
- There has been no assessment of the significance and harm to the reservoir in heritage terms contrary to NPPF para 132
- Use of reservoir for parking contrary to Local Green space designation
- Reservoir used for sports, walking, facilities, children playing, dog walkers,
- Should be used for community use
- Historical site which needs to be respected, a car park will not respect this.
- Reservoir within Conservation Area
- SSSI surrounds the site and will be impacted
- Need to preserve green space for younger generations and to prevent obesity
- Impact of pollution and noise from traffic on residents and wildlife
- Significant impact on Reservoir House and Admiralty Cottages including noise and pollution
- Reservoir only one of two of a kind in the country?
- Previous refused multi-storey on reservoir (1995)
- Reservoir County Wildlife Site
- Historic military use and land mark for Plymouth
- Should be used as a free car park for visitor use
- Reservoir should be memorial to Dockyard water boats /D Day landings

### **Traffic Impact:**

- Increased risk to pedestrians on Admiralty Road
- Lack of consideration to access from Nursery car park
- Impact upon access to Admiralty Cottages
- Increase in parking spaces and reduction in parking duration will impact upon traffic flow in peak times
- Admiralty Road has no pavement and increase in traffic would give rise to harm for pedestrians

- Why would cars exit via RWY if they can exit via Admiralty Road
- Admiralty Cottages would possibly need to queue to get to their homes along Admiralty Road
- No details for how the gates to serve Admiralty Cottages would work
- Gate serving Admiralty Cottages will no longer be safe as next to highway
- Access road to Reservoir will mean area above no longer safe
- Traffic increase makes walking unpleasant
- Events already cause congestion on the streets
- Durnford Street already congested
- Traffic noise and disturbance
- Vehicular access is being prioritised over pedestrian and cycle
- Impact upon wildlife due to pollution

### **Parking:**

- Parking should be retained within RWY
- Parking should be retained free for public
- Parking adequate at RWY
- Stonehouse Creek still under used
- Simply adding a time limit to the existing car park would increase availability
- Could Strand overflow car park be opened permanently?
- Need for more car parking not demonstrated
- There should be no more parking
- Provision of extra car parking will not encourage the use of more sustainable methods of transport
- Existing car parks are only at capacity at peak times
- Recent bus service improvements and cycling
- Alternatives have not been explored (e.g. do nothing, more buses including park and ride, differential parking charges, changes to travel plans for existing uses, changes to public transport provision linking with other waterfront sites, valet parking, improved signage including sign outside advising number of spaces, use of other land within RWY for parking including road behind Melville, Old Cooperage, green space in front of New Cooperage, and removing/reducing pavements, multi storey within RWY, parking in royal marine barracks, suspend allocated parking)
- People can use alternative car park if full at RWY on very busy days
- Residents in Stonehouse already struggle finding a parking space
- Workers in RWY will now have to pay for parking
- Disabled spaces should be reserved along waterfront at Devil's Point
- Could wall boundary treatment be improved as part of the works?
- 2 day survey not sufficient
- Changes to parking management at RWY not acceptable
- Insufficient parking surveys (only 5 taken)

### **Melville:**

- Lacks vision as previous application
- Object to restaurants, cafe due to noise, smells and traffic
- Object to hotel as this will cause noise and pollution

### **General:**

- Plans will benefit the one group of the community at expense of another
- No noise /air quality assessment
- Concern over future development. What can Council do to safeguard the environment and community green space from encroachment?
- If Urban Splash (US) propose to remove amenities then additional amenities should be



- provided such as picnic areas, public toilets and improved bus route
- Erosion of beauty spot
- Support regeneration of RWY but the changes to parking and Devils Point is not acceptable
- Light pollution from lighting, want to review details of lights
- Previous appeal decision in 1995 for a multi storey car park at the reservoir was dismissed
- Object to removal of gates at Admiralty Cottage entrance, no details of replacement gates
- Second set of gates at Admiralty Cottages should be automated
- Area in Index of Multiple Deprivation, should a risk assessment be carried out
- Not sufficient consultation from Urban Splash with residents
- Moving anti social behaviour a few metres further away from Admiralty Cottages not a solution

### **3 letters of support:**

- Improve safety situation e.g. dangerous driving and racing, and drug taking
- Police call outs will be reduced
- CCTV will assist
- Conversion of Melville will improve RWY
- Redevelopment of Melville acceptable
- Improved secure parking with security will be a good thing
- Stonehouse has public amenities such as Tennis Club
- Devil's Point used for people who may only want to park for half an hour
- Support hotel in Melville and associated employment provided

### **Non Planning:**

- Restrictive covenants on land
- Conflict with right of way
- Object to building house, hotel, retail units at Devil's Point
- Lose place to swim
- Impact on property prices
- Land ownership plans query
- Concern that car park will lead way set a precedent for housing/further development at Devil's Point

### **Amended Plans:**

- Mound along Devil's Point will restrict view
- Not enough Disabled Spaces (based on an earlier revision)
- Layout wasteful and could incorporate more parking spaces
- Amended plans are better than original scheme and a better compromise for residents and community
- Use of bollards a positive addition, how will this be managed?

## **7. Relevant Policy Framework**

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application, it also comprises the Millbay & Stonehouse Area Action Plan.

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth

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

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

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

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

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

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

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

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

### **5 year housing supply**

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

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

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

For the reasons set out in the Authority’s Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 against the

housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

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

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

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

For decision-taking this means:

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

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.

### **8. Analysis**

1. This application has been considered in the context of the development plan policies MS01, CS01, CS03, CS04, CS07, CS12, CS13, CS15, CS18, CS19, CS20, CS21, CS22, CS28, CS32, CS33 and CS34, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

#### **2. Melville Building Principle**

The site forms part of the site allocation for Royal William Yard (MS01) within the Millbay and Stonehouse Area Action Plan (AAP). Policy MS01 specifies the Melville building for use as a hotel. This building is one of the remaining buildings to be converted at Royal William Yard.

3. The proposed conversion and listed building works will ensure the preservation of this important listed building, which is currently on the Buildings at Risk register. This will require a substantial amount of investment due to the scale of the building and the extent of repair works required. However, as discussed in more detail below, the proposal will result in an optimum viable use of the building, securing its use for future generations.

4. The proposed hotel use will contribute towards Plymouth’s visitor offer. Tourism, leisure and attracting visitors are priorities for the City and a priority for the Local Economic Strategy. The Melville Building has been unoccupied since the early 1990’s and therefore a mixed use high-end development which will bring this substantial building back into use, create employment opportunities and further increase Royal William Yard’s appeal for visitors is strongly supported by Council’s Economic Development Department. In addition, the City has a lack of top-end hotels and therefore a 4\* or 5\* hotel will particularly be encouraged as part of this development.

5. As part of the Council's growth agenda, for developments of this size, stature and scale, the Council requires the submission of an Employment and Skills Strategy as part of the planning application, in line with Strategic Objective 6 of the Core Strategy. This should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. A condition will be recommended in order to request further details of the employment and skill strategy.

6. Overall, the proposed hotel is considered to significantly contribute towards the tourism economy of Plymouth and will result in substantial investment in the building which should benefit the surrounding community and the wider Plymouth area. By supporting the development of tourism, the proposal is considered to comply with Core Strategy Policy CS04 Future Employment Provision.

7. Due to the policy consideration, it is important to secure the hotel use as part of this application. Officers consider the best way to do this is through a condition.

### 8. Mixed Use

The application includes a range of uses, as well as the hotel, including retail, café/restaurants, offices, residential, non-residential institution, assembly and leisure. These are reviewed separately below.

### 9. Retail

The scheme proposes retail on the ground floor of the building. These are in modest sized units, and the retail statement advises that there will be a max of 600m<sup>2</sup> of A1 retail. The AAP identifies small scale retail to meet local needs and leisure or tourism related retail. With the provision of conditions to restrict the size of units and total amount of retail, the retail provision is considered acceptable and will not have a detrimental impact on the city centre.

### 10. Café/restaurants

Up to 3100sqm of Café restaurants (A3 Use Class) is included as part of this application. The AAP proposes food and drink within the RWY, although not specifically the Melville building. Overall the principle of A3 uses in this location is acceptable and will enhance the leisure use and vibrancy of the RWY.

11. A number of conditions are recommended to deal with the noise impact from the A3 uses, these conditions include a management plan, hours of operation, restriction on use class, outdoor table/seating construction, restricting outside music and smoking areas. These are all recommended by the Public Protection Service (PPS) and are consistent with previous applications, including an application which approved the outside seating around the inner basin.

### 12. Offices

The proposal includes up to 9425m<sup>2</sup> of B1 Office space. Offices are included within the AAP and are acceptable in principle.

### 13. D1 Use Non-residential Institution

D1 Use class includes a range of different uses. The agent has clarified that up to 9425 sqm of D1 could include non-residential education and training centres (for University and College) and/or art galleries. It is considered that in principle all these uses would contribute to a sustainable mixed community at RWY.

### 14. D2 Use Assembly and Leisure

The agent has clarified that the D2 Use would be for gym, again a max. of 9425 sqm. The previous application included a gym as part of the hotel use. Public Protection Service have raised a concern regarding the relationship between residential/office and a gym. It is considered that a gym adjacent to residential would create amenity issues, and a condition is recommended to prevent this as requested by Public Protection Service. However it is considered that an office and gym are compatible uses and should be able to operate together however a condition is recommended to deal with a noise management plan for the gym.

### 15. Residential

Application forms state a maximum of 40 residential units (20 x 1 bed, 20 x 2 bed). An indicative layout plan submitted with the full application shows the second floor subdivided into 40 apartments and this shows that it is possible to convert the building into 40 apartments. In principle residential has been implemented elsewhere within the RWY. Whilst the AAP policy does not propose residential for Melville, there is no objection in principle to this use in this location. The indicative 1 bed units propose a size of accommodation of 40 sqm which is considered acceptable in terms of amenity space. There is no private outside amenity space for the residential units. However like the majority of the other residential units elsewhere in RWY, these units will benefit from the waterfront location with areas of public open space within close proximity. There is no objection on this basis. It should also be noted that the site allocation policy MS01 exempts any residential from providing affordable housing.

16. This is considered to be in compliance with Core Strategy CS01 Development of Sustainable Linked Communities.

### 17. Melville Building Alterations

In order to facilitate the conversion, a number of alterations are proposed to the building. These alterations include:

- \* Alteration of windows to form doors around the courtyard
- \* New internal lobby doors on historic external loading bay doors
- \* New internal stair case and lift cores
- \* Remove secondary phase timber panelling
- \* Creation of new openings within rubble stone walls
- \* Raised acoustic floors
- \* Plant spaces
- \* North block inset roof terraces

18. The key consideration is the impact upon the character and appearance of the listed building and the setting of the adjacent listed buildings, in accordance with Policy CS03 Historic Environment of the Adopted Core Strategy and the NPPF. In addition, the principle of enabling development to secure the viable use of a listed building is a key consideration.

19. The proposal includes a variety of repairs and alterations to the listed building. Many of the conservation principles for repair have been established through the previous conversions at Royal William Yard, and also through the Conservation Plan (2007). The submission in some cases presents options for the repair, to be determined as the works are progressed. The key areas of alteration are assessed below.

### 20. Amended Plans and Subdivision

The application was originally submitted showing different options for the internal layout of the building. Historic England (HE) had concerns with this approach, as this had the potential to lead to a more intensive subdivision of the building. The application was 'amended' through confirming one set of layout plans. This shows the ground floor split into commercial units, and the first and second floor split vertically, with one half of the building proposed as hotel, and the other half as

office/commercial. This has addressed HE's concerns and their comments now note support for the application. This layout also means the glazed bridge is no longer required, which has reduced the impact to the listed building. The set of plans which show the hotel and no residential also address HE's and the Historic Environment Officer's concerns regarding the possibility of too much subdivision.

### 21. Roof Terraces

Two roof terraces are proposed to the north and south of the clock tower. The current scheme proposes the roof terraces set down below a parapet wall, to a level which would mean they would not be visible from the front elevation, and only partially visible from the rear elevation set behind an overhanging roof plane. It should also be noted that roof terraces have been approved and implemented elsewhere in Royal William Yard. Given the reduced visual impact, there is no objection to the roof terraces. In addition these formed part of the previously approved scheme.

### 22. Alteration of windows to form doors around the courtyard

Twenty two windows are proposed to be formed into doors around the central courtyard. Existing door openings are proposed to be retained. This alteration has been previously carried out in the Brewhouse and Mills Bakery. It is proposed that the window openings are extended to create the door openings, with cor-ten steel lining the new openings. These openings will allow for the commercial units to create active frontages onto the courtyard, which has been successful previously. It is accepted that these are necessary to allow for the greatest opportunity for sustained viable units.

### 23. Creation of glazed routes

Three glazed routes are proposed, one in each elevation, with the exception of the north elevation which has the existing open archway. This will allow for links through the building, improving upon the existing, and providing links to and from the Cooperage buildings. This will also create a frontage for the commercial units and help to improve their viability.

### 24. Courtyard

The application proposes less intervention within the courtyard than the previously approved scheme (which included a swimming pool). The substation which currently takes up a large part of the courtyard is proposed to be removed, which will improve the character and appearance of the listed building and is therefore consistent with the NPPF and Core Strategy Policy CS03.

25. Overall, it is considered that the character of the listed building will be safeguarded in accordance with Core Strategy Policy CS03. There will be some loss of significance through the alterations, however great weight is given the assets conservation, and finding a viable use for this Heritage Building at risk. The following statement from Historic England summarises the application and the positive recommendation.

26. "Historic England supports these proposals, which will bring a sustainable new use to the Grade I Listed Melville Building and ongoing benefits to the wider historic estate the Royal William Yard. The Melville Building is the centrepiece of the yard but has remained on our register of Heritage at Risk for many years as attempts to provide a sustainable future for it have foundered. These proposals represent an opportunity to put in place one of the last pieces of a Royal William Yard regeneration jigsaw, and move towards completing one of the finest pieces of heritage-led urban regeneration in the South West."

### 27. **Flood Risk**

The application site is partially located within Flood Zone 2 along the front (North West) elevation. A site specific flood risk assessment has been submitted. This identifies two primary

flood risks to the building (extreme tidal event and surface water flooding). It is suggested these risks will be managed by the provision of an appropriate flood management plan, demountable defences and flood resilient construction.

28. The proposed hotel and residential use constitutes a 'More Vulnerable Use' in the NPPF. As the site is allocated through the Area Action Plan for a hotel use, this means there is no requirement for a sequential test. However, under the NPPF requirements, the development needs to be safe, including access/egress, for its lifetime allowing for climate change.

29. Due to the above requirement an assessment has been made of the existing defences in place at Royal William Yard. Whilst the existing defences are functioning to current requirements and predicted sea level change for the next 50 years, in the following 50 years onwards, it has been noted that the flood defences in place would not protect the building for the lifetime of the development taking into account climate change. Accordingly, the proposal would not strictly comply with the NPPF requirements.

30. Urban Splash has started a fund to contribute towards the upgrade of the flood defences. It is proposed that they contact the LPA/Environment Agency regarding possible match funding options at a future date once a level of their funding has been established. The EA have agreed this approach, and with the provision of conditions, the proposal is considered acceptable in terms of flood risk and in compliance with Core Strategy Policy CS21 and paras 100 to 104 of the NPPF.

### 31. **Drainage**

Drainage details have been submitted which show the drainage will use the existing system which will outfall into the inner basin. The Drainage Officer has recommended a condition to deal with the details of the drainage.

32. Some objections have raised concern about the sewage system and issues relating to smell. Officers have subsequently sought SWW comments and they have confirmed no objection to the application.

### 33. **Low Carbon**

A statement has been submitted that states the building will minimise energy consumption and also provide for energy integration. The energy consumption will be minimised by use of natural ventilation where possible, high efficiency gas boiler plant, a control and monitoring strategy, LED lighting, low water use sanitary ware, and low temp hot water heating. It is also confirmed that the heating systems have been designed to allow for future connection to a district heating system. It is not considered that other methods of renewable energy production, such as solar panels, would be appropriate for this building. On this basis the application is considered to comply with Core Strategy Policy CS20.

### 34. **Protected Species in Melville**

The application has been submitted with an Ecological Mitigation and Enhancement Strategy (EMES) dated July 2016. A bat and barn owl survey was undertaken in April 2016 but no evidence of bat roosting or birds nesting was recorded and a Preliminary Ecological Assessment (PEA) was conducted in June 2016. Together these surveys provide sufficient information to ensure that protected species are being protected and that the Melville Building is being enhanced for biodiversity, in accordance with Core Strategy Policy CS19.

### 35. **Impact upon Amenity**

The proposal includes an outside seating area to the front of the building and also within the courtyard. There is also an outside seating area within the roof terraces. It is noted there is an approved application at RWY for the retention of areas of outside seating (13/01663/FUL see

planning history above). This approved the retention of the outside seating subject to a number of conditions relating to a management plan, music and smoking area restriction. Public Protection has no objection on this basis.

36. An acoustic report has been submitted in support of this application. This has assessed the outdoor seating, restaurant breakout noise, lounge and bars, plant and ventilation equipment, the impact on Admiralty Cottages, Brewhouse and Mills Bakery and the internal relationship.

37. Based on this assessment there are no significant noise impacts arising from the proposed development, which is considered to comply with para 123 of the NPPF and Core Strategy Policy CS22.

38. The proposed roof terraces on the front/north elevation are set down by 1.5m from the parapet, which will provide some mitigation against overlooking from the terraces. In addition, the roof terraces are 43m distant from the nearest residential buildings (Mills Bakery and Brewhouse), which is considered to be a sufficient distance to ensure there are no issues over overlooking and impact upon the privacy of the occupants of this property. This is considered to comply with Core Strategy CS34 Planning application considerations.

### **39. Change to Devil's Point Car Parking**

Currently there are 71 spaces (including 6 disabled) at Devil's Point (DP). These spaces are accessed from Admiralty Road and with no parking restrictions or charges.

40. Two set of amended plans have been received, and re-advertised, which has amended the layout of Devil's Point from what was originally submitted.

41. The total parking at Devil's Point car park is now proposed to increase to 78 spaces, with 46 in Devil's Point south, and 32 in Devil's Point north.

42. The key amendments sought through the application process have been to address the split of spaces between Devil's Point north and south. The original scheme proposed 29 spaces in Devil's Point south, which was increased to 35 spaces, and finally the 46 spaces currently proposed.

43. Overall the amount of parking at Devil's Point is proposed to be increased by 7 spaces.

44. The spaces at Devil's Point south are accessed from Admiralty Road, as per the existing situation. These spaces are proposed to be retained as free parking for visitors to Western Kings and managed by PCC. It is understood that there is an intention to install restricted short stay parking in this location. The intention of this is to try and address an existing issue where the spaces are being used by commuters to RWY which take up spaces within Devil's Point. This issue is reflected in some of the letters of objection where it is noted that people can struggle to find a space in the Devil's Point car park.

45. The spaces in Devil's Point north are proposed to be accessed from the existing Nursery car park. A vehicular access is proposed from the Nursery car park at RWY, with a proposed ramp and the removal of a section of wall. This access road links to the reservoir to provide access for the overflow parking (discussed in more detail later).

46. The current access arrangement for nearby Admiralty Cottages is proposed to change by the removal of their private access road, fence, access gate and piers. The residents will still access their property from Admiralty Road. An electric gate is proposed which will allow these residents access from Admiralty Road to their properties through the car park. Whilst some residents have raised concern that this will be an inconvenience, the introduction of an electronic fob access gate



is not considered to impact upon amenity and is a common form of providing secure access vehicular access to properties.

47. Another concern raised by residents is that on days of events, people try to park in DP car park first, which then leads to congestion in the car park and on Admiralty Road. It is considered that the provision of the reservoir car parking, accessed from RWY, combined with the short term restricted in Devil's Point south, will go some way to resolve this existing issue.

48. There are 5 proposed disabled spaces in Devil's Point overlooking the waterfront. This is more than the policy requirement of 3. The Transport Officer has noted preference for 3 disabled spaces, so that 2 more spaces can be allocated for general public use. However the 5 spaces have been proposed in order to address Ward Councillor concerns regarding the loss of disabled spaces.

#### 49. *Surface treatment and landscaping*

The proposal includes re-landscaping Devil's Point car park. Currently the car park is tarmac and in need of repair. The proposed surface treatment is to follow the same treatment as the Nursery car park which is a buff tarmac for the access road and grassed parking spaces using a plastic geo-grid system. The access from Devil's Point to the reservoir proposes to use the same extent of the existing tarmac which is proposed to be upgraded to the buff tarmac.

50. In addition the parking area is proposed to be grassed along with wildflower planting and a bank to help to screen the car park from the waterfront. This improved landscaping will improve the appearance of this area, and will contribute in part to the loss of grass in the reservoir. Further wildflower planting is proposed along the access to the reservoir, creating a wildflower buffer.

51. Some letters of representation have raised concern that the proposed bank and planting, which is proposed to screen the car park, will block views from the car park. The letters of representation have advised that people like to sit in their cars and view the Sound. In order to avoid any loss of views, the landscape condition will require details of the bund. This means officers can review the detail to ensure the view would not be lost.

#### 52. **Proposed access from Nursery Car Park**

The access to Devil's Point includes the removal of a 7.8m section of Grade II\* listed wall is proposed to be removed to create this access. A section has been submitted which shows that the access will be created by making an opening in the wall, with the top section of wall retained. It is proposed to finish the opening with a cor-ten steel which is consistent with other interventions within the RWY. Historic England have commented that they consider the new opening in the wall is as small an intervention as possible and the landscaping arrangements to Devil's Point Car Park will enhance the setting of the various heritage assets surrounding. The NPPF states (para 134): "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." Taking into account Historic England's comments, it is considered that the removal of a section of wall, to allow for the connection of Devil's Point and RWY, will allow for better links between the sites and the provision of more parking which will support the future of both RWY and Devils Point. In addition, the improvement of the landscape of the area is considered to improve the setting of the listed wall.

53. Concerns have been raised by local residents in relation to the potential conflict of traffic movements between residents accessing Admiralty Cottage and users of the Devil's Point car park. In terms of the layout, the Transport Officer has not raised any objection to the creation of this access and this is not considered to create a highway safety issue. The Transport Officer has recommended that the access ramp uses a high friction surfacing as this is a steep ramp, and this is dealt with through condition. In addition, there is no transport objection to the general layout to

the changes to Devil's Point and reservoir.

### **54. Reservoir car parking**

The existing reservoir is proposed to be used for overflow parking. The existing access ramps are proposed to be used for vehicular and pedestrian access. These are proposed to be resurfaced with the buff tarmac as used in the nursery car park. The reservoir itself will be renovated, revealing and using the original granite setts surface and repairing the railings.

55. The reservoir itself is Grade II listed. The renovation of the railings and exposing the original surface treatment is considered to enhance the character and appearance of the listed structure. In addition, by revealing the original structure this will better reveal the significance of the reservoir, in accordance with para 135 of the NPPF.

56. Historic England have not objected to the use of the reservoir for parking and have commented "it makes use of a discreet location for cars, provides a use for a disused heritage asset, and should have the beneficial effect of easing car parking problems within the yard area itself."

57. It is also considered that there is an overall reduction in harm to heritage, through the removal of parking in Melville (Grade I). Overall, it is considered that there will be less than substantial harm to the reservoir heritage asset, which means para 134 of the NPPF is relevant. This harm, when weighed against the benefit of securing parking which will contribute towards the viability of the RWY as a whole is not considered significant to warrant refusal.

58. Parking surveys have been submitted which shows that there is a demand for parking when events are held which outstrips the supply. On this basis the provision of additional parking for events is considered acceptable and there is no Transport objection to this provision.

59. Whilst Historic England have suggested that the use of reservoir be restricted, the location of the reservoir, through the RWY, nursery car park and Devils Point car park, will mean it is likely to be the last area of parking used. The Transport Officer also notes that this is likely to be last area of parking for RWY, and likely to only be used when there is need for events.

60. Some of the letters of objection have raised concern about the future use of the reservoir if approved for a car park. As noted above the use of the reservoir as a car park requires little alterations to the historic structure, and is considered acceptable on this basis. Any future application would require consideration under the same heritage policies, including the impact on the listed structure. Notwithstanding this, it should be noted that each application is considered on its own merits and therefore it is not appropriate to consider any possible future use of the reservoir.

### **61. Sustainable Transport Methods**

Officers have been in discussion with Urban Splash (US) regarding other sustainable transport methods to RWY. It is understood that a park and ride scheme has been in place for a major event. There is also a bus service to RWY which has previously been subsidised by US through S106 contributions. There are also individual event management plans which are required to detail the sustainable transport options for visitors.

62. To encourage sustainable transport measures for Melville a condition is proposed which requires occupiers to fund the provision of a travel voucher for all members of staff who may wish to use sustainable modes of transport to access the site. The cost of such will be based upon the cost of the 3 month bus pass (£65 per month for zones 1 and 2) and shall have flexibility to be used for the purchase of either a bus pass or vouchers towards the purchase of a bicycle. In addition a condition is proposed to ensure there is sufficient cycle parking.

### **63. Anti-Social Behaviour and Management**

It is understood that the site currently suffers from anti-social behaviour, particularly in terms of boy racers. By upgrading the car park, with lighting and bringing it under the parking management with regular visits there will be better management of both the reservoir and Devil's Point. This will help to address the anti-social behaviour issues affecting the area. The Police Architectural Liaison Officer has requested that a bollard be installed to prevent access if/when there is an issue. US have advised that due to the location of the reservoir, (e.g. the access through RWY and nursery car park), mean it's unlikely to be an issue, and are not minded to install the bollards at this stage. Officers are of the view that whilst any bollards would ideally be installed before use, it is considered that the installation of bollards at a later date if there is an issue would be reasonable and could be installed easily. It is not considered that the lack of bollards would constitute a reason for refusal.

### **64. Biodiversity**

The reservoir and access is within a County Wildlife Site (CWS). The CWS extends from the reservoir across the whole of the Devils Point area. There is also an adjacent SSSI located to the south of the reservoir and Devil's Point car park. For clarity the application site does not fall within the SSSI.

65. CWS are not legally protected and are designated due to the presence of particular habitats and species. In conjunction with the Natural Infrastructure Team, a mitigation and compensation package has been sought to address the loss of biodiversity and green space. This includes s106 contributions for shrub planting over a period of 5 years and the implementation of 750 sqm wildflower planting. These are detailed in Section 11. With the provision of this mitigation, it is considered that the limited loss of biodiversity from the reservoir is acceptable.

### **66. Impact on Strategic Greenspace**

The proposal includes the loss of strategic green space, through the loss of the reservoir. As noted previously, the reservoir will be restored to its former surface treatment. The reservoir whilst a listed building is also designated as strategic greenspace.

67. The policy consideration through CS18 of the Core Strategy is "development on greenspace areas will not be permitted where it would result in unacceptable conflict with the functions or characteristics of that area." The key consideration is therefore whether the use of the reservoir for overflow parking will unacceptably conflict with the function/characteristics of Devil's Point.

68. The Devil's Point area and reservoir are stated to be used for a number of recreational and amenity uses. These are all referenced within the letters of representations. All these uses can continue to take place at Devil's Point within the surrounding Strategic Greenspace.

69. Amended plans have now included the provision of planting to create a buffer between the access to the reservoir and the adjacent greenspace. This will provide a visual buffer and will help to prevent any potential conflicts between users of the greenspace and vehicle movements.

70. Mitigation has been sought to address the harm caused by the loss of the area. The principle of this is to improve the quality of surrounding green space in order to mitigate against the loss of quantity. A S106 contribution to go towards improving the interpretation and masterplanning for the area has been agreed and is detailed in Section 11. On this basis, and taking into account the landscape improvements to Devil's Point and the wildflower planting, it is considered that the proposal will not result in an unacceptable conflict with the function or characteristic of that area.

### **71. European Marine Site (EMS)**

The site boundary is in close proximity to the European Marine Site (approx. 55m). The construction impacts of the development on the European Marine Site can be mitigated through a

Construction Environmental Management Plan (CEMP). An outline CEMP has been submitted with this application, and a condition will be added to deal with the detail.

72. Normally the recreational impact upon the EMS can be dealt with through CIL. As this application will not trigger a CIL payment, the mitigation payment has to be sought through a different method. A S106 payment has been agreed which will contribute towards managing fishing impacts at Devils Point. In addition a detailed CEMP (submitted through condition) can deal with the impact upon the EMS.

73. As the impacts upon the EMS are considered to be negligible and can be mitigated it is not considered that an Appropriate Assessment under the Habitat Regulations Assessment will be required. This has been confirmed with Natural England who have no objections. On this basis the application is considered to comply with Core Strategy Policy CS19.

#### **74. Conservation Area**

The Conservation Area Appraisal and Management Plan (CAAMP) for Stonehouse Peninsula and specifically Western Kings notes the area requires enhancement and it is considered that this proposal with the benefit of the landscape enhancements will help to address this current issue. It goes on to state that opportunities will be taken to reduce any adverse impacts of existing parking provision. It is considered that the improvement to Devil's Point is such an opportunity. The CAAMP also notes the reservoir historic boundary walls, and the proposal includes the enhancement of the railings around the reservoir. Principle 5 of the CAAMP advises that prominent insensitive parking provision will not normally be acceptable. It is considered that the provision of parking within the reservoir reduces the impact of the parking to the wider Conservation Area. The conversion of Melville will also enhance the Conservation Area through the repair and enhanced appearance of the listed building.

Overall the proposal is considered to preserve (reservoir) and enhance (Devil's Point and RWY) the character and appearance of the Conservation Area and in accordance with Core Strategy Policy CS03.

#### **75. Impact Upon Amenity**

Reservoir House is located to the north of the reservoir. The outlook from the property will be changed through the removal of the grass however this in itself is not considered to harm the outlook. When the reservoir car park is in use this will give rise to some harm on the outlook however this is not considered significant enough to warrant refusal. The house is sited fronting onto the reservoir but on the elevated ground around the reservoir.

76. Admiralty Cottages are located to the north of Devil's Point car park. These properties are currently accessed from Admiralty Road and through a private drive. This application proposes to remove this drive as part of the reconfiguration of Devil's Point car park. The properties will still be accessed from Admiralty Road, and then through the parking area via a fob access gate.

77. The proposed change of use of the reservoir and Devil's Point arrangement does not raise any issues relating to loss of light or overlooking.

#### **78. Air quality**

The site is not located within or near to the Air Quality Management Area. The Public Protection Service has not raised any concerns with regard to air quality as a result from the proposal. The increase in parking (102 spaces) does not trigger the need for an air quality assessment (which is triggered by over 300 spaces). On this basis, it is not considered that the proposal will have an unacceptable impact on air quality, in accordance with Policy CS22.

## **79. Public Consultation**

There have been representations that Urban Splash have not consulted with the public on their proposals. It is understood there was a consultation event held before the application was submitted. In addition any consultation undertaken by the applicant is encouraged, however is not mandatory.

80. For clarity, this application has been subject to 3 rounds of consultation due to 2 rounds of amended plans through the planning application process.

## **81. Deed /covenant issues**

Letters from local residents of Admiralty Cottages and Reservoir House have raised an issue relating to potential conflict with deeds/covenants to their properties. Any conflict with deeds/covenant is a legal issue and not a material planning consideration.

## **82. Previous Planning Appeal**

Some of the letters of objection have referenced a previous appeal for a multi storey car park that has been dismissed at the reservoir in 1995. Officers have taken the following into account:

- \* the change in policy at both local and national level
- \* the time since this appeal and also the change in RWY
- \* the differences between the schemes, with the current scheme much reduced in terms of parking numbers and scale.

On this basis it is not considered that this proposal would result in the same extent of impact as this previously dismissed appeal and it not accorded much weight.

## **83. Plymouth Plan Consultation**

The public submitted four nominations for Devil's Point to be designated as a Local Green Space in 2015 as part of the Plymouth Plan. In the latest Joint Plan consultation, which ended on 12th August 2016, the entire area of the CWS was put forward as a suggested Local Green Space. The Joint Local Plan (final document) is not yet out to consultation so has limited weight, however it should be noted that if the application for the carpark was approved this would prevent this element of the areas being designated a LGS, but would not prevent the rest of the site from being designated, the boundary would just require changing.

## **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 residential element of the application is CIL Liable, however as the application is a conversion, it will not trigger any CIL contributions. S106 obligations are being sought, as outlined below.

## **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:

**Shrub-bed enhancements**

Enhance area of south facing shrub beds to deliver enhanced biodiversity and amenity value, completed over 5 years,

To mitigate for the loss of CWS.

Yearly Contribution for 5 years £7,000 per year

Total Contribution £35,000

**Access/Signage/Interpretation**

Improvement to the path network. New signage across the site and interpretation of the natural and built heritage.

To mitigate for the loss of greenspace.

Total Contribution £40,000

**Masterplan Contribution**

Contribution to site masterplan to direct future investment and support funding bids. To compensate for the loss of reservoir site there is a need to enhance the whole site. External funding is needed to support this and this contribution will start the process of evidencing need on the site and the benefits of investment.

Total Contribution £25,000

**Creation of Wildflower Meadow**

To mitigate for the loss of CWS.

**European Marine Site**

To mitigate increased use of Marine Site through managing recreational fishing activities on Devil's Point. This will help to meet the requirements to manage the recreational impacts on the EMS.

- Residential £823, or
- Hotel £593.40

**S106 Monitoring Fee**

£1800

Total S106 Mitigation £102,393.40

This has been agreed with Urban Splash and the S106 is currently being drafted.

**Land Transfer**

The Natural Infrastructure Team have requested that discussions to agree the transfer of land at Devil's Point from Urban Splash to PCC is dealt with through the planning S106. This has been requested to mitigate against the loss of the green space within the reservoir. The principle of land transfer of Western Kings back to PCC has been agreed with Urban Splash, however it may not be legally possible to include this within the S106 agreement, and therefore the matter will be dealt with outside of the planning process. Notwithstanding this the transfer of Western Kings back to PCC will bring the area back under PCC control. This will have the benefit of allowing the LPA to request S106 monies towards the area and is considered to be a benefit for the City and residents.

**12. Equalities and Diversities**

All the ground floor will be level access, with level thresholds. Lift access is provided internally,

which means the upper floors are fully accessible. The only exception to this is the clock tower which cannot be accessed by lift.

At Devils' Point car park, 5 disabled spaces are proposed which is over and above the policy requirement.

### **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically MS01, CS01, CS02, CS03, CS04, CS07, CS12, CS13, CS15, CS18, CS19, CS20, CS21, CS22, CS28, CS32, CS33 and CS34.

This is a proposal for the conversion of one of the final remaining and prominent buildings of the Royal William Yard mixed use development. The scheme will include a significant amount of investment into the Building at Risk, through repairs and aiming to secure the optimum viable use of the building. A number of uses have been proposed in order to be able to adapt the building to possible future uses. Crucially the application includes a hotel, which is the sites allocated use, and a condition is attached to ensure the hotel is implemented. The design and alterations will create a unique, high quality environment, which will be considered an asset to the Royal William Yard and to Plymouth's visitor offer. The scheme has also contributed towards addressing the future flood risk management of the Royal William Yard in years to come.

The alterations to Devil's Point car park will modestly increase the amount of parking available, and will significantly enhance the appearance of Devil's Point through landscape improvements.

The use of the reservoir for overflow parking will allow for events to continue and support the viability and vitality at RWY. The changes will result in a reduction in strategic green space and CWS. In order to mitigate this, S106 contributions have been sought in order to enhance the quality of the surrounding CWS and Greenspace.

### **14. Recommendation**

In respect of the application dated **10.08.2016** and the submitted drawings it is recommended to **Grant Subject to S106 Obligation - Full**

### **15. Conditions**

#### **1) CONDITION: COMMENCE WITHIN 2 YEARS**

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.

#### **2) CONDITION: APPROVED PLANS**

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

I103-GA-001 PLI Site Location Plan  
I103-GA-010 rev A Proposed ground floor plan  
I103-GA-011 rev A Proposed first floor plan  
I103-GA-012 rev A Proposed second floor plan  
I103-GA-013 rev A Proposed roof plan  
I103-GA-024 rev A Indicative layout ground  
I103-GA-025 rev A Indicative layout first  
I103-GA-026 rev A Indicative layout second  
I103-GA-030 PLI Proposed north elevation  
I103-GA-031 PLI Proposed east elevation  
I103-GA-032 PLI Proposed south elevation  
I103-GA-033 PLI Proposed west elevation  
I103-GA-034 PLI Proposed inner north range  
I103-GA-035 PLI Proposed inner east range  
I103-GA-036 PLI Proposed inner south range  
I103-GA-037 PLI Proposed inner west range  
I103-GA-040 PLI Proposed Section AA  
I103-GA-041 PLI Proposed Section BB  
I103-GA-042 PLI Proposed Section CC  
I103-GA-043 PLI Proposed Section DD  
I103-GA-04 PLI Proposed Section EE  
I103-GA-045 PLI Proposed Section FF  
I103-GA-080 PLI External Repairs- North Elevation  
I103-GA-081 PLI External Repairs- East Elevation  
I103-GA-082 PLI External Repairs- South Elevation  
I103-GA-083 PLI External Repairs West Elevation  
I103-GA-084 PLI External Repairs Inner Courtyard 1  
I103-GA-085 PLI External Repairs Inner Courtyard 2  
I103-GA-210 Rev H Devils Point Proposed Plan  
I103-SCH-100 PLI Historic Fabric Treatments- Ground 1  
I103-SCH-101 PLI Historic Fabric Treatments- Ground 2  
I103-SCH-102 PLI Historic Fabric Treatments- First 1  
I103-SCH-103 PLI Historic Fabric Treatments- First 2  
I103-SCH-104 PLI Historic Fabric Treatments- Second 1  
I103-SCH-105 PLI Historic Fabric Treatments- Second 2  
I103-SCH-106 PLI Repairs and Alteration Schedule- Ground  
I103-SCH-107 PLI Repairs and Alteration Schedule- First  
I103-SCH-108 PLI Repairs and Alteration Schedule- Second  
I103-SCH-109 PLI Repairs and Alteration Schedule- Roof  
I103-C-020 PLI Typical loading bay door (frameless)  
I103-C-021 PLI Typical loading bay door (metal frame)  
I103-C-022 PLI Typical loading bay door section  
I103-C-023 PLI Typical louvred window to plant  
I103-C-025 PLI Loading bay door railings  
I103-C-026 PLI Public Routes Plan & Section 1  
I103-C-027 PLI Public Routes Section 2 & Details  
I103-C-030 PLI New Core 4 staircase plan  
I103-C-030 PLI New Core 4 staircase section  
I103-C-033 PLI Clocktower staircase  
I103-A-001 PLI Typical partition details  
I103-A-002 PLI Ceiling Type A  
I103-A-003 PLI Ceiling Type B  
I103-A-011 PLI Junction to existing/acoustic floors  
I103-A-050 PLI Typical parapet detail (slate finish)  
I103-A-051 PLI Typical new insulated roof detail



- I103-A-052 PLI Typical Louvred Plenum Details
- I103-A-054 PLI Roof lantern details
- I103-A-070 PLI Typical new openings to internal stone walls
- I103-A-071 PLI Enlarged openings to courtyard
- I103-A-074 PLI Roof Terrace Details

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.

**3) CONDITION: PRE COMMENCEMENT EMPLOYMENT AND SKILLS STRATEGY**

CONDITION: Prior to commencement of development an employment and skills strategy shall be submitted and approved in writing by the Local Planning Authority. The strategy shall include details of how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities.

Reason:

To ensure employment and skills development in accordance with policy CS04 of the Plymouth Local Development Framework Core-Strategy (2006-2021) 2007.

Pre Commencement Justification: To ensure that opportunities for employment are incorporated into the development, including the construction/conversion period.

**4) CONDITION: PRE COMMENCEMENT CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

CONDITION: Prior to commencement, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plan throughout the implementation of the scheme hereby approved.

The CEMP should:

1. Provide information about how the County Wildlife Site and the adjacent Site of Special Scientific Interest (SSSI) will be protected from damage
2. Follow the Environment Agency's Pollution Prevention Guideline 5, to minimise any impact associated with the construction works
3. Limit the dumping, spreading or discharge of any materials and chemicals on site;
4. Ensure that all chemicals are securely stored at a safe distance away from the intertidal area during construction.
5. Minimise disturbance from works and machinery on the marine environment.
6. Minimise debris entering the marine environment.

Reason:

To ensure the development does not impact upon water quality and to avoid conflict with Policy CS22 and to ensure wildlife habitats are protected to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Pre Commencement Justification: To ensure that wildlife habitats and water quality are adequately protected from the development.

### 5) **CONDITION: PRE COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS**

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

#### Reason

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

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

### 6) **CONDITION: PRE COMMENCEMENT FIT OUT REFUSE STRATEGY**

CONDITION: Prior to commencement of the fit out for each unit, details of the siting and form of bin store for disposal of refuse and recycling for each unit shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage provision for each unit shall be fully implemented before the respective unit is first occupied/ brought into use and henceforth permanently made available for future occupiers/users of the site.

#### Reason

In order to ensure that adequate, safe and convenient refuse and recycling storage provision is provided and made available for use by future occupiers and to protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Pre Commencement Justification: To ensure that the development can reasonably accommodate the refuse requirements that are acceptable to the local planning authority.

7) **CONDITION: PRE COMMENCEMENT GYM MITIGATION**

CONDITION: Prior to commencement of the D2 Gym, details of management, hours of operation, and floor mitigation to prevent noise and vibration, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the Gym is first occupied/brought into use and henceforth permanently retained as such unless an alternative strategy is agreed in writing.

Reason:

To protect the residential and general amenity of the area from noise emanating from the gym and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

Pre Commencement Justification: To ensure any gym use is of adequate construction to prevent issues relating to noise and vibration.

8) **CONDITION: PRE COMMENCEMENT STREET DETAILS DEVIL'S POINT**

CONDITION: No development shall take place to the Nursery car park, Devil's Point or the Reservoir until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority.

Reason

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

Pre Commencement Justification: To ensure that the development can reasonably accommodate the external design / layout / levels / gradients / materials etc that are acceptable to the local planning authority.

9) **CONDITION: PRE-COMMENCEMENT GROUND WORKS: DRAINAGE**

CONDITION: Prior to commencement of any ground works of Melville, details of a scheme for the management of the site's surface water shall be submitted to and approved by the Local Planning Authority. The details shall include as a minimum;

- i. details of the final drainage scheme, including pathways and flow routes for excess surface water during extreme weather,
- ii. A construction quality control procedure, and
- iii. A plan for the future maintenance of the system and of any overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme is completed in accordance with the agreed details. The scheme shall thereafter be maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

10) **CONDITION: PRE-COMMENCEMENT WILDFLOWER PLANTING**

CONDITION: Prior to commencement of works at Devil's Point or the Reservoir, a plan should be submitted and agreed in writing with the Local Planning Authority the location and management of 750SqM of wildflower planting. The delivery and long-term maintenance of the wildflowers must form part of the plan. The agreed planting shall be fully implemented and retained as such.

Reason:

In the interests 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 as outlined within the applicants EMES.

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

11) **CONDITION: PRE OCCUPATION FLOOD DEFENCE DELIVERY PLAN**

CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the development, a detailed delivery plan for the implementation and upgrading of flood defences for Royal William Yard as a whole shall be submitted to and approved in writing by the Local Planning Authority. The agreed delivery plan shall then be fully implemented.

Reason:

To ensure that an appropriate standard of flood protection is provided and maintained for the proposed development now and in the future, in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

12) **CONDITION: PRE OCCUPATION FLOOD RESILIENCE MEASURES**

Prior to the occupation of Melville, details of the measures intended to provide flood resilience and resistance for the development shall be submitted to the Local Planning Authority, for approval in writing. The approved measures shall be installed before the occupation of the building, or in accordance with a programme of implementation, and shall thereafter be maintained.

Reason:

To reduce the risk of flooding to the proposed development and future users in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

13) **CONDITION: PRE OCCUPATION FLOOD EMERGENCY MANAGEMENT PLAN**

CONDITION: Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the development, a detailed flood emergency management plan for Royal William Yard shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated and occupied fully in compliance

with the agreed strategy thereafter.

Reason:

To reduce the risk of flooding to the proposed development and future users in accordance with the National Planning Policy Framework and Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

14) **CONDITION: PRE-OCCUPATION: LANDSCAPE ECOLOGY MANAGEMENT PLAN**

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

Reason:

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

15) **PRE OPERATION : EVENT SPACE MANAGEMENT PLAN CONDITION**

CONDITION: The applicant shall submit to the LPA for approval an Events Space Management Plan prior to first operation. The plan should indicate the maximum numbers of people permitted, methods of control for numbers/security, noise and entertainment. It should also document how any event organisers propose to provide toilet facilities for the public during the period of any events being undertaken, and standards with regards to post event cleaning. The event space management plan shall be carried out as approved.

Reason:

To ensure that suitable standards are adhered to prevent unacceptable levels of disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

16) **CONDITION: PRE OCCUPATION CAR PARK DELIVERY STRATEGY**

CONDITION: No occupation of the Melville building shall take place until a plan for the phased delivery of car parking has been submitted to and approved in writing by the LPA and the approved spaces shall be provided in accordance with the approved strategy. Each car parking space shall be constructed, drained and surfaced and thereafter the use of that space shall be managed in strict accordance with the updated RWY Transport Strategy.

Reason:

To enable vehicles used by staff or visitors to the RWY to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

17) **CONDITION: PRE OCCUPATION RWY TRANSPORT STRATEGY**

CONDITION: The occupation of the building shall not commence until an updated RWY Transport Strategy (previously dated May 2014) has been submitted to and approved in writing by the Local Planning Authority. The revised document will take into account changes to the layout of car parking areas along with details relating to the management and control of those areas.

Reason:

To ensure that the over-arching TS for the RWY has been updated to reflect the changes to it brought about by this application and that it continues to promote the use of sustainable modes of travel for journeys being made to and from the RWY through both the Travel and Events Management Plans in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

18) **CONDITION: PRE OCCUPATION CYCLE PROVISION**

CONDITION: The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for an appropriate level of cycle parking to be provided which is in accordance with the minimum standards as set out within the Development Guidelines SPD. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

19) **CONDITION: PRE OCCUPATION LOADING AND UNLOADING PROVISION**

CONDITION: Before any part of the building is occupied, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded clear of the access routes that serve the RWY 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.

20) **CONDITION: PRE OCCUPATION TRAVEL PLAN**

CONDITION: A Travel Plan for Melville building shall be submitted to the Local Planning Authority no later than 6 months prior to occupation of the building. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the RWY in accordance with the approved site-wide Travel Plan. It shall include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; details of associated funding to support sustainable travel initiatives and the

name, position and contact telephone number of the person responsible for its implementation. The use hereby permitted shall not be occupied until the Travel Plan for the Melville building has been approved in writing by the Local Planning Authority and from the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

21) **CONDITION: HOTEL**

CONDITION: The hotel floor space as shown on:

I 103-GA-024 rev A Indicative layout ground

I 103-GA-025 rev A Indicative layout first

I 103-GA-026 rev A Indicative layout second

Shall not be used for any other purpose than a hotel use.

Reason:

To ensure the development complies with Development Plan Policy MS01 of the Millbay and Stonehouse Area Action Plan.

22) **CONDITION: NOISE FROM PLANT AND EQUIPMENT**

CONDITION: The noise emanating from the fans/ventilation equipment/air conditioning/plant/etc. (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

Reason:

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

23) **CONDITION: NOISE MANAGEMENT PLAN HOTEL, A3 USE**

CONDITION: Prior to the operation of the hotel or any A3 use, a management plan shall be submitted and agreed in writing by the Local Planning Authority. Once agreed the management plan shall be fully implemented and complied with unless otherwise agreed in writing.

As a minimum the management plan must specify;

- The position of the designated smoking areas which must be at least 2 metres away from the façade of any building with residential properties adjacent or above.
- The controls to ensure that the smoking area must be used for smoking only. In line with any time restrictions.
- The actions in place to control any noise likely to affect nearby

residential properties.

- How the applicant intends to monitor any activity that may affect residential properties, which should include as a minimum the provision of hourly security checks of the outdoor seating to identify any activity or behaviour that may affect residential properties.
- Procedure for implementation of appropriate control measures to deal with unacceptable activity that may impact on the amenity of the area.
- Supplying residents a phone number of the security desk to contact in the event of any disturbance. Any calls received must be recorded and made available to the Local Authority.
- A system of training must be completed and maintained with local businesses operating in Royal William Yard, to ensure compliance at all times with the management plan.
- The management plan must be reviewed annually and on any occasion when significant changes to the businesses take place or any complaints are received from local residents.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

24) **CONDITION: NOISE HOURS OF OPERATION**

CONDITION: The outdoor seating areas must not be used outside of the following times: -

Monday to Saturday 10.00 - 22.30 hrs

Sunday 11.00 - 22.30 hrs,

After 21:00 no external seating is to be allocated to customers. The external seating must be cleared of customers by 22:30.

External furniture must only be set up or removed between the hours of 10:00 am and 22:40pm Monday - Saturday and 11:00am and 22:40pm on Sundays.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

25) **CONDITION: OPERATIONAL RESTRICTIONS TO ENSURE USE REFLECTS USE CLASS**

CONDITION: The supply of alcoholic drinks to the external seating area must be by waiter/waitress service only. In prominent positions in the outside seating areas signage must be present stating the opening times of the outside area and that it is served by waiter/waitress service only.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.



26) **CONDITION: OUTDOOR TABLES AND FURNITURE**

CONDITION: Any moveable furniture used in the outside area must fitted with rubber feet.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

27) **CONDITION: NOISE / MUSIC**

CONDITION: Music is not permitted in the outdoor seating areas, unless agreed in writing from the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from noise emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

28) **CONDITION: SMOKING AREA - NOISE AND ODOUR NUISANCE**

CONDITION: Smoking shall only take place in designated smoking areas which must be at least 2 metres away from the façade of any building with residential properties adjacent or above. Prior to use any smoking area must be approved by the Local Planning Authority. After 22:30 hours the designated area must be used for smoking only.

Reason:

To protect the residential and general amenity of the area from noise and odour emanating from the external seating areas and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

29) **CONDITION: REPORT UNEXPECTED CONTAMINATION**

CONDITION: In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where further remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

30) **CONDITION: GYM USE SITING**

CONDITION: Any D2 Use Gym shall not be located immediately below, above or adjacent to C3 Residential.

Reason:

To prevent any resultant noise or vibration impact that would give rise to an impact upon future occupiers in accordance with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) 2007.

31) **CONDITION: D2 GYM USE RESTRICTION**

CONDITION: The D2 premises shall be used for Gym and for no other purposes (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

The D2 Gym use shall be restricted to maximum of 3000sqm gross internal floor space.

Reason:

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

32) **CONDITION: RETAIL RESTRICTION**

CONDITION: The retail units shall not exceed a total of 600 sqm GIA (m2).

Reason:

In order to ensure the retail offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

33) **CONDITION: A3 USES**

CONDITION: The A3 units shall not exceed a total of 3100 sqm GIA (m2).

Reason:

In order to ensure a mix of development consistent with Development Plan Policy MS01 of the Millbay and Stonehouse Area Action Plan and the A3 offer does not harm the viability of the City Centre in accordance with CS07 and CS08 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

34) **CONDITION: DI USES**

CONDITION: The DI premises shall be used for art galleries, education/training centre (University or College) and for no other purposes (including any other purpose in Class DI of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

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

35) **CONDITION: TREE REPLACEMENT**

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

Reason:

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

36) **CONDITION: ENERGY AND SUSTAINABILITY STATEMENT**

CONDITION: Development shall be carried out in accordance with the M&E Energy & Sustainability Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To comply with policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF.

37) **CONDITION: BIODIVERSITY**

CONDITION: Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy and addendum.

Reason:

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

**Informatives**

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

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended),

will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance.

### 2) **INFORMATIVE LICENCING ACT 2003**

INFORMATIVE: All businesses operating within the Royal William Yard must have regard to the requirements placed on them by their premises licence. These may be more stringent than the planning conditions and may place restrictions on the number of outdoor covers that they are permitted to operate which conflicts with the number for which planning permission has been granted.

### 3) **INFORMATIVE: NESTING SEASON**

INFORMATIVE: It is an offence under the Wildlife and Countryside Act to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting.

### 4) **INFORMATIVE: CONDITIONAL APPROVAL**

INFORMATIVE: 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.

### 5) **INFORMATIVE SMOKING AREAS**

INFORMATIVE: You should consider the effect that patrons of the yard smoking may have on residential properties. In particular it is advisable to designate areas close to any building as non-smoking to minimise and any odour or noise having an adverse effect on residential properties.

Public Protection would recommend that any designated smoking area is at least 2 metres away from the façade of any building with residential properties adjacent or above. Prior to use any smoking area must be approved by the Local Planning Authority as identified in the noise management plan. After 22:30 hours the designated area must be used for smoking only.

### 6) **INFORMATIVE PROVISION OF SANITARY ACCOMMODATION**

INFORMATIVE: When allocating outdoor seating to a particular business the applicant should take into account the number of WC's, urinals and associated sanitary accommodation is suitable to comply with BS6465 - 1:2006 +A1:2009 British Standard Sanitary Installations

### 7) **INFORMATIVE VIABILITY HOTEL USE**

INFORMATIVE: Should any application be submitted for alternative uses for the hotel use, and a variation submitted for condition 21, viability will be a material consideration.

8) **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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

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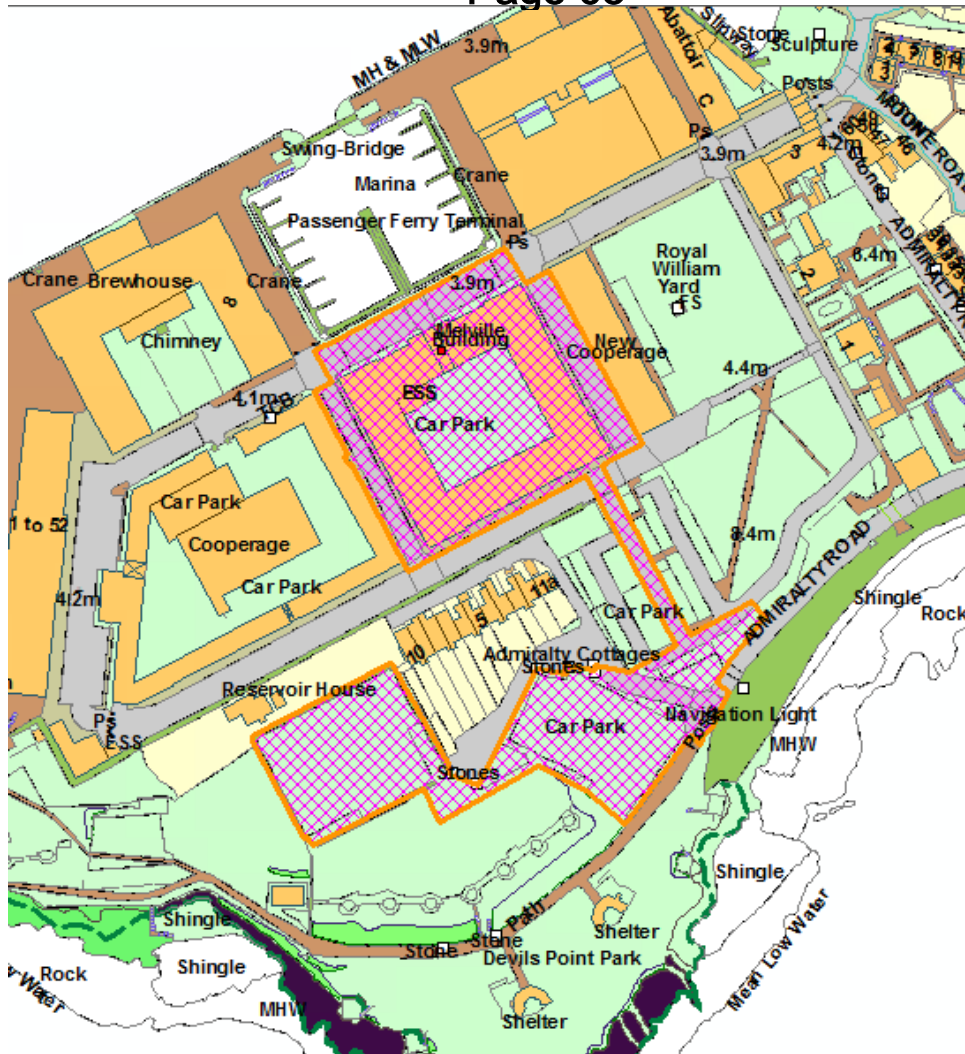
# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/01377/LBC
<b>Date Valid</b>	10.08.2016

<b>Item</b>	04
<b>Ward</b>	ST PETER AND THE WATERFRONT

<b>Site Address</b>	Melville Building, Royal William Yard Plymouth PL1 3RP		
<b>Proposal</b>	Internal & external alterations to Melville, removal of wall (Nursery Car Park) and parking in reservoir		
<b>Applicant</b>	Mr Adam Willetts		
<b>Application Type</b>	Listed Building Consent		
<b>Target Date</b>	<b>28.02.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Major - More than 5 Letters of Representation Received		
<b>Case Officer</b>	Miss Katie Graham		
<b>Recommendation</b>	Grant Conditionally		



## I. Description of Site

The application site consists of a Grade I Listed Building, “Melville”, part of the nursery car park including a Grade II\* boundary wall, Devils Point car park and the adjacent Grade II listed reservoir. These buildings are located in the destination Royal William Yard (RWY), sited within the Stonehouse Peninsula, which is also a designated Conservation Area.

Melville is located centrally within RWY fronting onto the basin. It was originally built as a general store and offices, and was largely complete by 1832. It is constructed from Plymouth limestone with granite trim and timber floors supported by cast iron columns. Melville is partly characterised by a central arched entrance with turret clock and dome above, and symmetrical built form. It is also characterised by a central courtyard, currently used for parking and a substation in the north west corner. There are also parking spaces surrounding the building. The building is currently vacant.

To the south east of Melville there is the existing nursery car park, providing 150 spaces. This is accessed from the main entrance to the Royal William Yard. There is a Grade II\* boundary wall along the south and west boundary.

To the south is the existing Devil’s Point car park which provides 67 spaces. This is accessed from Admiralty Road. There is a SSSI located to the south of Devils point car park.

The Grade II listed reservoir is located to the south west of Melville. This is grassed and has two ramps which allows pedestrian access. The reservoir is located within a County Wildlife Site.



Admiralty Cottages are located to the north of the Devil's Point car park. These residential properties are accessed from Admiralty Road.

Reservoir House is sited adjacent to the north of the reservoir.

## **2. Proposal Description**

This application is for internal and external alterations to Melville. These include:

- Alteration of windows to form doors around the courtyard
- New internal lobby doors on historic external loading bay doors
- New internal stair case and lift cores
- Remove secondary phase timber panelling
- Creation of new openings within rubble stone walls
- Raised acoustic floors
- Plant spaces
- North block inset roof terraces
- Creation of glazed routes

The application also includes the removal of a section of Grade II\* wall (Nursery Car Park) and the provision of parking in the Grade II reservoir.

## **3. Pre-application enquiry**

A scoping meeting was held (which addresses in principle comments only).

The key comments were: Support for hotel use, concern over residential unit size, retail use will need to be restricted and a retail impact assessment provided, further discussions are needed in relation to upgrading guarding the flood defences, changes to devils point parking not justified, concern to reservoir car parking due to potential heritage concern, but objection to loss of CWS and strategic greenspace. It was recommended that further pre-app was applied for but this was not pursued.

## **4. Relevant planning history**

13/02320/FUL Change of use and conversion of building to form hotel with ancillary uses and associated works to building, courtyard and quarry Conditional Consent 27/02/2014

13/02321/LBC Repair works to building and alterations for conversion to hotel including works to courtyard and quarry Conditional Consent 27/02/2014

## General:

10/00591/LBC - Replacement of defective limestone - Grant conditionally 11/06/2011

09/01247/LBC - Replacement of defective limestone - Granted conditionally 09/11/2009

00/00206/FUL - Change of use of the ground floor (south east wing) to form office/film archive areas - Grant Conditionally 26/04/2000

## Relevant to proposal:

12/00868/FUL - The development of a new 150 parking space surface car park on the site of the Officers' walled garden, together with associated access and landscape screening works - Conditional Consent 24/09/12

13/01663/FUL - Retrospective change of use of parts of former public realm quay areas to continue use as outdoor seating areas for existing restaurants (use class A3) in Brewhouse and Mills Bakery buildings' - Conditional Consent 05/12/2013

## **5. Consultation responses**

### **Historic England (HE):**

Original Comments: The proposal includes alternative layouts which raises procedural issues. Overall the scheme is less interventionist than the previous application. No objection to the proposed reuse of the (Grade II listed) reservoir site as overflow car parking, which makes use of a discreet location for cars, provides a use for a disused heritage asset, and should have the beneficial effect of easing car parking problems within the yard area itself.

Updated comments: Applicant has addressed concerns by limiting the amount of subdivision, by retaining an open plan units on the ground floor and on the eastern side of the building. The hotel will result in compartmentalisation but the office will retain the open plan element. The previously approved bridge has been omitted. "the modest level of harm to the significance of the building incurred through the subdivision associated with hotel use is firmly outweighed by the heritage benefits of bringing this Grade I listed building back into active beneficial use". This is in compliance with para 15 of the NPPG. The latest amendments have minimised the harm to the significance of the listed building, and that these proposals therefore represent the building's optimum viable use.

Associated with the conversion of the Melville building is a proposal to use an existing drained reservoir as overflow car parking for the Royal William Yard. The reservoir is a Grade II listed structure, originally designed to provide fresh water for shipping vessels. Disused for many years, turf currently covers the originally cobbled surface and it is informally used for public recreation. In heritage terms the reuse of the reservoir for car parking has little physical impact, and indeed the sunken nature of the reservoir will minimise the visual impact of car

parking on the setting of various nearby heritage assets. Suggest that a planning condition restricting the opening of the proposed car park to busier periods at the Royal William Yard could strike an appropriate balance between continued enjoyment and appreciation of the Western King Park and the need for the yard to provide adequate parking provision to sustain its operations.

It is proposed to create a vehicular access from the existing “nursery” car park through the Grade II listed perimeter wall of the Royal William Yard. Part of the existing Devil’s Point car park would be grassed over to create a pedestrian route from the new aperture in the boundary wall to Western King Park. We feel these proposed arrangements have been handled with care and skill; the new opening in the wall is as small an intervention as possible and the landscaping arrangements to Devil’s Point Car Park will enhance the setting of the various heritage assets surrounding.

Updated comments on later revisions for car park layout: Do not wish to offer any further comments.

### **Historic Environment Officer:**

Ground Floor: The indicative proposals for retail / restaurant use are acceptable, and the removal of the electricity sub-station will be a great improvement to the courtyard space.

The proposed use of the sets of opposing double doors to form glazed routes through the building is welcomed to improve permeability and create internal shop fronts. They will be quite heavy louvres throughout these passages as they will hide the tops of the columns. Lighting in these areas will be particularly important to draw people through the building.

Original flagstones should be left in-situ if possible, or if patchy, potentially lifted and used as the floor surface for the glazed routes.

The subdivision of the ground floor should be kept to a minimum to preserve the open character of the spaces. The stairs in each corner of the internal courtyard are to become service cores with lifts, with one new one being inserted, which minimises the intrusion for these elements within the rest of the space. The principle of lowering the ground floor window cills (facing into the courtyard) to create doors is acceptable, but thought should be given to whether they all need to be dropped and turned into doors, as shown on the plan, as this will mean some units will have a number of doors.

Details of the surface for the courtyard / events space will also be required.

First and Second Floors: The proposals show the entire left side of the building over both floors being heavily sub-divided to create the hotel. The principle of heavily sub-dividing half of the building is likely to be acceptable, subject to further details, although careful thought will be required in terms of fire, sound insulation, thermal insulation and the installation of services. The proposed roof terraces are also shown either side of the clock tower, it is unclear who would have access.

The right side of the building over both floors is proposed to be office space which has the advantage of being far more open plan and requiring considerably less sub-division and so preserving the character of the large open spaces. These partitions between the offices should be quite light weight to maintain this sense of space.

Having both a hotel and residential accommodation would substantially harm the character of the building by overly sub-dividing all the large open spaces which give this Grade I listed building its distinctive character.

The principles are acceptable and will overall cause less than substantial harm to this Grade I building at risk.

Devil's Point Car Parking Scheme: The 6m wide opening in the Grade II\* listed wall is still proposed but without the addition of a further pedestrian opening as well, and the wall above the opening will also be retained. Details of this will be required along with details of the ramp to be created within the Nursery car park up to the new opening.

It is proposed that the Grade II listed reservoir will become a 95 space over flow car park. This is a good use for a semi-derelict former reservoir as it will refurbish it and give the structure a new long-term use. Further details of the works / repairs to the reservoir will be required but this could be conditioned or provided in the form of a schedule of works.

Overall the proposed works to the car parks will be beneficial and will enhance and improve the area around Devil's Point and Admiralty Cottages as well as the Grade II listed former reservoir.

### **6. Representations**

354 Letters of representation objecting on the following grounds:

#### Melville

- Lacks vision as previous application

#### Devil's Point and Reservoir

- Removal of listed wall
- Reservoir is not an unused historic monument so refurbishing but removing its value to community is inappropriate
- Contrary to NPPF in respect of historic environment and protection of local green space

- There has been no assessment of the significance and harm to the reservoir in heritage terms contrary to NPPF para 132
- Historical site which needs to be respected, a car park will not respect this.
- Historic military use and land mark for Plymouth
- Remain as green space
- Area is a Conservation Area and should be respected
- Reservoir only one of two in the country
- Regeneration should take account of heritage
- Car park in a Conservation Area not acceptable
- Impact on listed reservoir house

Non-material comments

Comments were also made relating to wider planning issues which are noted in 16/01376/FUL.

### **7. Relevant Policy Framework**

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application, it also comprises the Millbay & Stonehouse Area Action Plan.

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

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

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

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

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

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

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

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document
- Stonehouse Peninsula Conservation Area Appraisal and Management Plan

### **8. Analysis**

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The primary consideration is the Planning (Listed Buildings and Conservation Areas) Act 1990 where the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2. This application accompanies a full planning application (16/01376/FUL).

3. The main considerations with this application for listed building consent are the impact character and appearance of the listed buildings and the setting of the listed buildings, in accordance with Policy CS03 of the Adopted Core Strategy and the NPPF. In addition, the principle of enabling development to secure the viable use of a listed building is a key consideration.

4. Core Strategy Policy CS03 states:-

‘The Council will safeguard and where possible enhance historic environment interests and the character and setting of areas of acknowledged importance, including scheduled

ancient monuments, listed buildings (both statutory and locally listed), registered parks and gardens, conservation areas and archaeological remains.'

### **5. Significance of Melville in the context of Royal William Yard**

The Royal William Yard was designed by Sir John Rennie as a victualing yard for the Royal Navy, specifically for use as a factory and supply depot. The complex of buildings form an important part of Plymouth's heritage and is considered to be significant at a national scale. Melville is stated to be one of the grandest buildings within this significant site.

6. Melville is a Grade I Listed Building which is on the Heritage At Risk register. It has received some repairs from the South West Regional Development Agency (SWRDA) in the past, however a significant amount of repair work remains outstanding.

### **7. Impact on the fabric and character of the listed building**

The proposal includes a variety of repairs and alterations to the listed building. Many of the conservation principles for repair have been established through the previous conversions at Royal William Yard, and also through the Conservation Plan (2007). The submission in some cases presents options for the repair, to be determined as the works are progressed. It is considered that these options of repair can be determined through condition. The key areas of works are described below.

### **8. Melville Building Alterations**

In order to facilitate the conversion, a number of alterations are proposed to the building. These alterations include:

- Alteration of windows to form doors around the courtyard
- New internal lobby doors on historic external loading bay doors
- New internal stair case and lift cores
- Remove secondary phase timber panelling
- Creation of new openings within rubble stone walls
- Raised acoustic floors
- Plant spaces
- North block inset roof terraces

9. The key consideration is the impact upon the character and appearance of the listed building and the setting of the adjacent listed buildings, in accordance with Policy CS03 Historic Environment of the Adopted Core Strategy and the NPPF. In addition, the principle of enabling development to secure the viable use of a listed building is a key consideration.

### **10. Amended Plans and Subdivision**

The application was originally submitted showing different options for the internal layout of the building. Historic England (HE) had concerns with this approach, as this had the potential to lead to a more intensive subdivision of the building. The application was 'amended' through confirming one set of layout plans. This shows the ground floor split into

commercial units, and the first and second floor split vertically, with one half of the building proposed as hotel, and the other half as office/commercial. This has addressed HE's concerns and their comments now note support for the application. This layout also means the glazed bridge is no longer required, which has reduced the impact to the listed building.

### **11. Roof Terraces**

Two roof terraces are proposed to the north and south of the clock tower. The current scheme proposes the roof terraces set down below a parapet wall, to a level which would mean they would not be visible from the front elevation, and only partially visible from the rear elevation set behind an overhanging roof plane. It should also be noted that roof terraces have been approved and implemented elsewhere in Royal William Yard. Given the reduced visual impact, there is no objection to the roof terraces. In addition these formed part of the previously approved scheme.

### **12. Alteration of windows to form doors around the courtyard**

Twenty two windows are proposed to be formed into doors around the central courtyard. Existing door openings are proposed to be retained. This alteration has been previously carried out in the Brewhouse and Mills Bakery. It is proposed that the window openings are extended to create the door openings, with cor-ten steel lining the new openings. These openings will allow for the commercial units to create active frontages onto the courtyard, which has been successful previously. It is accepted that these are necessary to allow for the greatest opportunity for sustained viable units.

### **13. Creation of glazed routes**

Three glazed routes are proposed, one in each elevation, with the exception of the north elevation which has the existing open archway. This will allow for links through the building, improving upon the existing, and providing links to and from the Cooperage buildings. This will also create a frontage for the commercial units and help to improve their viability.

### **14. Courtyard**

The application proposes less intervention within the courtyard than the previously approved scheme (which included a swimming pool). The substation which currently takes up a large part of the courtyard is proposed to be removed, which will improve the character and appearance of the listed building and is therefore consistent with the NPPF and Core Strategy Policy CS03.

### **15. Works and repairs to roof**

The slate roof will require repair, and a condition will be recommended to agree the specification and type of slate proposed for repair.

16. The existing copper roof has previously been covered by asphalt due to leaks and requires repair. Options are proposed for the repair of this part of the roof, replacement



with copper or replacement with single ply membrane.

17. Other works of repair and installation to the roof include works to sarking boards, lead gutter linings, lead flashings, a new access point to the roof, new service vents.

### **18. Other works of repair and alteration**

There a variety of windows within the building each with a different repair scheme. The overall proposal is to retain and repair all windows.

19. There will be the installation of louvers in one part of the building, and as previously carried out in the Royal William Yard the glazing is removed and a metal louvre placed inside.

20. The doors are largely proposed to be retained and repaired with the retention of the existing finishes. The characterful loading bay doors and frames are proposed to be refurbished, weather sealed and re-hung in their current positions. In addition, new galvanized metal balustrades will be installed to first floor loading bay doors allowing the doors to be opened inwards creating an internal balcony.

21. The application includes an external stone work repair schedule.

22. Internally, the existing flagstone floor will be retained in communal areas and removed to be re-used elsewhere.

23. At the first and second floor there are new raised floors to allow for acoustic and fire separation, as well as provision for under floor services.

24. The interior walls are proposed to be cleaned and limewashed, the timber panelling to be repainted and fireplaces to be retained and refurbished as features within the rooms.

25. Also proposed is the removal of non-historic/modern partitions and doors and lift.

26. Modest repairs are proposed to the existing granite and timber stairs.

27. The original cast iron columns/timber beams and cast iron roof are all proposed for retention.

28. Historic England have referenced para 15 of the NPPG which states that harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. Overall, it is considered that the character of the listed building will be safeguarded in accordance with Core Strategy Policy CS03. There will be some loss of significance through the alterations, however great weight is given the assets conservation, and finding a viable use for this Heritage Building at risk.

### **29. Removal of Nursery Car Park Wall**

The access to Devil's Point includes the removal of a 7.8m section of Grade II\* listed wall. A section has been submitted which shows that the access will be created by making an opening in the wall, with the top section of wall retained. It is proposed to finish the opening with a cor-ten steel which is consistent with other interventions within the RWY. Historic England have commented that they consider the new opening in the wall is as small an intervention as possible and the landscaping arrangements to Devil's Point Car Park will enhance the setting of the various heritage assets surrounding. The NPPF states (para 134): "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use." Taking into account Historic England's comments, it is considered that the removal of a section of wall, to allow for the connection of Devil's Point and RWY, will allow for better links between the sites and the provision of more parking which will support the future of both RWY and Devil's Point. In addition, the improvement of the landscape of the area is considered to improve the setting of the listed wall.

### **30. Reservoir car parking**

The existing reservoir is proposed to be used for overflow parking. The existing access ramps are proposed to be used for vehicular and pedestrian access. These are proposed to be resurfaced with the buff tarmac as used in the nursery car park. The reservoir itself will be renovated, revealing and using the original granite setts surface and repairing the railings.

31. The reservoir itself is Grade II listed. The renovation of the railings and exposing the original surface treatment is considered to enhance the character and appearance of the listed structure. In addition, by revealing the original structure this will better reveal the significance of the reservoir, in accordance with para 135 of the NPPF.

32. Historic England have not objected to the use of the reservoir for parking and have commented "it makes use of a discreet location for cars, provides a use for a disused heritage asset, and should have the beneficial effect of easing car parking problems within the yard area itself."

33. Whilst Historic England have suggested that the use of reservoir be restricted, the location of the reservoir, through the RWY, nursery car park and Devil's Point car park, will mean it is likely to be the last area of parking used.

34. It is also considered that there is an overall reduction in harm to heritage, through the removal of parking in Melville (Grade I). Overall, it is considered that there will be less than substantial harm to the reservoir heritage asset, which means para 134 of the NPPF is relevant. This harm, when weighed against the benefit of securing parking which will contribute towards the viability of the RWY as a whole is not considered significant to warrant refusal.

### **35. Conservation Area**

The Conservation Area Appraisal and Management Plan (CAAMP) for Stonehouse Peninsula and specifically Western Kings notes the area requires enhancement and it is

considered that this proposal with the benefit of the landscape enhancements will help to address this current issue. It goes on to state that opportunities will be taken to reduce any adverse impacts of existing parking provision. It is considered that the improvement to Devil's Point is such an opportunity. The CAAMP also notes the reservoir historic boundary walls, and the proposal includes the enhancement of the railings around the reservoir. Principle 5 of the CAAMP advises that prominent insensitive parking provision will not normally be acceptable. It is considered that the provision of parking within the reservoir reduces the impact of the parking to the wider Conservation Area. The conversion of Melville will also enhance the Conservation Area through the repair and enhanced appearance of the listed building.

Overall the proposal is considered to preserve (reservoir) and enhance (Devil's Point and RWY) the character and appearance of the Conservation Area and in accordance with Core Strategy Policy CS03.

36. Overall, the following statement from Historic England summarises the application and the positive recommendation.

“Historic England supports these proposals, which will bring a sustainable new use to the Grade I Listed Melville Building and ongoing benefits to the wider historic estate the Royal William Yard. The Melville Building is the centrepiece of the yard but has remained on our register of Heritage at Risk for many years as attempts to provide a sustainable future for it have foundered. These proposals represent an opportunity to put in place one of the last pieces of a Royal William Yard regeneration jigsaw, and move towards completing one of the finest pieces of heritage-led urban regeneration in the South West.”

### **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**

These are considered with the accompanying application I6/01376/FUL.

### **11. Planning Obligations**

There are no planning obligations associated with this listed building application and these are considered with the accompanying application I6/01376/FUL.

### **12. Equalities and Diversities**

These are considered with the accompanying application I6/01376/FUL.

### **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically Core Strategy CS03.

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

considered to be compliant with National Planning Policy Framework guidance. This proposal will bring a building at risk back into a viable use and much needed repair works. As noted by Historic England, this will contribute significantly to the vitality of Royal William Yard, being one of the last buildings to be brought into use, and arguably the most significant building within the RWY. The removal of part of a listed wall is considered justified, and the use of the reservoir for parking is considered to better reveal the significance of this listed structure. These works relate to the provision of parking to serve RWY and therefore contribute to the long term viability of the RWY, including Melville.

#### **14. Recommendation**

In respect of the application dated **10.08.2016** and the submitted drawings it is recommended to **Grant Conditionally**

#### **15. Conditions**

1) **CONDITION: TIME LIMIT COMMENCEMENT**

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

Reason:

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

2) **CONDITION: APPROVED PLANS**

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

- I 103 GA 001 PLI Site Location Plan
- I 103-GA-010 rev A Proposed ground floor plan
- I 103-GA-011 rev A Proposed first floor plan
- I 103-GA-012 rev A Proposed second floor plan
- I 103-GA-013 rev A Proposed roof plan
- I 103-GA-024 rev A Indicative layout ground
- I 103-GA-025 rev A Indicative layout first
- I 103-GA-026 rev A Indicative layout second
- I 103-GA-030 PLI Proposed north elevation
- I 103-GA-031 PLI Proposed east elevation
- I 103-GA-032 PLI Proposed south elevation
- I 103-GA-033 PLI Proposed west elevation
- I 103-GA-034 PLI Proposed inner north range
- I 103-GA-035 PLI Proposed inner east range
- I 103-GA-036 PLI Proposed inner south range
- I 103-GA-037 PLI Proposed inner west range
- I 103-GA-040 PLI Proposed Section AA
- I 103-GA-041 PLI Proposed Section BB
- I 103-GA-042 PLI Proposed Section CC
- I 103-GA-043 PLI Proposed Section DD
- I 103-GA-04 PLI Proposed Section EE
- I 103-GA-045 PLI Proposed Section FF
- I 103-GA-080 PLI External Repairs- North Elevation
- I 103-GA-081 PLI External Repairs- East Elevation
- I 103-GA-082 PLI External Repairs- South Elevation

I103-GA-083 PLI External Repairs West Elevation  
I103-GA-084 PLI External Repairs Inner Courtyard 1  
I103-GA-085 PLI External Repairs Inner Courtyard 2  
I103-GA-210 Rev H Devils Point Proposed Plan  
I103-SCH-100 PLI Historic Fabric Treatments- Ground 1  
I103-SCH-101 PLI Historic Fabric Treatments- Ground 2  
I103-SCH-102 PLI Historic Fabric Treatments- First 1  
I103-SCH-103 PLI Historic Fabric Treatments- First 2  
I103-SCH-104 PLI Historic Fabric Treatments- Second 1  
I103-SCH-105 PLI Historic Fabric Treatments- Second 2  
I103-SCH-106 PLI Repairs and Alteration Schedule- Ground  
I103-SCH-107 PLI Repairs and Alteration Schedule- First  
I103-SCH-108 PLI Repairs and Alteration Schedule- Second  
I103-SCH-109 PLI Repairs and Alteration Schedule- Roof  
I103-C-020 PLI Typical loading bay door (frameless)  
I103-C-021 PLI Typical loading bay door (metal frame)  
I103-C-022 PLI Typical loading bay door section  
I103-C-023 PLI Typical louvred window to plant  
I103-C-025 PLI Loading bay door railings  
I103-C-026 PLI Public Routes Plan & Section 1  
I103-C-027 PLI Public Routes Section 2 & Details  
I103-C-030 PLI New Core 4 staircase plan  
I103-C-030 PLI New Core 4 staircase section  
I103-C-033 PLI Clocktower staircase  
I103-A-001 PLI Typical partition details  
I103-A-002 PLI Ceiling Type A  
I103-A-003 PLI Ceiling Type B  
I103-A-011 PLI Junction to existing/acoustic floors  
I103-A-050 PLI Typical parapet detail (slate finish)  
I103-A-051 PLI Typical new insulated roof detail  
I103-A-052 PLI Typical Louvred Plenum Details  
I103-A-054 PLI Roof lantern details  
I103-A-070 PLI Typical new openings to internal stone walls  
I103-A-071 PLI Enlarged openings to courtyard  
I103-A-074 PLI Roof Terrace Details

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.

### **3)CONDITION: PRE-COMMENCEMENT: ARCHAEOLOGY MONITORING**

CONDITION: No works shall commence at either Melville or Devil's Point/Reservoir until a detailed proposal for the archaeological monitoring of any below ground excavations relating to either Melville or Devil's Point/Reservoir has been submitted to, and approved in writing by, the Local Planning Authority. All works shall be carried out in strict accordance with the agreed details.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

4) **CONDITION: PRE-COMMENCEMENT: RECORDING OF FEATURES**

CONDITION: (4) No works shall take place until the applicant, or their agent or successor in title, has secured the implementation of a programme of recording of features that will be destroyed or damaged in the course of the works to which this consent relates, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a record of such features is made and kept available for inspection, in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

5) **CONDITION: PRE COMMENCEMENT PHASED DOORS AND WINDOW**

CONDITION: (5) No works shall take place to any door or windows until details of the proposed works to the doors and windows (including conversion of windows into new door openings and new window or door openings) have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the repair/ reinstatement designs, materials and methodology. The works shall be carried out strictly in accordance with the approved details.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

6) **CONDITION: PRE COMMENCEMENT PHASED MASONRY REPAIRS**

CONDITION: (6) No works to the masonry shall take place until a schedule of all repairs to the masonry, including the stairwells, has been submitted to and approved in writing by the Local Planning Authority. This shall include details of mortars, plasters and renders. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are

properly protected / respected before construction commences.

7) **CONDITION: PRE COMMENCEMENT PHASED DRAINAGE, SERVICING, VENTILATION, LIGHTING**

CONDITION: (7) No works to the drainage, servicing, ventilation, lighting, or core areas shall take place until details of the proposed drainage, servicing, ventilation, lighting, core areas including lifts and other plant have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the location, design, materials and finishes to be used. The works shall be carried out strictly in accordance with the approved details.

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

8) **CONDITION: PRE COMMENCEMENT PHASED ROOF REPAIRS AND WORKS**

CONDITION: (8) No works shall take place to the roof until a schedule of works for roof repairs (including slate samples), repair/ replacement of rainwater goods, lead work, gulleys and internal downpipes, materials, insulation and positioning have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

9) **CONDITION: PRE COMMENCEMENT ROOF LANTERN**

CONDITION: (9) No works shall take place to the roof lantern until details of the proposed works to roof lantern have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the repair/ reinstatement designs, materials and methodology. The works shall be carried out strictly in accordance with the approved details.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

10) **CONDITION: PRE COMMENCEMENT PHASED DETAILS ROOF TERRACE**

CONDITION: (10) Notwithstanding the details as shown on the approved plan, prior to construction of the roof terrace , details of the roof terrace including structural details, materials and drainage, have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the repair/ reinstatement designs, materials and methodology. The works shall be carried out strictly in accordance with the approved details.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

11) **CONDITION: PRE COMMENCEMENT PHASED PARTITIONS**

CONDITION: (11) No works of subdivision shall take place until details of the proposed partition walls have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the abutment details to the panelling. The works shall be carried out strictly in accordance with the approved details.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

12) **CONDITION: PRE COMMENCEMENT PHASED INTERNAL FINISHES**

CONDITION: (12) No works to the internal walls shall take place until a schedule of mixes for all mortars, plasters, renders, paint lime wash or other internal finish to be used has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved schedule.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are



properly protected / respected before construction commences.

**13) PRE COMMENCEMENT DETAILS OF THE PROPOSED COURTYARD**

CONDITION: (13) No works to the courtyard shall commence until details of the proposed surface finishes to the courtyard, including the reuse of historic setts if recovered, ( ref. EI Planning Statement) have been submitted to, and approved in writing by, the Local Planning Authority. All works shall be carried out in strict accordance with the agreed details.

Reason:

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

Pre Commencement Justification : To ensure that important historic features are properly protected / respected before construction commences.

**14) CONDITION: HOT WORKING**

CONDITION: (14) Due to the potential risk of fire during roof construction works, the 'hot working' for the roof repairs shall be carried out solely in the mornings, and then closely monitored for any smouldering etc during each afternoon following this work, to ensure any required intervention then takes place to safeguard the building.

Reason:

In order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and in accordance with advice set out in paragraphs 132 - 134 of the National Planning Policy Framework 2012.

**Informatives**

**1) INFORMATIVE: FIRE PREVENTION**

INFORMATIVE: (1) In association with condition 14 above, whilst any hot works to the roof are in progress, the applicant is to put in place fire prevention and fire-fighting measures at all times. Fire extinguishers should also be put in place on the areas of work at roof level/s and all other floor levels of the Melville building. In addition mobile telephone communication should be available for operatives for calling the Fire Brigade in the event of a fire.

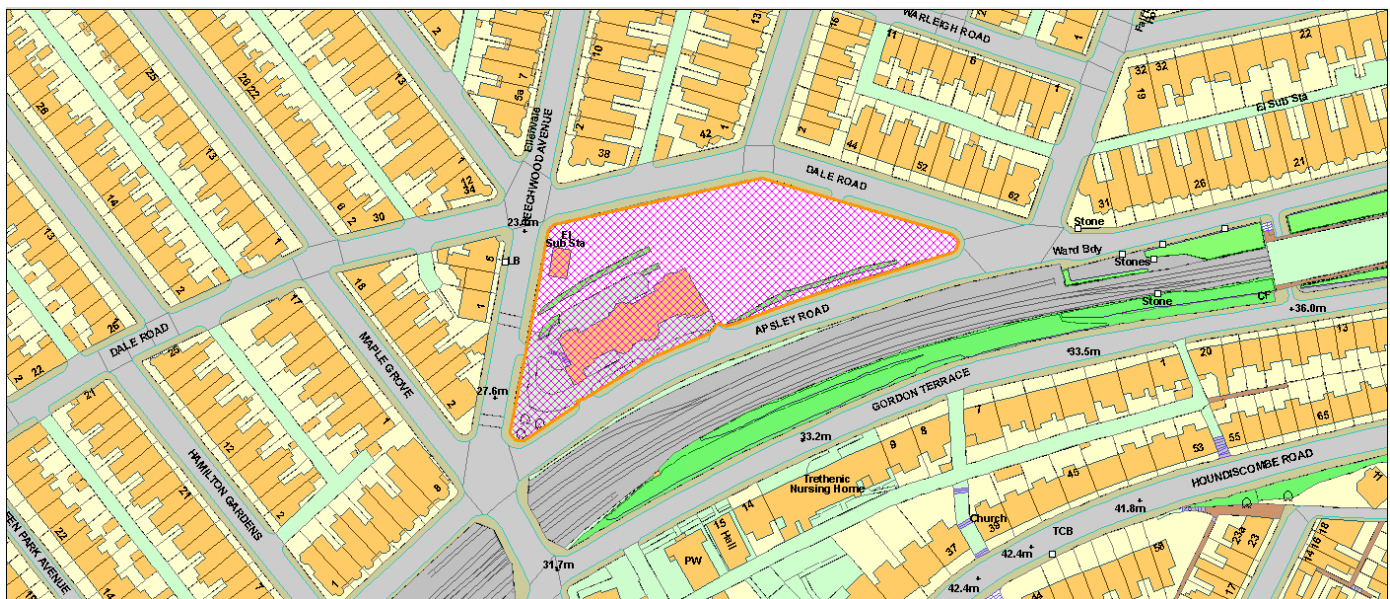
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# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/02377/S73	<b>Item</b>	05
<b>Date Valid</b>	06.12.2016	<b>Ward</b>	DRAKE

<b>Site Address</b>	Royal Eye Infirmary, Apsley Road Plymouth PL4 6PJ		
<b>Proposal</b>	Variation of condition 13 (student use) of application 14/01228/FUL		
<b>Applicant</b>	Mr Evenson		
<b>Application Type</b>	Removal or variation of a condition		
<b>Target Date</b>	<b>07.03.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Major - More than 5 Letters of Representation Received		
<b>Case Officer</b>	Mrs Katie Saunders		
<b>Recommendation</b>	Grant Conditionally		



## **1. Description of Site**

The site is located in a central, predominantly residential area to the west of Mutley Plain and to the north of Plymouth City Centre. The surrounding development is characterised by terraced streets that mostly comprise of Victorian era housing, arranged in a non-uniform street pattern derived from historic ownership boundaries.

Measuring approximately 0.59 of a hectare, the site is bound on all sides by public highway and forms an irregular shaped island. Immediately to the south of the site is the main city railway line, with terraced housing to the north, east and west. The topography of the site slopes down from south to north. The level change across the site is approximately 6m at its greatest.

The site is currently occupied by a substantial and imposing building known as the Plymouth Royal Eye Infirmary (REI), a grade II Listed Building Constructed in 1901 and recently vacated by the local health authority. The last use of the building was as an eye infirmary, as originally constructed. It is a red brick Victorian structure although a significant 1930's extension at the east end of the building has now been removed. The existing building is in a poor state of repair.

The area to the east of the original REI building is now being redeveloped to provide 164 purpose built student bedspaces which was granted planning permission in March 2015. Access to the site can be taken from all sides. However, Apsley Road to the south and Dale Road to the north east is where the main vehicle access points are located (at different levels).

Unlike many areas of Plymouth, the immediate surrounding area is characterised by housing that is predominantly finished in brick, but there is also evidence of local stone and render; with slate being used on the roofs of much of the surrounding housing. Within the area, corner plots are sometimes defined with differing building features and help to present an attractive book end to many of the nearby terraced streets.

Mutley Plain, to the east of the site; and the city centre, to the south, provide the area with a vast choice of services, facilities and amenities. Plymouth Central Train Station is located within walking distance to the site, to the south west.

## **2. Proposal Description**

Variation of Condition 13 (Student Use) of application 14/01228/FUL

Planning permission was granted for redevelopment of the site on appeal and the Inspector imposed the following condition:

The occupation of the new build accommodation hereby approved shall be limited to limited to students in full time education only.

The applicant is now seeking to amend this condition to read as follows:

The occupation of the new build accommodation hereby approved shall be limited to students in full time education, by student delegates attending university conferences or courses during vacation periods, or any registered student of any college or university within the Plymouth City boundary provided that student is studying for a qualification at Higher Education level on a course that satisfies the criteria 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.

### **3. Pre-application enquiry**

No formal pre-application enquiry was submitted although the wording of other similar conditions on different sites was provided to the applicant for information.

### **4. Relevant planning history**

14/01228/FUL and 14/01229/LBC; Change of use, conversion and alterations to existing building to provide 12 apartments and new 4/5 storey building containing 30 cluster flats with 164 bed spaces with ancillary car parking, cycle and refuse storage (demolition of existing extension) – PLANNING APPLICATION REFUSED BY PLANNING COMMITTEE BUT SUBSEQUENTLY GRANTED ON APPEAL

13/00521/FUL and 13/00523/LBC; Change of use, conversion and alterations to existing building to provide 12 apartments and new 4/5 storey building containing 51 retirement flats with ancillary car parking, cycle and refuse storage (demolition of existing extension). GRANTED

12/01797/FUL and 12/01799/LBC - Change of use, conversion and alterations to existing building to provide 12 apartments and new 4/5 storey building containing 55 retirement flats with ancillary car parking, cycle and refuse storage (demolition of existing extension). WITHDRAWN.

### **5. Consultation responses**

Highways Authority – No objections

Plymouth University – No objections

Street Services – Raised concerns about whether refuse facilities are being provided

### **6. Representations**

Thirteen letters of representation have been received all objecting to the application. The letters raise the following issues:

- \* REI building should not be used as holiday accommodation for students
- \* Local residents are looking forward to the quieter holiday periods and the break from anti- social behaviour
- \* Other developments may be suitable for holiday use but this doesn't mean it is acceptable here
- \* Student holidays are at least 15 weeks so the use will be extended by 50%
- \* People attending conferences and courses are more likely to have cars and contribute to existing parking difficulties
- \* University should provide car parking to house delegates
- \* No work has commenced on the REI building
- \* Will this change mean council tax is payable
- \* Future applications for HMOs in the area should be rejected

- \* Could allow potential use by foreign students
- \* University accommodation should be used as conference accommodation
- \* Building is too big and inappropriate for the site
- \* More student accommodation is not required
- \* Purpose built halls are 30% more expensive than HMOs so there has been no reduction in HMO properties
- \* Developer is intentionally altering the consent in a piecemeal manner
- \* Result in further infringement of privacy
- \* Council would be reversing the decision of the Planning Inspector
- \* Local residents should be able to address Planning Committee
- \* Development results in a “right to light” issue
- \* Why was there no public consultation with residents on the original application

### **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
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

When determining applications for residential development it is important to give consideration to housing supply. (Note: this could include student accommodation developments based on the amount of accommodation it released to the housing market)

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

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

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

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

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

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

For decision-taking this means:

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

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.

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.

### **8. Analysis**

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

2. The policies of most relevance to the determination of this application are CS01 (development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS16 (Spatial Distribution of Housing Sites), CS18 (Plymouths Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS30 (Sport, Recreation and Children’s Play Facilities), CS32 (Designing out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Obligations).

3. This application involves making changes to one condition on the already approved scheme for 12 apartments and a new 4/5 storey building containing 30 cluster flats with 164 bed spaces with ancillary car parking, cycle and refuse storage.

4. This application will only consider the change proposed and will not reconsider all the issues surrounding the development. Full consideration of these issues can be found in the committee report that accompanied application 14/01228/FUL and the appeal decision issued by the Planning Inspectorate on 24th March 2015.



5. A number of the letters of representation received raise issues about the principal of student accommodation being located on the site and the size and scale of the development and the associated impact on neighbouring properties. These are issues that cannot be revisited as part of this application and officers will not provide further comments on these issues.

6. Having seen the letters of representation officers consider that it would be beneficial to clarify the purpose of this application and the current situation regarding the site. This application is seeking to vary condition 13 on the planning consent which currently reads:

7. "The occupation of the new build accommodation hereby approved shall be limited to students in full time education only."

8. The applicants are seeking to amend this wording primarily to allow use of the building during holiday times by student delegates attending university courses or conferences. The proposed change is not seeking to extend the student use to the REI building itself it will purely relate to the new build block.

9. Members should also be aware that the site is now in two different ownerships. Maple Grove Developments who are the applicant for this proposal are solely responsible for the delivery of the new build accommodation. The REI building has now been sold to GBH (Devon) Ltd who will be developing the consented 12 residential apartments. Officers are hopeful that work will commence on the REI in the near future however there was no condition placed on the planning permission to ensure refurbishment of the original building was delivered within a specified timeframe.

10. The Planning Inspector who granted planning permission for this development imposed conditions which they considered were necessary to make the development acceptable and control specific elements of the work. The student use condition is fairly brief and on a number of other purpose built student schemes within the City including Astor House on Notte Street and Beckley Court (which is under construction) a slightly longer wording has been utilised by the Local Planning Authority.

11. The primary difference with the proposed new wording of the condition is that provision would be made to allow occupation of the facility by student delegates attending conferences during holiday periods. The representations received suggest that making this change has the potential to increase use of the building by 50% as student holidays are likely to total approximately 15 weeks.

12. Officers accept that whilst established patterns often result in students going home for an extended period during the summer the current planning consent does not preclude the building being occupied full time for 52 weeks of the year.

13. The university has advised that the demand for conference accommodation is limited and they would look to promote their own buildings first. However they note that alternative uses for student accommodation should be considered in order to make efficient use of the building. This approach is promoted in Policy CS34 which states development should "make efficient use of land and where appropriate provide for dual use of facilities".

14. Officers do not consider that varying the condition will result in significant intensification of use of the building taking in to account the current restrictions imposed and is unlikely to cause severe

disruption to existing residents.

15. Concerns have also been raised suggesting that conference attendees are more likely to travel by car and contribute to existing parking difficulties in the area. The site is located in a central position and there is no reason to assume that conference attendees would not use sustainable modes of travel such as the train. However even if people were to travel by car, given their limited length of stay, they could utilise public car parks in the area.

16. The application site is located within a controlled parking zone and this development will be excluded from obtaining resident and visitor permits and this will be highlighted to the applicant by means of an informative. The change to this condition is not considered to result in a severe transport impact as stated in Paragraph 32 of the National Planning Policy Framework.

17. Street Services has raised concerns regarding the lack of information on refuse storage. These details have previously been provided and agreed through the earlier application. Officers are satisfied that adequate refuse facilities will be provided and this issue shall not be revisited as part of this application.

18. Correspondence received has also noted that residents may want to speak to Planning Committee before this application is determined. All parties who have provided their email details have been notified of the Committee procedure.

19. The impact of this change to the condition on the Council Tax for the building is not a material planning consideration and is something the applicant will need to discuss independently with the relevant council department.

20. Officers would not wish to comment on why this application has been made now but applicant's are not bound by an inspector's decision and can still chose to make changes to a planning permission through the appropriate channels. Members should consider this application on its merits the fact that the previous application was granted on appeal should not affect the decision making process.

21. Future planning applications for Houses in Multiple Occupation in the area will be judged on their own merits but the Article 4 direction was introduced to try and control the proliferation of this type of accommodation and seek to encourage students to locate within purpose built facilities.

### **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**

There are no financial considerations specifically related to this application although a CIL payment is being received in respect of this development.

## **11. Planning Obligations**

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

A planning obligation is not required in respect of this application.

## **12. Equalities and Diversities**

No further equality and diversity 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 policy and national guidance and it is therefore recommended to grant conditionally. The development is a slight modification to the existing permission and is not considered to result in a significantly more intensive use that will have a detrimental impact on existing residents or the character and appearance of the area. The application has the potential make more efficient use of the building which is in accordance with Policy CS34 of the Local Development Framework Core Strategy.

## **14. Recommendation**

In respect of the application dated **06.12.2016** and the submitted drawings 1885-001 SITE LOCATION PLAN, 1885-002 SITE PLAN EXISTING, 1885-003 DEMOLITION DTREE REMOVA, 1885-004 FLOOR PLANS EXISTING, 1885-005 FLOOR PLAN EXISTING, 1885-006 FLOOR PLAN EXISTING, 1885-007 FLOOR PLAN PROPOSED, 1885-010 REV Q GROUND FLOOR, 1885-011 REV T FIRST FLOOR, 1885-012 REV N SECOND FLOOR, 1885-013 REV N THIRD FLOOR, 1885-014 REV Q FOURTH FLOOR, 1885- 017 REV C ROOF PLAN, 1885-023 REV C ELEVATIONS DSECTI, 1885-024 REV C NORTH DEAST ELEVA, 1885-025 REV D SOUTH DWEST ELEVA, 1885-026 REV B SITE SECTIONS, 1885-027 REV B SITE SECTIONS, 1885-039 HARD LANDSCAPING PLAN, 1885.134 REV A BIKE STORAGE, 653-03A PHASE 1 LANDSCAPING, 653-04A PHASE 2 LANDSCAPING, 1885-019 REV H SITE PLAN, 1885.400 REV B EXTERNAL STAIR, 1885.401 EXTERNAL STAIRS, T7125/28 REV P EXTERNAL STAIRS, ON SITE GENERATION STRATEGY, DRAINAGE STRATEGY ISSUE 4, ARBORICULTURAL METHOD STATEMENT, REMEDIATION STRATEGY, it is recommended to **Grant Conditionally**

## **15. Conditions**

### **1) CONDITION: APPROVED PLANS**

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

- 1885-001 - Site Location Plan;
- 1885-002 - Site Plan as Existing;
- 1885-003 - Demolition and Tree Removal Plan;
- 1885-004 - Floor Plans as Existing;
- 1885-005 - Floor Plans as Existing;
- 1885-006 - Elevations as Existing;
- 1885-007 - Existing Block Proposed Floor Plans;
- 1885-010 Rev Q - Proposed Ground Floor Plan;
- 1885-011 Rev T - Proposed First Floor Plan;
- 1885-012 Rev N - Proposed Second Floor Plan;
- 1885-013 Rev N - Proposed Third Floor Plan;

I885-014 Rev Q - Proposed Fourth Floor Plan;  
I885-017 Rev C - Proposed Roof Plan;  
I885-023 Rev C - Site Elevations and Sections;  
I885-024 Rev C - North and East Elevations;  
I885-025 Rev D - South and West Elevations;  
I885-026 Rev B - Site Sections;  
I885-027 Rev B - Site Sections;  
I885-039 - Site Plan - Hard Landscaping;  
I885.134 Rev A - Secure Bike Storage Compound Details;  
653-03A - Landscape Proposals (Phase 1);  
653-04A - Landscape Proposals (Phase 2);  
I885.019 Rev H - Proposed Site Plan;  
I885.400 Rev B - Existing Building External Stairs Detail Plan;  
I885.401 - Existing Building External Stairs Details Section and Elevation;  
T7125/28 Rev P - Details of External Steps.

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.

2) **CONDITION: CONTAMINATED LAND**

The development shall be carried out in accordance with the approved remediation scheme "Outline Remediation Strategy, produced by Geo Consulting Engineering Ltd GCE00129 2015 07 08 RSLI" . 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.

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 and where remediation is necessary a remediation scheme must be prepared and 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.

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.

3) **CONDITION: CODE OF PRACTICE**

The development shall be constructed in accordance with the Council's Code of Practice for Construction and Demolition Sites.

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 .

4) **CONDITION: PROVISION OF DRAINAGE WORKS**

The development shall be constructed in accordance with the approved Drainage Strategy Issue 4, produced by Fairhurst, December 2015 unless a change is previously agreed in writing with the Local Planning Authority.

Reason:

To enable satisfactory surface water disposal and site drainage and to mitigate the effect of such on the environment and landscape features in accordance with Policy CS20 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

5) **CONDITION: LANDSCAPE DESIGN PROPOSALS**

PRE-OCCUPATION

The development shall be carried out in accordance with the approved landscape details 653-03A - Landscape Proposals (Phase 1) and 653-04A - Landscape Proposals (Phase 2) unless a change is previously agreed in writing with the Local Planning Authority. The works shall be completed prior to occupation of the unit of accommodation to which the detail relates.

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.

6) **CONDITION: ARBORICULTURAL METHOD STATEMENT**

The measures contained in the approved arboricultural method statement produced by JP Associates (Consultants) Ltd, dated October 2015 shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

7) **CONDITION: SUSTAINABILITY**

Unless otherwise approved in writing by the local planning authority, onsite renewable energy production methods shall be provided in accordance with the approved On-Site Generation Strategy, Version 1.1, Project No: B2566, produced by Amber Management and Engineering Services Ltd, dated February 2016, which proposes the use of an onsite CHP unit to generate 19% carbon savings. The development shall be implemented in accordance

with the approved details and thereafter retained and used for energy supply for the lifetime of the development.

Reason:

To ensure that the development is in accordance with Policy CS20 of the Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 95-96 of the National Planning Policy Framework 2012.

8) **CONDITION: PROVISION OF PARKING AREA**

PRE-OCCUPATION

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

9) **CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

The student accommodation shall not be occupied until space has been laid out within the site in accordance with the approved plans for 82 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

10) **CONDITION: TRAVEL PLAN**

PRE-OCCUPATION

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

implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, 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.

11) **CONDITION: MANAGEMENT PLAN**

PRE-OCCUPATION

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

Reason:

In order to protect the residential and general amenity of the area in accordance with Policy CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and paragraph 123 of the National Planning Policy Framework 2012.

12) **CONDITION: STUDENT USE**

The units of accommodation within the new building shall only be occupied by students in full-time education, by student delegates attending university conferences or courses during vacation periods, or any registered student of any college or university within the Plymouth City boundary, provided that the student is studying a for a qualification at Higher Education level on a course that satisfies the criteria on eligibility for council tax exemption for student occupation of premises that is in force at the date of this planning permission, or any future such criteria as apply from time to time and for no other purpose.

Reason:

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

13) **CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY**

Unless otherwise previously agreed in writing with the local planning authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated July 2014) for the site.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and paragraph 109 of the National Planning Policy Framework 2012.

**Informatives**

1) **INFORMATIVE: CONDITIONAL APPROVAL NO NEGOTIATION**

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.

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

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

3) **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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

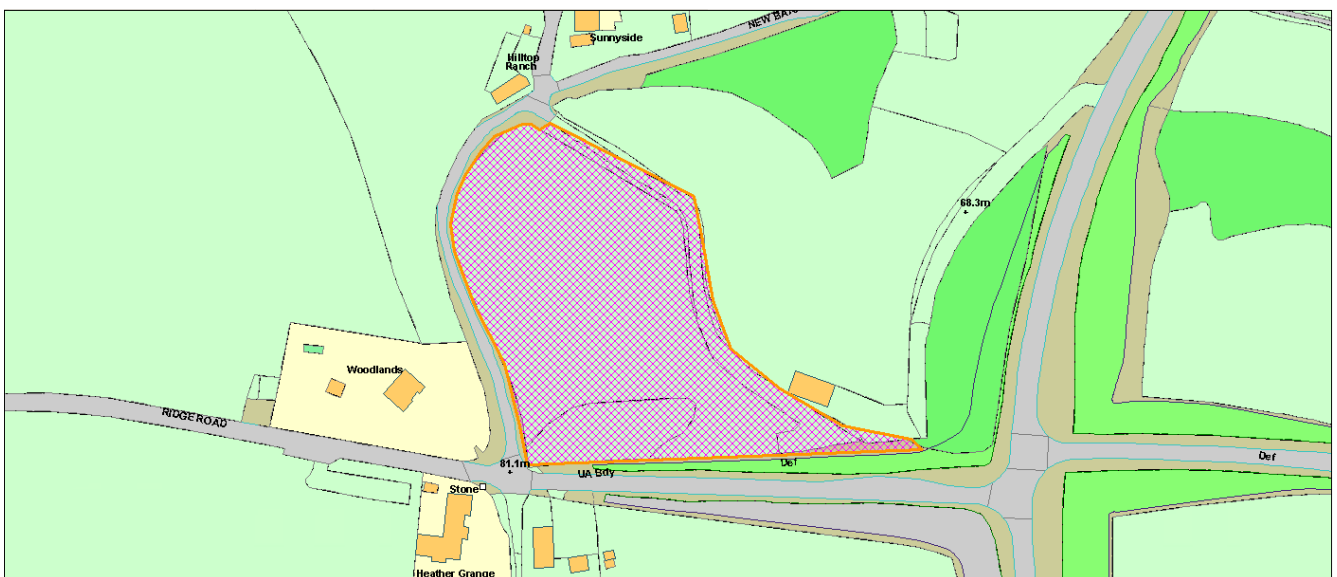


# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/01818/FUL	<b>Item</b>	06
<b>Date Valid</b>	17.10.2016	<b>Ward</b>	PLYMPTON ERLE

<b>Site Address</b>	Land At Ridge Road Plymouth PL7 1UE		
<b>Proposal</b>	Installation of entrance gates, diesel and water tanks and ground level alterations (retrospective)		
<b>Applicant</b>	Mr Steven Hawken		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>15.02.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



This application has been called to Planning Committee by Councillor Terri Beer

## **1. Description of Site**

The application site is a small field located on Ridge Road in the Plympton area of the City. Ridge Road is a rural lane on the outskirts of the city, and is located at the junction of Ridge Road, Vinery Lane, and New Barn Hill.

The field is approximately 0.8 hectares in extent and slopes from south to north. The site is largely bounded by a treed bank. There are currently no buildings on the site.

## **2. Proposal Description**

Retrospective installation of entrance gates, diesel and water tanks and ground level alterations.

## **3. Pre-application enquiry**

None.

## **4. Relevant planning history**

16/01330/FUL- Erection of an agricultural building- Granted conditionally.

15/02340/FUL- Erection of agricultural building- Refused due insufficient justification for the proposal, would be out of scale with surroundings and have a detrimental impact on the local landscape

A222-EN276- Planning enforcement Notice issued on 4th June 2008- Breach of planning control- without planning permission, the change of use of the land from agricultural field, to mixed use as an agricultural field and for the storage of construction equipment and machinery including storage container, fuel container, earth moving equipment, builders materials/waste and related vehicles, including an accident damaged vehicle (transit van). Currently open.

## **5. Consultation responses**

Public Protection Service- No objection.

Historic Environment Officer- Acceptable with no added conditions.

Local Highway Authority- Confirmation that there will be no objection, but will address formal comments in an addendum report.

Natural Infrastructure Team- No objections. Recommends the colour of the paint they apply to the entrance is in keeping with the timber and hedge. A condition has been added to ensure the details of the paint finish is submitted to the Local Planning Authority for agreement.

## **6. Representations**

One letter of representation has been received objecting to the proposal with main concerns of:

- \* Not using the tanks for agricultural purposes.
- \* Questions the need for fuel and water tanks, and ground level changes.
- \* Concerned over the use of the narrow country lanes with weight restrictions
- \* Increase in ground level would leave field in a dangerous state, and could result in landslides onto the road below.
- \* The new entrance reduces visibility.

## **7. Relevant Policy Framework**

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

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007). In the case of this application, it also comprises the North Plymstock Area Action Plan (including Minerals Development Plan Document).

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

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

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

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

the unresolved objections, the greater the weight that may be given).

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

\* Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or

\* Specific policies in the Framework indicate development should be restricted.

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

\* 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. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies CS02 (Design), CS18 (Plymouths Green Space), CS19 (Wildlife), CS22 (Pollution) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case are the impact on neighbour amenity, impact on the natural environment and the impact on the character and appearance of the area.

2. The proposal seeks retrospective consent for the installation of entrance gates, diesel and water tanks and ground level alterations. The proposed bunded water storage tank and diesel storage tank both hold 1000 litres and are position on the southern edge of the site. The entrance gates are located on the south-western corner of the site and allow access form Ridge Road. The ground to the northern end of the site has been increased in height by 300mm.

3. It is not considered that the proposal would have a detrimental impact on the appearance or character of the area. The ground level alterations and the tanks will be largely screened from public view. The secure entrance would be visible to the public but it is considered that the design does not impact on the appearance or character of the area.

4. It is not considered that the proposal would have detrimental impact on the neighbouring properties amenity. The proposed changes are situated away from any residential proposed and are not considered to have an impact on neighbours privacy, outlook or access to natural sunlight.

### Highway Considerations

5. The initial comments from the Local Highway Authority recommended the application for refusal, however the applicant has provided amended drawings to overcome the issues raised in the initial response.

6. It is noted that the proposed gate, with high walls and large piers has been constructed on the site in place of the previous gate that provided access to the field. The site has been used as, and will appear to be retained for, agricultural related purposes. Therefore the established use of the access has to be considered as being acceptable in principle.

7. However, the piers and walls have been constructed on land that is registered as Highway Maintainable at Public Expense, HMPE. The massing and location of the walls block emerging visibility for drivers leaving the site. This could give rise to issues of road safety for both existing and future users on the highway.

8. As the principle of an access in this location is acceptable the access arrangement has now been amended to ensure that no part of the structure is retained on land that is HMPE. Visibility splays have been demonstrated on the amended drawings which are appropriate for agricultural access.

9. Furthermore, no private surface water or loose material will be permitted to flow or be deposited onto the adjoining highway. The applicant is proposing to install a concrete dish drain. This will be within the highway and it is therefore more appropriate for the applicant to seek guidance by way of a license to secure permission from the Highway Authority to provide such a vehicle crossing.

10. The current application and access arrangement, in particular, would appear to suggest that the use of the site would be intensified above agricultural purposes and it may therefore be appropriate to condition the use of the field to limit or restrict use to the type that is commensurate to agricultural purpose of the scale fit for this site.

11. The applicant should note that the above access arrangement would be suitable for agricultural purposes only and should any additional uses, which would give rise to increasing traffic movements, be proposed at the site then a significant improvement to the access would be required. An access would require full visibility splays, for example and potential localised works to highway. This would require a separate planning application and full consideration to the increase in associated trips would be undertaken at that time.

12. Subject to the amendments being made to the walls, to reduce the construction off the highway, and a suitable construction of the vehicle crossover there are no longer any objections to the proposal.

13. Concerns in the letter of representation have been raised that the tanks will not be used in relation to the agricultural use, therefore a condition will be added to ensure that the tanks

can only be used in relation to the agricultural use of the field.

14. Concerns have also been raised in the letter of representation regarding the increase in ground level resulting in the field being in a dangerous state and impacting on the road below. However it is considered the increase in ground level to be minor in scale and from the plans submitted the ground level alterations are set approximately 4.4 metres away from the boundary of the site and the road.

15. A condition has been added removing the permitted development rights to the site to ensure that any more development on site first seeks consent from the Local Planning Authority prior to work commencing and to ensure that works would not have an impact on the character of the area or neighbour amenity.

16. Within the letter of representation received a number of concerns were raised. Some of these concerns have been discussed previously in paragraphs 5 and 6. The concerns raised regarding the lack of visibility have been met within the amended scheme and with the highway authority considering the amended scheme acceptable. Concerns were also raised regarding the applicants plant hire business and the impact this has on the narrow country lanes, however this isn't a planning considerations for this application as it does not relate to the field being used for applicants plant hire business.

### Historic Environment

17. The site itself is on the edge of Plymouth, very close to the city boundary and some distance from the Plympton St Maurice Conservation Area. There are no listed buildings or known archaeological sites in the immediate vicinity of the field. The alterations proposed to be made to the field are minimal and will not be visible from within the Conservation Area, therefore officers consider there is no impact on it. The recommendation is that the application is therefore acceptable with no added historic environment conditions.

18. Overall the proposal is therefore not considered to have a detrimental impact on neighbour amenity and would be not have a detrimental impact on the local landscape or conservation area and the application is 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**

None.

**11. Planning Obligations**

Not applicable.

**12. Equalities and Diversities**

None.

**13. Conclusions**

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

**14. Recommendation**

In respect of the application dated **17.10.2016** and the submitted drawings it is recommended to **Grant Conditionally**

**15. Conditions**

1) **CONDITION: COMMENCE WITH AMENDED DESIGN**

The amended design of the site entrance, walls and peirs under drawing number 052A\_002 rev F hereby permitted need to be completed within three months of the date of this decision.

Reason:

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

2) **CONDITION: APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans: 052A\_001 rev A, 052A\_002 rev F, 052A\_003 rev A, 052A\_002 rev B.

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.

3) **CONDITION: EXTERNAL MATERIALS**

Details of the paint used on the new entrance of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority, the

paint shall be applied in accordance with the details agreed within 1 month of the date of this decision.

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

4) **CONDITION: RESTRICTION ON PERMITTED CHANGES OF USE**

The diesel and water tanks hereby permitted shall be used solely for the purposes of agriculture as defined under Section 336 of the Town & Country Planning Act 1990. In the event that the agricultural use ceases the diesel and water tanks shall be removed within 1 month of the cessation of the agricultural use, unless the Local Planning Authority has otherwise previously agreed in writing.

Reason:

In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances but for which the application would have been refused, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

5) **CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 and Class B of Part 6 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements or alterations of agricultural buildings, installation of additional or replacement plant or machinery, provision, rearrangement or replacement of a private way, provision of a hard surfaces or deposit of waste are allowed on site.

Reason:

In order to protect residential amenity and the character and appearance of the area , 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.

6) **CONDITION: SPECIFIED USE RESTRICTION**

The site shall be used solely for agricultural purposes as defined under Section 336 of the Town & Country Planning Act 1990. In the event that the agricultural use of the site changes it will require written approval from the Local Planning Authority prior to



any changes of use.

Reason:

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

7) **CONDITION: SURFACING OF DRIVEWAY/PARKING AREAS**

The access hereby approved shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 5metres from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with the approved plans.

Reason:

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

**Informatives**

1) **INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)**

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.

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

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).

3) **INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

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

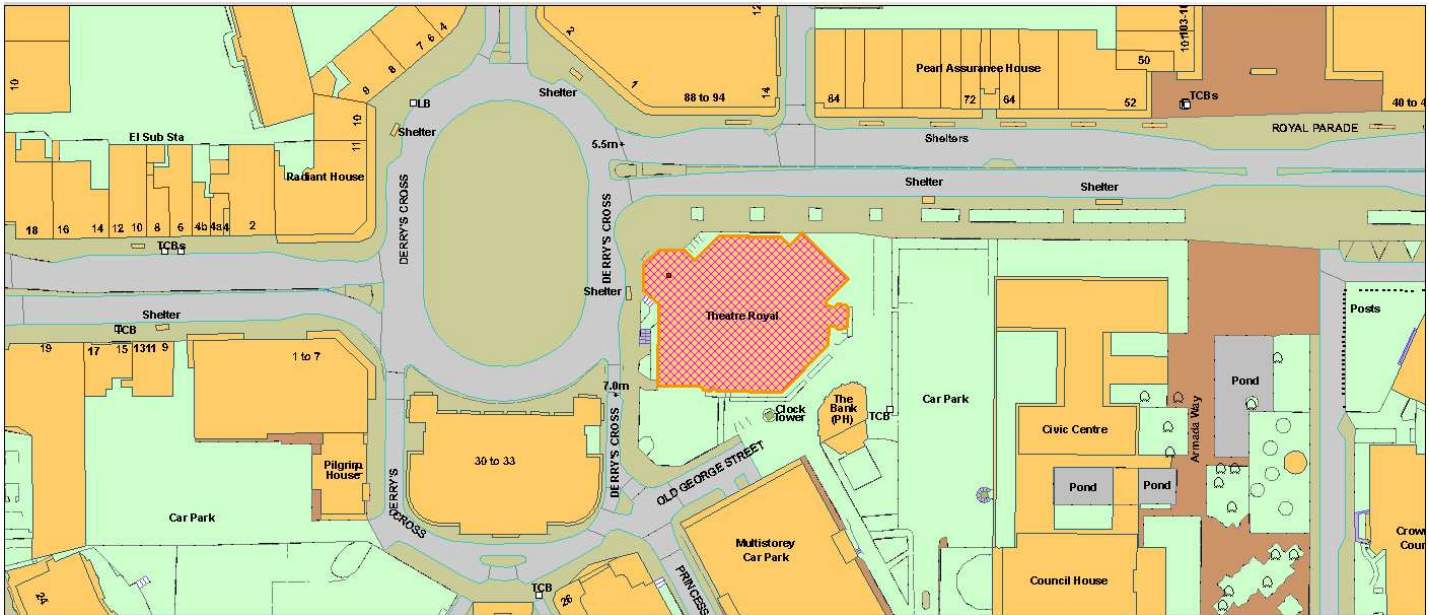
highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

<h1 style="margin: 0;">PLANNING APPLICATION REPORT</h1>	 <p><b>PLYMOUTH</b> CITY COUNCIL</p>
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<b>Application Number</b>	16/02248/FUL
<b>Date Valid</b>	18.11.2016

<b>Item</b>	07
<b>Ward</b>	ST PETER AND THE WATERFRONT

<b>Site Address</b>	Theatre Royal, Royal Parade Plymouth PL1 2TR		
<b>Proposal</b>	Installation of statue		
<b>Applicant</b>	Theatre Royal Plymouth		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>13.01.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Grant Conditionally		



**This application has been called before the Planning Committee by Councillor Aspinall.**

## **1. Description of Site**

The Theatre Royal is a landmark city centre building located at the junction of Royal Parade and Derry's Cross.

## **2. Proposal Description**

Installation of statue. The proposed sculpture would be located on the public highway outside the main entrance on the east side of the building. The sculpture would be 7.1 metres high with a 5.7 metres wide with a clearance of 2.5 metre for pedestrians to pass underneath; it would be made of bronze.

## **3. Pre-application enquiry**

16/01865/MIN - The local planning authority's preferred option would be for a location that did not require the removal of any of the Royal Parade street trees. If this were not possible the proposal would be supported if it could be demonstrated that it would result in an improvement to the public realm on Royal Parade.

## **4. Relevant planning history**

13/00532/FUL - Refurbishment and redevelopment of the public areas including:

1. A new creative Learning Space in the existing basement
2. The replacement of the existing aluminium cladding
3. An extension to the main entrance area of the existing theatre
4. The renovation and alterations to the existing internal front-of-house areas
5. The reconfiguration of the landscaping around the building, together with variation of condition 2 (list of approved plans of planning permission 11/02008/FUL) to allow addition of glazed lobby to main entrance.

Granted conditionally.

11/02008/FUL - Refurbishment and redevelopment of the public areas including:

1. A new creative Learning Space in the existing basement
2. The replacement of the existing aluminium cladding
3. An extension to the main entrance area of the existing theatre
4. The renovation and alterations to the existing internal front-of-house areas
5. The reconfiguration of the landscaping around the building.

Granted conditionally.

## **5. Consultation responses**

Historic Environment Officer – acceptable with a condition on further details of materials, no archaeological conditions would be required.

Economic Development - supportive of this proposal in this important City Centre location but with a concern about the loss of a significant street tree which should be compensated for by an equivalent city centre environmental gain reflecting the

important range of roles performed by urban trees of this scale.

Local Highway Authority – no objection in principle subject to a condition and informatives.

Natural Infrastructure Officer – object – loss of an important tree contrary to policy CS18.4.

Public Arts Officer – a condition on the provision of an educational programme to maximize the learning experience of the project is recommended.

### **6. Representations**

Twenty letters of representation have been received; thirteen letters were received after the public consultation had closed. One letter is in support of the application and eight object to it. The letters of objection raise the following points;

Unattractive appearance

Eyesore/Monstrosity

Loss of an important tree

Wrong location

Inappropriate

Lacks meaning

Degrading to women

Expense

The money could be better used inside the theatre

Out of keeping with design of the building.

The letter of support states that the city needs more public art.

### **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.
- \* City Centre and University Area Action Plan.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The primary planning considerations in any future application would be the impact on the character and appearance of the area, the impact on listed buildings and the impact on the public highway. The application would be considered in the context of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021, the City Centre and University Area Action Plan, the draft Plymouth Plan and the National Planning Policy Framework.
3. The application turns upon policies CS02 (Design), CS03 (Historic Environment), CS18 (Plymouth Green Space), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) and Area Vision 3 of the Core Strategy. The following parts of the City Centre and University Area Action Plan are also relevant; Strategic Objective 2: Placemaking and policy CC03, City Centre Public Realm.

#### **4. Impact on listed buildings.**

The statue would be located near to three Grade II listed structures; the Bank public house, Derry's Clock and the former Civic Centre. The case officer in consultation with historic environment colleagues considers that, given the distances of these buildings from the site, the statue would not have a substantially adverse impact on the setting of any of these heritage assets.

#### **5. Impact on the public highway.**

There are no defensible Highway reasons why the street tree should be retained, and subsequently the application refused. Once the tree and its tree-pit are removed the applicant has indicated that they intend to make good the highway using materials to match the surrounding areas. The paving around the basepoints of the statue will need to be re-instated and tactile paving, to assist partially sighted pedestrians, is proposed around the statue.

6. The statue will be supported on two pads to minimise the impact on underground services. The applicant has liaised with the statutory utilities to identify any services that could be affected by the proposal.

7. As part of the 2013 theatre refurbishment project the streetlighting design underwent full highways approval. The statue will give rise to issues of shadowing and will change the lighting arrangements in the area. It is noted that architectural lighting is proposed but a review of the streetlighting will be required. The issue of the impact on the streetlighting was not referred to in the original pre-application report but is mentioned now for completeness.

8. The case officer recommends that these matters should be addressed through a condition requiring further details of a streetlighting review, foundation details; surfacing details and tree pit re-instatement.

9. As the installation will take place on the public highway in a location with high footfall the case officer considers that it would be appropriate for the applicant to submit a code of practice during construction, with a view to safeguarding passing pedestrians. An informative to this effect is recommended along with a standard informative on obtaining consent before any work is undertaken on the highway.

10. Should planning permission be granted, the applicants will need to obtain a separate license agreement with the Local Highway Authority that will also indemnify the authority against claims made as a result of the statue. This will need to be done prior to the installation or any works taking place on the highway.

11. Subject to the above condition and informative there are no highway objections to the proposal.

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

The Theatre Royal is located at the western end of Royal Parade and opened in 1982. In 2013 planning permission was granted for refurbishment and redevelopment of the building and the landscaping around the east elevation entrance. Royal Parade is one of the principal avenues of the city centre and was part of the original 1943 Abercrombie Plan for the post-war reconstruction of the city. The avenue runs in a straight line, east to west, for over 400 metres and features a double row of mature Lime trees for the majority of its length on its southern side. These trees would appear to date from the time when the avenue was originally laid out, in the early 1950's. The proposal would see one of these trees removed.

13. The adopted Core Strategy sets out its vision for the city centre in its Area Vision 3. This is "To reinforce the City Centre's role as a vibrant and thriving regional destination, providing high quality shopping, recreation, cultural, civic, education and commercial facilities, well connected to surrounding neighbourhoods, as well as being a safe place of quality in which to live."

14. The City Centre and University Area Action Plan (AAP) compliments the Core Strategy and offers more detailed guidance and sets out the planning authority's ambitions for the city centre up to 2021.

Strategic Objective 2 of the AAP is;

"To create a modern, enlivened City Centre which successfully integrates its historic assets with its new developments, and which uses attractive and innovative public spaces to create high quality settings for key buildings. New developments and public realm schemes use the latest sustainable construction methods and facilitate the use of Combined Heat and Power throughout the City Centre. This will be achieved by:...

4. Creating a high quality, attractive and enlivening public realm, with a range of public spaces, enriching activities and sights which will generate interest.

15. Policy CC03 (City Centre Public Realm) of the AAP states that;

"The City Centre's public realm will be improved to create a succession of safe, attractive,



inclusive and innovative linked spaces, places and features which enliven the City Centre whilst respecting its unique Beaux Arts character. Public realm improvement schemes should:

- Use high quality, durable and sustainable designs and materials.
- Facilitate movement and promote permeability through the City Centre precinct for pedestrians and cyclists.
- Provide flexible design solutions which support the future development options suggested within this Area Action Plan.
- Provide a variety of spaces both in terms of scale and character, including:... 5. Use innovative designs to improve the identity and legibility of the City Centre such as public art, sculpture, planting, water features and lighting.

### 16. Plymouth City Centre Strategic Masterplan

The Plymouth City Centre Strategic Masterplan forms part of the evidence base that informs the Plymouth and South West Devon Local Plan It contains a short section on public art. The document states that;

17. "Public art should be distinctive to place and play its part in the shaping the future of Plymouth by helping the town to assert its individuality with bold design and high quality materials. Overt reference to the past should be avoided in favour of an imaginative and forward looking interpretation of local history which helps to forge a new and distinctive image for the city."

18. The main planning issues are the loss of the mature street tree and the visual impact of the statue. The applicant has carried out preliminary surveys to determine the position of services under the highway. They have concluded that the proposed location is the only viable one, given the requirement to maintain access to the underground utilities.

19. The trees are not the subject of a Tree Preservation Order because they are under local authority control. In their consultation response the Natural Infrastructure Officer has commented that this particular tree has matured and is an integral part of the street scene and setting of this part of the city centre. They have added that the removal of one of the trees from the row would disrupt the regular spacing and would diminish the impact of the avenue as a whole and as such could have a negative impact on public amenity of such a high profile setting. Their view is that it would be possible to move the statue slightly to the west to allow the tree to be saved and the statue to be erected. The statue would still be visible to all pedestrians approaching the Theatre along Royal Parade and only distant views would be affected by the presence of the tree and then only for 6 months of the year when the tree is in full leaf.

20. In their letter of representation the Plymouth Tree Partnership has also objected to the loss of the tree. They have raised the following concerns; removing the trees will be contrary to the

City Centre Masterplan, it won't contribute to creating an attractive sense of place, it will reduce shade, there is no assessment of the trees value and there are other spaces available.

21. Set against this is the argument that important civic-cultural buildings such as the Theatre Royal ought to have a more visible presence on the street to aid its legibility and act as a landmark. To mitigate the loss of the tree there is the opportunity for the Theatre to activate the public realm at its entrance. The space left by the removal of the tree will need to be replaced with a complementary paving scheme similar to the one delivered as part of the 2013 planning permission. As mentioned above a condition on further details of the proposed landscaping materials is recommended by the case officer. There is also a longer term opportunity for the Theatre to take advantage of this new public space that will be created to provide a more engaging area for performances, events, exhibitions etc. and extending the public realm to the kerb alongside Royal Parade.

22. As part of the mitigation for the loss of the tree the applicants have agreed to install a lighting scheme and interpretation details of the work. The Natural Infrastructure Officer has requested that a new specimen tree should be provided in a prominent public realm area of the city centre. Conditions to this effect are recommended along with a condition relating to the maintenance and cleaning of the statue.

23. A number of letters of objection have mentioned the physical appearance of the statue itself. While the aesthetics of the actual statue is not a material planning consideration the visual appearance of the statue in its relationship to its surroundings is. This can include materials, height, scale, and massing.

24. In terms of its size the statue would be very large but in this location, adjacent to the theatre, case officers do not consider that it would appear dominant or over bearing. The material used would be bronze. This is a high quality material that has a long history of use for statuary and is known to weather well, an important consideration given the exposed location and climate.

25. The Council's Arts Officer has requested a condition be added requiring the Theatre to provide an educational programme to run alongside the process of construction and installation of the statue. This condition is not considered necessary to make the development acceptable but the Theatre has agreed to it.

26. The case officer considers that the proposal complies with policy and is in accordance with the ambitions for the development of the city centre set out in the Core Strategy Vision and the AAP. The application, with the conditions on further details of materials, street lighting, the lighting and interpretation scheme and maintenance is recommended for 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**

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

### **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.

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

### **12. Equalities and Diversities**

There are no equalities and diversities issues with 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 and national guidance and specifically policies CS02 (Design), CS28 (Local transport considerations) 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 **18.11.2016** and the submitted drawings it is recommended to **Grant Conditionally**

### **15. Conditions**

1) **CONDITION: COMMENCE WITHIN 3 YEARS**

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.

2) **CONDITION: APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Landscape Public Realm Proposals Plan, Existing and Proposed Site Plan, Statue Views and Site Plan, 3D Render Image.

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.

3) **CONDITION: FURTHER DETAILS**

PRE-COMMENCEMENT

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: Full review of Streetlighting; Foundation details; Surfacing details; Tree pit re-instatement, a sample panel showing the finished colour and texture of the statue. The works shall conform to the approved details.

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.

4) **CONDITION: LIGHTING AND INTERPRETATION SCHEME**

Within three months of the date of this decision notice the applicant shall submit to and have approved in writing by the Local Planning Authority a detailed lighting and interpretation scheme. The scheme shall provide information on how the statue will be illuminated as well as details of an information programme that will help to interpret the development for the public. 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.

5) **CONDITION: MAINTENANCE**

The statue shall be maintained in a condition that does not impair the visual amenity of the area and shall be maintained in a condition that does not endanger the public

Reason:

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

6) **CONDITION: REPLACEMENT TREE**

To mitigate for the loss of the street tree another tree of size and species to be specified in writing by the Local Planning Authority shall be planted at a location and time to be agreed with Local Planning Authority.

Reason:

To ensure that street trees are replaced and retained 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.

7) **CONDITION: EDUCATION PROGRAMME**

Within 3 months of the date of this decision notice, the applicants shall submit an educational programme to and approved in writing by the Local Planning Authority. The programme should provide information on shadowing, mentoring and internship opportunities for students and artists working in the sector, links to relevant courses at Plymouth University and Plymouth College of Art, artist studio visits, artist talks and regular updates. The applicants should liaise with the City Council's Art Officer to explore how this can be delivered most effectively.

Reason:

To ensure that the experience and the learning potential of this important scheme is maximised to inform future public art projects in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

**Informatives**

1) **INFORMATIVE: CONDITIONAL APPROVAL NO NEGOTIATION**

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.

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

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).

3) **INFORMATIVE: CODE OF PRACTICE**

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

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

4) **INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

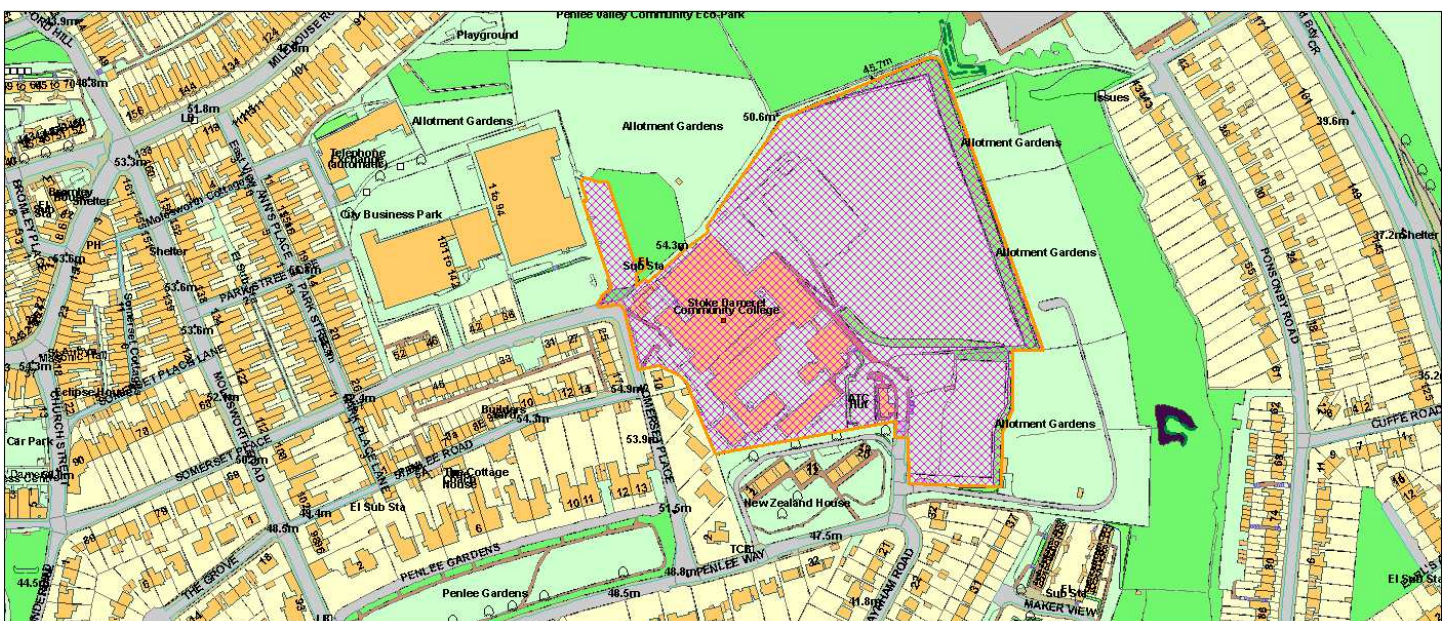
This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority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

# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/02229/FUL	<b>Item</b>	08
<b>Date Valid</b>	17.11.2016	<b>Ward</b>	STOKE

<b>Site Address</b>	Stoke Damerel Community College, Somerset Place Plymouth PL3 4BD		
<b>Proposal</b>	Demolition of existing educational buildings to facilitate the erection of a new 3 storey educational college specialising in medical and healthcare		
<b>Applicant</b>	Inspiring Schools Partnership		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>16.02.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Member Referral		
<b>Case Officer</b>	Mr Robert McMillan		
<b>Recommendation</b>	Grant Conditionally		



**The application is reported to Committee because Councillor Sam Davey called it in.**

## **1. Description of Site**

The site is on the corner of Somerset Place and forms part of Stoke Damerel Community College and part of the car park at the adjoining City Business Park. The City Business Park lies to the north west, a nature conservation area and allotments to the north. The Stoke Damerel Community College campus to the east and housing to the south and west. The site adjoins the Stoke Conservation area.

The north western part of the site comprises a single storage building with open storage. The south western part is the two storey former sixth form block. To the north east is the three storey building comprising a common room and gymnasium. To the south east is a single storey canteen. The south western part consists of a courtyard area providing access and parking.

The property immediately affected is 10 Somerset Place. This is a bungalow and well screened by a wall and fence and effective evergreen vegetation on the college site three to four metres high. Opposite the site on the other side of Somerset Place are post war bungalows.

## **2. Proposal Description**

The proposal is to demolish the former sixth form block, storage and ancillary buildings in the north west part of the site and erect a new school – the Scott Medical and Health Care College (SMHC). The small Western Power station would be relocated into the area net to the eastern part of the City Business Park (CBP) car park.

It would be three storeys dropping to two storeys at the south eastern part. The ground and first floor would be 46.5 metres long and the second floor would be 35 metres long. It would be 24m wide on the north western elevation. The three storey part would vary in height from 11.4m to 12.2m and the two storey part would be 8m tall. It would be set back at an angle from Somerset Place creating an open entrance and drop off area. The new building would join onto the existing Stoke Damerel Community College (SDCC) at the south western end but would not abut the gym and common room to the north east to create a small courtyard.

The building would have an area of 1820 sq m with 600 sq m demolished giving a net increase of 1,220 sqm. The space would provide:

- Entrance space and reception area with drop in spaces/offices;

A series of Specialist Teaching areas that could be multi functional and provide both drop in learning spaces for small groups and potentially house mock professional spaces such as a GP's Surgery and a Dentist Space for specialist learning opportunities

Health Sciences Teaching spaces with mock up teaching facilities;

- A social space;



- Laboratory and support Science Teaching Spaces;
- A Fitness Space and associated changing spaces;
- General Teaching Spaces;
- Drop in study spaces;
- Associated wc and storage facilities throughout; and
- Opportunity for an external learning space

There would be 375 students and 25 fulltime staff and 20 part time staff.

The 12 parking spaces in front of the existing buildings would be provided at the rear of SDCC accessed from Raynham Road. Part of the application site includes an area of the adjoining CBP car park. This car park would be reconfigured and 15 spaces would be allocated to the SMC.

### **3. Pre-application enquiry**

The applicant made a pre-application under the development enquiry service (DES) in August 2016. There were two meetings between the applicant's team and officers including the Council's transport consultant acting for the local highway authority followed by written advice from officers. The applicant made the application in November 2016.

#### **Statement of Community Involvement**

The applicant submitted a statement of community involvement (SCI). The first part deals with its publicity on standard and social media in the period March 2015-November 2016. It held meetings with the City Business Park manager and tenants and "local opinion formers". They commented on the improved behaviour of the students. While not endorsing or objecting to the proposal they voiced their concerns on traffic and parking.

A public exhibition was held in the school in October. 15 people attended. The applicant sent a newsletter to more than a 100 residents and local members informing them of the project and the exhibition could be seen over part of half term. Seven questionnaires were returned. Four supported the proposal. Three felt it was in the wrong place. All seven wanted SDCC to coordinate discussions to ease local parking concerns, traffic management and issues of congestion at drop off and pick up times.

There was a meeting with seven local residents in November. Many comments related to anti-social behaviour of students. They were concerned about parking and access particularly in Park Street and road safety. The plans were generally welcomed but one resident had concerns over the design. SDCC would take action on the anti-social matters. It arranged a meeting for January with residents and highway officers to discuss the traffic and parking issues.

### **4. Relevant planning history**

13/02328/FUL - Partial demolition of existing buildings, extension to include kitchen, dining, substation, lobby and teaching spaces, ancillary site works and temporary relocation of

prefabricated building – GRANTED – Not implemented,

13/00579/FUL - Formation of new draught lobby to main entrance of school – GRANTED.

12/00759/FUL - Replace existing aluminium windows with UPVC – GRANTED.

12/00311/FUL - Description: Installation of solar photovoltaic panels on 2 roofs of the school building – GRANTED.

11/01018/FUL - Extension of existing sports facility to provide changing rooms and associated spaces, plus dance studio and gym; internal remodelling of existing changing areas to provide new classrooms. Change of use of tennis courts to parking area and provision of a new access –GRANTED.

08/00984/FUL - Two storey extension (to provide additional dining and class room accommodation) adjacent to Somerset Place frontage – GRANTED

07/02128/FUL - Installation of temporary classroom – GRANTED.

04/00982/FUL - Erection of two storey classroom block, covered walkway and two storey glazed entrance – GRANTED.

03/01873/FUL - Provision of artificial turf sports pitch area with floodlighting and security fencing, at rear of College (following site re-grading – GRANTED.

### **5. Consultation responses**

#### **Local Highway Authority**

No objections subject to conditions on: details of replacement parking, details of City Business Park parking spaces, construction management plan, surfacing of entrance and cycle provision. Detailed comments are included in the Analysis section of the report.

#### **Public Protection Service**

No objection subject to the ground contamination condition.

#### **Lead Local Flood Authority**

Any comments to be reported in the addendum report.

#### **Natural Infrastructure Team**

No objection subject to conditions on biodiversity and a landscape management plan

#### **Historic Environment Team**

No objection subject to conditions on details of natural stone and pointing. Detailed comments are included in the Analysis section of the report.

**6. Representations**

There are 16 letters of objection raising the following points:

1. The development will make the existing traffic, on-street parking and congestion situation worse;
2. Increased danger and hazards on the surrounding roads arising from the increase in traffic and on-street parking;
3. Increase in the stagger times of arrival and departure will lengthen the times of congestion and coincide with the start and finish times at the City Business Park (CBP);
4. The drop-off area has only been used recently and causes tailbacks;
5. Queries assertions in the transport statement (TS);
6. Little history of development of the Stoke Damerel Community College (SDCC) site in the TS;
7. In 2009 other sites were being considered;
8. This is not a good site, a case of "as quart into a pint pot" as the site's development has intensified over time and has reached its limit given the inadequate access to it;
9. Development should be delayed until a more suitable site is available elsewhere that has adequate access that would cause less disturbance to residents;
10. The City Bus site should be investigated further as an alternative site;
11. Lack of strategic planning for schools;
12. Questions the need for the new school;
13. Previous travel plans (TP) at SDCC have not been monitored and lack teeth;
14. Area already suffers from pavement parking causing stress to residents and hazards for school children and residents especially the elderly and those with mobility difficulties as pedestrians are forced to walk on the roads;
15. More people using the CBP park on-street since the introduction of parking charging;
16. The extra parking is inadequate and there is no guarantee that people will use it;
17. The use of part of the CBP car park for the new college will force more of the CBP users to park on-street;

18. More cycle parking should be provided;
19. A regular minibus, walking bus and cycle bus should be provided from nearby car parks such as Home Park and the Life Centre;
20. If this site is not satisfactory it shouldn't development be delayed until a suitable site is available;
21. Development should be delayed until measures have been introduced to improve the current parking and traffic problems perhaps with a residents parking scheme (RPS);
22. The TP does not allow for any increase in traffic;
23. If it goes ahead there could be pressures for further expansion;
24. Concern at what the SDCC masterplan would entail;
25. The College's consultation was unsatisfactory;
26. Vehicles park on yellow lines and close to junctions causing hazards;
27. At the busy times of arrival and departure congestion makes access difficult for emergency vehicles;
28. A one system might improve matters if formalised instead of being an informal arrangement;
29. School traffic should arrive via Penlee Way and not Somerset Place;
30. The use of Penlee Way and Raynham Road needs to be taken into account and the introduction of a 20 mph zone around the school should be considered to include these streets;
31. Could access be provided from Alma Road?
32. Increase in air pollution;
33. Too close to Somerset Place, it should be set back;
34. Too high and will block out sky light;
35. Colours are inappropriate and should be lighter, softer and warmer;
36. No assessment of the impact on the Victorian properties in Somerset Place;
37. Loss of trees;
38. There should be trees planted;

39. Wonders what will be conserved by this application in the conservation area;
40. Would increase noise and disturbance and anti-social behaviour of some of the students;
41. More litter bins should be provided;
42. If permission is granted conditions must have force and be legally enforceable;
43. What would the college do for the community;
44. Disappointed not to receive communication from SDCC or the Council on this proposal;
45. Learner drives use Penlee Way which at times can cause delays for other drivers;
46. Believe it could be a fait accompli;

There are two letters of support and some of the letters of objection state that they support the principle of the proposal.

## **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 relevant policies are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS03 Historic Environment, CS14 New Educational Facilities, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime and CS34 Planning Application Considerations.

The development plan is currently being reviewed as part of the Plymouth and South West Devon Joint Local Plan (JLP). The Plymouth Plan-Part One, which preceded the JLP, was approved by the City Council in September 2015. The JLP 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 relevant policies are: 9 Delivering the best outcomes for children, young people and families, 12 Delivering strong and safe communities and good quality neighbourhoods, 24 Delivering Plymouth's natural network, 25 Reducing carbon emissions and adapting to climate change, 26 Dealing with flood risk, 28 Promoting Plymouth's Heritage, 29 Place shaping and the quality of the built environment, 30 safeguarding environmental quality, function and amenity and 45 Plymouth's investment priorities.

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.

The relevant paragraphs are: 14, 17, 29, 32, 56-58, 60-61, 66, 72, 93, 97, 103, 109, 111, 117-118, 121, 123, 126, 128-129, 131-132 and 137

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

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

### **8. Analysis**

1 This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The main issues with this application are: principle; character and appearance; impact on heritage assets; transport and parking; and effect on living conditions.

### **Background**

2 The Design and Access Statement states that:

“Scott Medical + Healthcare College (SMC) is a new Studio School proposed on the existing Stoke Damerel College site. The studio school will train healthcare and medical professionals

of the future and has been given the green light by the Government via Education Funding Agency (EFA) funding.

3 The Studio School will cater for circa 375 pupils - offering places to young people in Years 9 to 13 to develop highly-valued vocational skills for the wider healthcare sector.

4 The new Studio School is sponsored by Stoke Damerel Community College (SDCC). The studio school will be separate and distinct from SDCC, whilst taking advantage of the economies of scale of being a part of a multi-academy trust."

5 Partners who we have worked on the development for SMC include Public Health Plymouth and Plymouth University Peninsular School of Medicine and Dentistry.

### Site selection

6 The DES states that:

"To ensure Scott College was a success, the following criteria for the proposed site location were set;

- Within a 20 minute walk of Stoke Damerel – to allow students from Stoke Damerel to join the new school
- Close enough to Stoke Damerel to allow sharing of staff and services and driving the best long term economies of scale
- Good transport links to Derriford and Plymouth University

The application to open Scott College made to the DfE was made on the basis of the school being close to the sponsor school, Stoke Damerel. The DfE recognise that successful small schools can draw on the support and economies of scale that come from a larger sponsor school close by."

7 The applicant looked at five sites: 1 City Bus Depot, and 2 its Sports and Social Club; 3 the tennis courts at SDCC; 4 City Business Park (CBP) and 5 the application site. It discounted 1-4 for various reasons. With 1 and 2 the timing and cost of the land would have delayed the project. The tennis courts posed policy objections contrary to the Framework and CS 30.4 unless suitable alternative facilities could be provided which would be difficult to achieve for feasibility and cost reasons; level and ground conditions issues; and lack of presence. The applicant investigated the CBP site in some detail. It was ruled out because of contamination and cost implications in restoring the land to an acceptable standard.

8 The application site was constrained, would involve relocating parking and cause disruption during construction. The advantages were economies of scale, no ownership or acquisition issues and improving the appearance of the area. It was on this basis that the applicant secured funding and made the pre-application.

## **Principle**

9 Paragraph 72 of the Framework gives strong support for educational development. It states:

“The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- \* give great weight to the need to create, expand or alter schools; and
- \* work with schools promoters to identify and resolve key planning issues before applications are submitted.”

10 Policy CS14 states that new school development should be well designed, well related to neighbourhood services and amenities and be easily accessible by sustainable means of travel and include where appropriate provision for community use.

11 Policies 9, 12 and 45 of the JLP all support the provision of new high quality learning and vocational educational facilities for young people to meet the needs of a growing city.

12 The site is previously developed land on a school premises. There is strong policy support for the proposal provided that it does not cause unacceptable harm to the character and appearance of the area, heritage assets, living conditions of the occupiers of nearby residents or severe transport impacts on the surrounding highway network. These matters are dealt with in the following sections.

## **Character and appearance**

13 This new development will replace the existing sixth form building and storage buildings and structures. This area is characterised by the two and three post war storey school buildings, the 20th Century CBP factory buildings and the post war brick bungalows in this part of Somerset Place. The buildings on the application do not relate well to the street scene or provide a sense of arrival. As such the area has little intrinsic architectural merit in comparison with the Victorian buildings in the wider vicinity.

14 The proposal would be taller than buildings it would replace but will be no higher than other SDCC buildings and its primarily three-storey design would add presence to the street scape even though the new building is set obliquely within the site and which lessens the impact on the street-scene. The bulk and massing is reduced by dropping down to two storeys at the south eastern end to lessen the impact on the adjoining bungalow and setting in the second floor on the north western facade to prevent a looming presence on the cycle way/footpath.

15 The contemporary design of the new building is considered to be acceptable in this context, with grey metal sheeting (two-tones) at first and second floor and two different colours render and glazing on the ground floor on the south west façade fronting Somerset



Place. The new building and front open area would add presence and provide a clear entrance to the new college. The designers will need to work with SDCC to ensure that there are adequate signs and directions to direct first time visitors to SDCC which would not have immediate access to Somerset Place but, in a careful way to avoid clutter. There is ample glazing on the frontage to the cycle way/footpath improving the surveillance and sense of security for all users of this route.

16 It is regretted that no natural materials are to be used for the new building, particularly on the south western elevation as this would have provided local distinctiveness. However the proposed boundary wall, and planters would be faced with 'grey stone'. As the wall has been designed to reflect the prevalent use of Limestone boundary walls in the Conservation Area this should ideally be local Limestone with appropriate mortar and pointing. The concrete pavements could be of a more Conservation style particularly at the main entrance where they meet the existing tarmac footway.

17 The contemporary design is considered to be acceptable which should enhance the character and appearance of this part of Stoke in accordance with Core Strategy policies CS01, CS02 and CS34, paragraphs 56-58 and 60-61 of the Framework and JLP policies 12, 29 and 30.

### **Historic environment**

#### Legislation, policy and guidance

18 This application site comprises unlisted buildings adjoining the north-east side of the Stoke Conservation Area. There are listed buildings nearby, the most important for consideration being Penlee Gardens which has eleven grade II listed buildings and the nearest to this site is no 13 Penlee Gardens which is paired with no 12. Both these and the Stoke Conservation Area are designated heritage assets and the settings of these are of prime consideration from the historic environment perspective.

19 This assessment is in accordance with paragraph 129 of the Framework requiring Local Authorities to take into account the significance of any heritage asset in order to avoid, or minimise, conflict between the heritage asset's conservation and any aspect of the proposal.

20 In this case these include nearby listed buildings, and the Conservation Area as heritage assets and, importantly, their settings.

21 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning approval (or listed building consent where relevant) for any works the local planning authority .....shall have special regard to the desirability of preserving buildings or their settings or any features of special architectural or historic interest which they possess.

22 The existing buildings to be demolished, a sixth form building and stores, are plain, rather bland, late 20th century building which have no particular features to be retained.

23 The applicant has provided a comprehensive document- Historic Environment Assessment - which identifies the features of significance within a 500m zone of consideration. It has identified the listed buildings above, and more which have been taken into consideration of this new building with regard to its impact. That assessment has identified a total of 24 heritage assets within the 500m study area surrounding the application area, which comprise the Stoke Conservation Area, a single Grade II\* Listed Building (Belmont House) and 17 Grade II Listed Buildings. There are an additional 5 non-designated heritage assets within the study area – mainly under, or overground second world war air-raid shelters. A Scheduled Monument (Mount Pleasant Blockhouse/Redoubt) located just outside of the study area was considered during the assessment for any potential compromise to its setting as it is potentially within the visible setting but is actually visually screened by layers of properties and the topography.

24 The assessment has also stated that 'Within the study area the character of development varies, and includes pairs of early-mid 19th-century villas, denser rows of later 19th-century terraced houses, semi-detached early-mid 20th-century houses, and detached later 20th Century bungalows'.

25 Chapter 12 of the Framework - Conserving and enhancing the historic environment paragraphs 129 (as outlined above), 131 and 132, and 137 are particularly relevant to this application.

26 Paragraph 131 states:

In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

27 Paragraph 132 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

28 Paragraph 137 states that:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset

should be treated favourably.

29 Core Strategy policy CS03 seeks to safeguard and where possible, enhance the character and setting of heritage assets

30 The impact of the proposals on the setting of and the character of the Conservation Area, together with the impact on the setting of the adjacent grade II listed buildings in Penlee Gardens- no 13 being the nearest, have been carefully considered.

31 In addition the emerging JLP policies nos 28 and 29 carry weight:

Policy 28: Promoting Plymouth's Heritage - The City will pursue a proactive and solution-orientated approach for the conservation of the historic environment, ensuring that it is promoted as a key element of local character and distinctiveness, forms a strategic context for regeneration and development, and is conserved as part of the city's cultural offer.

32 Policy 29: Place shaping and quality of the built environment Development proposals will be required to meet good standards of design and protect and improve the quality of the city's built environment

33 Although the Stoke Conservation Area does not have a Conservation Area Appraisal and Management Plan (CAAMP) the principles of the CAAMP for adjacent areas have been applied here for assessment.

#### Impact on heritage assets

34 The impact of the proposals on the adjacent and nearest grade II listed buildings in Penlee Gardens- nos 12 and 13, have been carefully considered together with the impact on the setting and character of the Conservation Area – the aim being always to preserve or enhance the character or appearance of the area.

35 In this context the proposals for the new building and landscape treatment have been considered with regard to the criteria outlined above and found in relation to the heritage assets that:

- the effect on the setting of the grade II listed buildings nearby, and particularly Penlee Gardens and nos 12 and 13 to the south would not be adversely affected by the proposals; and
- the setting and character and appearance of the Stoke Conservation Area would not be harmed.

36 For the above reasons officers believe that the application complies with the legislation, Core Strategy policies CS01, CS02, CS03 and CS34, paragraphs 129, 131-132 and 137 of the Framework and JLP policies 29 and 30.

**Transport and parking**

37 The Local Highway Authority (LHA) has no objection in principle to the proposal and LHA's consultant has liaised with the applicant's project team on a number of occasions to discuss the proposal and any prevalent issues that arose. The LHA is aware of the local feelings of residents regarding the transport, access and parking issues affecting the area.

38 The LHA stresses that the operation of the Stoke Damerel Community College (SDCC) is an existing secondary school having an existing impact on the local highway network. The proposed development will generate a level of new trips in its own right, in addition to the existing, and therefore a review of such trips has been carried out and appropriate mitigation measures provided where necessary. The application includes a Transport Statement and joint School Travel Plan.

39 In this instance the existing school is sponsoring the development and it is the intention of the applicant to link the proposed and existing schools by way of Travel Planning and parking review. This provides the ability of the Highway and Planning Authorities to request appropriate intervention where required for the site as a whole, albeit it would be unrealistic to expect the existing school to resolve all perceived issues in the local area as a result of this planning application.

40 The proposed building will be situated on land currently containing storage and servicing buildings associated with Stoke Damerel Community College (SDCC). These buildings will be removed to enable construction of a three storey building. The resultant changes to the current school layout, to facilitate the new build and associated access improvements, will result in the loss of 4 mini bus spaces and 10 car parking spaces, currently located at the front of the existing school. The current arrangement mixes pupils with vehicles at the schools main entrance point, which is not considered appropriate.

41 The proposed development allows the full school site to be reviewed and as such a number of car parking spaces, to replace those "lost" car parking spaces, will be provided at the main car park with access from Penlee Way / Raynham Road. This will result in an increase of parking to 12 spaces for cars, whilst the mini bus spaces will be relocated adjacent to the all-weather pitch. Any existing trips associated with these spaces are therefore effectively removed from the current access from Somerset Place. The existing parking spaces should not be closed until such time that the replacement spaces are provided and made available for use. However, if the construction coincides with the school summer holidays then this can be relaxed, subject to further discussions with the LHA.

42 The proposed school will contain up to 375 pupils with 30 new members of staff. 5 staff will be shared between the existing and proposed school. A number of students are expected to transfer from the existing school, but in time their 'spaces' will be filled by new pupils. Therefore, as a worst case, the proposal will result in 375 extra pupils attending the entire

site. The school expects 20% of its students to be on placement at any one time reducing the number of new students on-site to 300, on a daily basis.

43 In order to determine the level of traffic associated by the proposed school a review of the SDCC Travel Plan, following a survey undertaken in 2015/2016 academic year demonstrated that between 15.5 and 17.2% of pupils arrived at the school as a car passenger (depending on the year group). Due to the location of the site, and its close proximity to Public Transport services and footway /cycleway routes it is appropriate to conclude a similar split in modal shift for the new school. Furthermore the schools catchment area is mostly within 2km, due to its popularity, which will encourage non-car based travel in the main.

44 The Transport Statement (TS) indicates that the proposed school will generate 28 pupil car based arrivals, and subsequently their departure, and 12 staff car trips during the morning peak hour. This will reduce to 19 pupil car trips in the afternoon and the 12 staff trips. In order to maintain minimal trip impact the schools start and finish times are staggered from those of SDCC. This will increase the length of the arrivals and departures to the site but will effectively ensure that any associated traffic pressures would not be intensified to an unacceptable level. This approach is satisfactory and is considered appropriate as a measure to reduce the impacts of the new college. Any impacts in terms of additional trips are not considered to be severe with reference made to the paragraph 32 of the Framework.

45 It could be assumed that the removal of the existing parking spaces, at the front of the school, would remove some of their associated trips to be replaced with the new trips. Therefore not all of the trips associated with the proposed school would be additional trips on Somerset Place, when compared with the current situation.

46 The new school is required to make provision to meets its own parking demand. On-site space is limited and the applicant has therefore proposed to reconfigure the public pay and display car park, at the adjoining CBP to provide 15 parking spaces allocated to the proposed college.

47 The car park is owned by the City Council (PCC) and the applicant is negotiating with PCC and CBP to secure these spaces having agreed the principle. A car park survey was carried out which concluded that the car park was not used to its full potential during the day when at least 12 parking spaces were available. The new layout will provide a dedicated area of 15

spaces for use by the proposed college. However, the suggested layout will enable a further 7 spaces to be provided so in effect only 8 spaces will be lost. As the survey concluded that at the busiest time there were still 12 spaces available this shortfall is considered to be acceptable.

48 The car parking spaces for the college should be fully operational prior to occupation of the new college and this will be controlled by condition.

49 The proposed hard surfacing works to the front of the school will provide a drop-off area, in place of the current parking provision. This can be controlled by the school. SDCC provide staff on the street at start and finish times to offer assistance to pupils and to prevent indiscriminate parking where possible. Recently the school has increased the number of staff undertaking this role. By way of providing a managed dropping off area vehicles can be advised to turn left out of the site, following an informal one-way system from Somerset Place towards Penlee Way. The school can actively encourage such a practice.

50 Some of the letters of representation refer to a potential one-way system. The school does not operate all year round, nor at weekends, so the school traffic is limited to term time only. If it were considered necessary to provide a formal one-way system this would have to be subject to full consultation, Traffic Orders and funding. The resultant system would have to be in force all year round and would need to include the surrounding side streets to ensure drivers followed the desired route. This procedure is not considered appropriate or viable given the scale of the new proposed development. Furthermore such a proposal is not supported by all of the local residents.

51 A one-way system could increase traffic speeds as there would be no opposing flow. Any formal one-way system would need to be adhered to by all residents and businesses and could add pressure to the junction of Penlee Way and Molesworth Road.

52 The proposed entrance improvement will declutter the current arrangement, by way of removing parking, and will provide an upgraded area for students. The conflict of reversing vehicles, whilst trying to park, will be removed and the use of the space will be monitored and controlled by school staff. Its design lends itself to promote left turn when vehicles leave.

53 Additional cycle and scooter storage will be included within the overall development which in turn will help encourage sustainable travel, using these modes. In addition to these hard measures the school will promote soft measures to promote healthy choices. The ethos of the 'healthy' school will be to promote healthy living and lifestyle so sustainable travel modes will be linked to the core curriculum objectives. The applicant notes that each pupil will have a personal health and well-being plan. It is assumed that the knowledge could be transferred to the SDCC pupils and family members, which could improve sustainable travel choices, beyond that of just the proposed pupils.

54 The proposed and existing school will be subject to a joint Travel Plan. The application includes a Framework Travel Plan (FTP) which will form the basis of a comprehensive package of measures for each school. It notes that each school will be responsible for completing their own target and actions. A Travel Plan Co-Ordinator (TPC) will be appointed for the new school and the existing TPC retained from SDCC. The FTP provides actions and proposes measures to reduce to the number of car borne trips, whilst encouraging sustainable choices. There is a commitment in the FTP to provide the additional cycle storage and new scooter storage.

55 The TPC's should engage with Plymouth City Council School Travel Plan Officers, who will be able to provide guidance and support throughout the lifetime of the Travel Plan. Targets will be set and agreed and monitoring reports will need to be issued to the Council on an agreed timeframe. A key aspect of the travel plan (TP) will be the formation of a TP Working Group (TPWG) that would assist in monitoring the progress and effects of the TP. Representatives for local residents and ward members would be invited to join. The TP will be subject to a condition.

56 Due to the close proximity of the site to dwellings, SDCC and CBP the applicant will provide a Construction Traffic Management Plan to be subject to a condition.

57 Officers appreciate the measures the applicant is proposing to make to mitigate the impacts of the traffic generation and parking generated by the proposal. These will be formalised by conditions. For the above reasons officers believe that the residual cumulative impacts of the proposal would not be severe to accord with paragraph 32 of the Framework, Core Strategy policies CS28 and CS34 and JLP policy 30.

### **Living conditions**

58 The properties most affected by the proposal are the adjoining bungalow, No10 Somerset Place and the bungalows opposite Nos 17-25 Somerset Place. No 10's main aspect is south west to north east but there is one flank window facing the proposed building. There is effective screening 3-4m high on the boundary. The applicant has shown sensitivity by dropping the building to two storeys at the part closest to No 10. The two storey part is 14m from the side window and the three storey part is 18.9m from it. There are no windows at first and second floor on the south western elevation nearer to No 10. Officers believe that the living conditions for the occupier of No 10 would not be unduly harmed despite its proximity to the proposal.

59 Nos 17-25 Somerset Place are opposite the proposal. As the proposal is chamfered back from the road the distance from these bungalows varies from 21m to 33m. The building would be to the east of the bungalows. Although it would be three storeys officers believe the gap is large enough across the public road to avoid undue overlooking or over-dominance.

60 For these reasons officers believe that the proposal would not cause undue harm to the living conditions of the occupiers of adjoining and nearby properties to comply with Core Strategy policies CS01 and CS34, paragraph 17 of the Framework and policy 30 of the JLP.

### **Other matters**

#### Ecology

61 The application site comprises built development and hard surfaces. The applicant carried out an Ecological Survey containing a Conservation Area Statement. No bats were seen emerging from the building having potential for roosting bats. The mitigation and enhancement measure are: the provision of two bird nesting boxes; planting of native species and removal of the non-native invasive cotoneaster plants. The nature conservation interests would be safeguarded in accordance with CS policies CS19 and CS34, JLP policies 24 and 30 and paragraphs 109 and 117-118 of the Framework.

#### Residents' concerns

62 The residents' concerns relate primarily to traffic and parking issues which have been taken into account in the 'Transport and parking' section of the report. The area is primarily one of Victorian terraced houses with some narrow roads most notably Penlee Road and Park Street. There is limited off-street parking leading to on-street parking. This they state has increased since the introduction of parking charges at CBP. They experience some disruption at the arrival and departure times with SDCC. They believe that this will intensify with the proposal. Officers understand their position. However the detailed transport section sets out the measures the applicant will introduce to mitigate the impacts which will be regulated by appropriate conditions. With these in place officers do not believe that the development would have severe impacts on the local highways and area.

63 Some comments criticise the design and appearance of the development. These matters are covered in the Character and appearance and Heritage parts of the report. Officers believe that the design of the proposal is acceptable for the reasons set out in those sections.



64 Some residents stated that the applicant's consultation was inadequate. The "Pre-application" section of the report refers to the applicant's statement of community involvement. During the period of consideration of the application the applicant held another meeting with local residents on 16 January. The applicant is taking steps to maintain a dialogue with the local community and this would continue with representatives for local residents represented on the travel plan working group. This will be formalised by condition.

65 Other comments relate to the behaviour of some of the students. This is a management issue for SDCC which they are aware of and are tackling.

### **9. Human Rights**

66 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**

67 None.

### **11. Planning Obligations**

68 Not applicable

### **12. Equalities and Diversities**

69 The new college will be available for all equality groups. It would have a lift to ease access for people with disabilities. Its location serves the less advantaged areas of the city.

### **13. Conclusions**

70 The proposal is for a new studio school specialising in vocational education for the medical and health care professions widening the educational choices in the city. The principle of the development fully complies with national and local policy located on an existing school site.

71 It is a confined site but the architects have designed a modern contemporary building that would add a presence to Somerset Place and would enhance this part of Stoke next to the conservation area in accordance with CS policies CS01, CS02 and CS34, JLP policies 29 and 30 and paragraphs 56-58 and 60-61 of the Framework. Officers are satisfied that the proposal would not harm the setting of listed buildings, notably Nos 12 and 13 Penlee Gardens or the Stoke conservation area which in the immediate surroundings opposite is characterised by post war bungalows to comply with CS policies CS01 and CS03, JLP policies 28-30 and paragraphs 129, 131-132 and 137 of the Framework.

72 The contentious nature of the application that has aroused local objections is the impact of the traffic and parking associated with the proposal on the area. This is characterised by Victorian terraces with some narrow streets and the City Business Park (CBP). This impact is

pronounced at the drop-off and pick-up times. Some residents believe that these pressures would become unacceptable if the new school is allowed. The applicant is proposing measures to mitigate these impacts by: providing replacement parking for the existing school; providing additional parking for the new school at CBP; staggering the arrival and departure times; and having a robust travel plan (TP). The operation and monitoring of the TP is critical. The TP Working Group will include local residents and a ward member to maintain the dialogue with the community to deal with issues as they arise.

73 These measures will be subject to appropriate conditions and, when they are in place, officers believe that the residual cumulative impacts of the development would not be severe and would comply with CS policies CS28 and CS34, JLP policy 30 and paragraph 32 of the Framework. Officers understand the residents' concerns but believe the appropriate the transport measures would mitigate the effects of the development. The government advises that local planning authorities should give great weight to the need to create new schools. For these reasons the application is recommended for approval.

#### **14. Recommendation**

In respect of the application dated **17.11.2016** and the submitted drawings DESIGN AND ACCESS STATEMENT, TRANSPORT STATEMENT, JOINT FRAMEWORK TRAVEL PLAN, FLOOD RISK ASSESSMENT, DRAINAGE STRATEGY STATEMENT, DRAINAGE MAINTENANCE SCHEDULE, DESK STUDY AND GROUND INVESTIGATION, HISTORIC ENVIRONMENT ASSESSMENT, ECOLOGY SURVEY, LOW AND ZERO CARBON TECHNOLOGY F, ARBORICULTURAL IMPACT ASSESSMENT, TREE PROTECTION PLAN, REFUSE STATEMENT, VENTILATION STRATEGY, it is recommended to **Grant Conditionally**

#### **15. Conditions**

1) **CONDITION: COMMENCE WITHIN 3 YEARS**

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.

2) **CONDITION: APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans: 1520-L01.01-Rev C Site Location Plan, 1520-CH-KT-L01.03-Rev E Proposed Site Plan, 1520-CH-KT-L01.04-Rev A Parking Plan, 1520-CH-KT-L01.06-Rev A Proposed Parking Strategy (2), 1520-CH-KT-L01.07-Rev B Landscape Plan, 1520-L04.19-Rev B External Materials and Landscape, 1520-CH-KT-L02.00-Rev G Ground Floor Plan, 1520-CH-KT-L02.01-Rev A First Floor Plan, 1520-CH-KT-L02.02-Rev G Second Floor Plan, 1520-CH-KT-L02.03-Rev B Roof Plan, 1520-CH-KT-L04.01-Rev C North and South Elevations, 1520-CH-KT-L04.04-Rev A Street Elevations, 1520-CH-KT-L04.02-Rev C East and West Elevations, 1520-CH-KT-L03.04-Rev A Site Section 1520-CH-KT-L03.03-Rev, A Neighbouring Property Section, SM-HYD-XX-00-DR-C-1000-P02

Drainage Layout and 1520-CH-KT-L01.02-Rev D Existing Site Plan and Survey

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.

3) **PRE-COMMENCEMENT: DEMOLITION AND CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

PRE-COMMENCEMENT

Prior to the commencement of any development hereby approved, including demolition, a detailed construction traffic management plan for the demolition and construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be demolished and constructed in accordance with the approved traffic management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during demolition and construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraph 32 of the National Planning Policy Framework 2012.

Justification

To ensure that the construction traffic management plan is approved before demolition commences to avoid undue traffic congestion and disruption to local residents.

4) **CONDITION: CONTAMINATED LAND**

PRE-COMMENCEMENT

Unless otherwise agreed by the Local Planning Authority, construction development must not commence until section 1 has been fully 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 3 has been complied with in relation to that contamination.

Section 1. 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 2. 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 3. 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.

## 5) **CONDITION: PROVISION OF DRAINAGE WORKS**

### PRE-COMMENCEMENT

No construction development shall commence until details of the surface water drainage have been submitted to and agreed in writing by the local planning

authority. The works shall be carried out in accordance with the approved details before any part of the development is occupied.

Reason:

To ensure that adequate surface water drainage is provided to avoid the increased risk of flooding on and off site to comply with policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007 and paragraph 102 of the National Planning Policy Framework 2012.

Justification for pre-commencement

This needs to be a pre-commencement condition as there is doubt as to whether the surface water drainage can discharge into mains drainage and the details must be agreed to prevent the increased risk of flooding in the area.

### 6) **CONDITION: RELOCATED PARKING SPACES**

#### PRE-COMMENCEMENT

No development shall take place that prevents the existing car and minibus parking spaces off Somerset Place from being used until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: relocation of parking spaces to the parking area at the rear of the school accessed from Raynham Road and the timetable for their relocation. The works and replacement parking shall comply with the approved details and timetable.

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 paragraph 32 of the National Planning Policy Framework.

Justification

To ensure that replacement parking is provided before the existing spaces are removed in the interests of highway safety and to prevent unnecessary on-street parking.

### 7) **CONDITION: LANDSCAPE DESIGN PROPOSALS**

#### PRE-DPC

No development shall take place above damp proof course level until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these

works shall be carried out as approved. These details shall include: proposed finished levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

Reason:

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

8) **CONDITION: EXTERNAL MATERIALS**

PRE-DPC

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

Reason:

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

9) **CONDITION: RENEWABLE ENERGY**

PRE-DPC

The development shall be completed in accordance with the submitted Low and Zero Carbon Technology Feasibility Study This proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production together with the proposed installation size of 11.5kWp. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. Prior to any development taking place above damp proof course level the applicant shall provide to the Local Planning Authority details of the locations

of the on-site renewable energy production methods (in this case Photovoltaic Cells) for approval in the interests of certainty. The on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the development in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 95-97 of the National Planning Policy Framework 2012.

10) **CONDITION: MASONRY**

PRE-DPC

The new boundary wall and planter walls shall be faced with local natural stone, preferably Limestone. A sample of the masonry and pointing shall be prepared for assessment on site and approved in writing by the Local Planning Authority before development commences above damp proof course level.

Reason:

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

11) **CONDITION: CAR PARKING PROVISION**

PRE-OCCUPATION

The building shall not be occupied until the car parking area within the adjacent City Business Park car park, shown on the approved plans has been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles ancillary to the use of the Scott Medical and Health College.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraph 32 of the National Planning Policy Framework.

12) **CONDITION: SURFACING OF ENTRANCE / DROPPING OFF AREA**

PRE-OCCUPATION

Before the development hereby permitted is occupied, the entrance / dropping off area adjacent to Somerset Place shall either be (a) constructed using a permeable construction or (b) hard paved and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

And; To enable 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.

13) **CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

The building shall not be occupied until space has been laid out within the wider school site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for at least 20 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

14) **CONDITION: TRAVEL PLAN**

PRE-OCCUPATION

The building hereby permitted shall not be occupied until the Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include: measures to



stagger school start times; control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; formation of a Travel Plan Working Group to include representatives for the two colleges, local residents, Ward members and the City Business Park to meet at regular intervals to start within two months of the opening of Scott Medical and Healthcare College; and the name, position and contact telephone number of the person responsible for its implementation. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan. The occupier shall operate the approved Travel Plan permanently from the date of occupation of the development.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

15) **CONDITION: LANDSCAPE MANAGEMENT PLAN**

PRE-OCCUPATION

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

Reason:

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

16) **CONDITION: BIODIVERSITY**

The development shall be carried out in accordance with the Conservation Action Statement in the Ecological Survey Report dated August 2016.

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 and CS34

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

17) **CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED**

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance or in accordance with Section 6.2 of BS 5837:2012 (Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

18) **CONDITION: RETENTION OF BOUNDARY VEGETATION**

The existing vegetation on the boundary with No 10 Somerset Place shall be retained to a height of 3.0-4.0 metres above ground level permanently. If any of the plants die, become diseased or are removed they shall be replaced with suitable species that can reach the height of 3.0-4.0 metres as soon as is feasible.

Reason:

To prevent overlooking to No 10 Somerset Place to protect the living conditions of the occupiers of that property to comply with policy CS34 of the adopted City of

Plymouth Core Strategy development plan document 2007 and paragraph 17 of the National Planning Policy Framework 2012.

## **Informatives**

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

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).

2) **INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATION**

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 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.

3) **INFORMATIVE: TRAVEL PLAN**

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.

4) **INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

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 if required. Precise details of any works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

5) **INFORMATIVE: CODE OF PRACTICE**

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

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

6) **INFORMATIVE: PROPERTY RIGHTS**

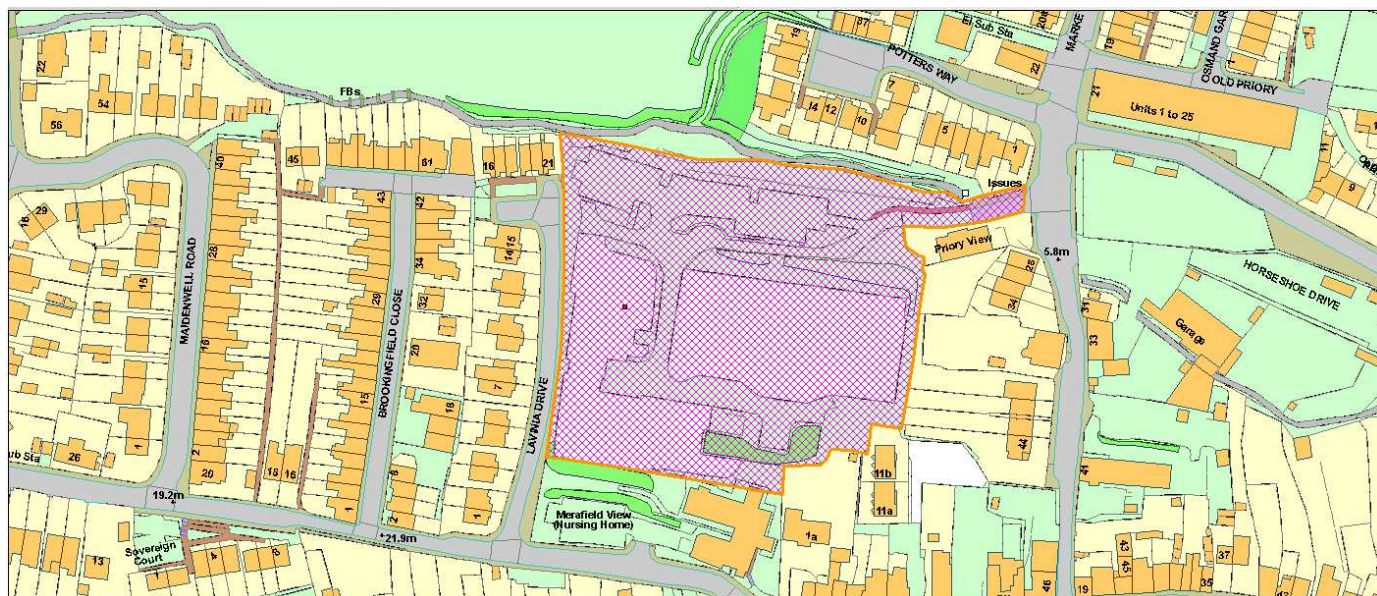
Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/02233/FUL	<b>Item</b>	09
<b>Date Valid</b>	18.11.2016	<b>Ward</b>	PLYMPTON ERLE

<b>Site Address</b>	Former Plympton Hospital, Market Road Plympton Plymouth PL7 1QR		
<b>Proposal</b>	Residential development of 54 dwellings with associated access, car parking & landscaping		
<b>Applicant</b>	DCH Group		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>17.02.2017</b>	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Major - More than 5 Letters of Representation Received		
<b>Case Officer</b>	Mr Simon Osborne		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met		



### **1. Description of Site**

The former Plympton Hospital site is located relatively centrally within Plympton. The site is surrounded by the established residential development with Market Road to the east, Underwood Road to the southeast, Underlane to the south and Lavinia Drive to the west.

Immediately to the south is Merafield View Nursing Home. To the north of the site is the Long Brook watercourse and directly beyond the watercourse is a fairly new residential development and the sports pitches of Underwood Recreation Ground.

The site is an existing access and junction off Market Road. Levels on the site typically fall from the south to the north of the site where the Long Brook watercourse flows along the site boundary.

### **2. Proposal Description**

Residential development of 54 dwellings with associated access, car parking and landscaping. 36 of the dwellings would be served from the previous hospital entrance located in the northeast corner. 18 dwellings would be accessed from and front onto Lavinia Drive.

The development would include 8 one bed dwellings arranged in two separate 'quarter houses' 6 two bed dwellings, 20 three bed and 20 four bed dwellings. 16 of the dwellings (30%) are proposed to be affordable housing.

The development would include a total of 103 parking spaces, 1 space per 1 bed dwelling and 2 spaces for all other dwellings (9 in the form of integral garages) and 3 visitor spaces.

### **3. Pre-application enquiry**

A pre-app has taken place. Overall, officers considered the principle of the development was acceptable although further information and details would be required to support a formal application. The Local Planning Authority considers there was a positive, collaborative approach with the applicant and a number of meetings were held.

The application has been accompanied by a Community Involvement Statement with states that an early consultation event took place in January 2015 with a further event taking place

in October 2016 following leaflets being delivered to 110 households.

#### **4. Relevant planning history**

15/01215/FUL - Residential development of 45 dwellings with associated access, car parking and landscaping – Withdrawn.

12/01483/31 - Determination as to whether prior approval is required for demolition of all existing buildings and structures – Prior Approval Not required.

Various other history relating to the hospital.

#### **5. Consultation responses**

Local Highway Authority – no objections subject to conditions.

Public Protection Service – No objections subject to conditions.

Local Lead Flooding Authority – No objections subject to a drainage condition.

Southwest Water – No Objections.

Police Architectural Liaison Officer – No objections subject to condition.

Environment Agency – No objections.

Natural Infrastructure Team – No objections subject to conditions.

Historic Environment Officer – No objections subject to an archaeology condition.

Economic Development – No objections subject to condition.

#### **6. Representations**

We have received 18 letters of objection. The issues raised are:

1. Highway congestion and increase in traffic including Market Road and Underwood Junction, Market Road and Ridgeway Junction and Lavinia Drive.
2. Impact on School and Health infrastructure.
3. Drainage and Flooding issues.
4. Opposed to dwellings on Lavinia Drive.

5. The proposed road is not wide enough to park on both sides of the road.
6. Loss of existing hedge/woodland along Lavinia Drive and associated impact on environment.
7. Plot 27 will be overbearing on neighbouring property (38 Market Road).
8. Who will be responsible for existing boundary wall and impact of removing tree on wall?
9. Loss of trees, particularly on northern boundary.
10. Opposed to footpath and associated impact on Lavinia Drive.
11. Opposed to 1 bedroom dwellings and associated parking problems.
12. Impact on wildlife.
13. Appears to be no traffic assessment or panoramic micro assessment or Infrastructure implementation assessment. No Assessment by Highway Authority or Emergency Services.
14. Inaccurate details of existing residential home entrance – regular near misses at Junction.
15. Impact on property values.
16. The original application was rejected.
17. Lavinia Drive is not mentioned in description.

## **7. Relevant Policy Framework**

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

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

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



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

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

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

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

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

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

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

### **8. Analysis**

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution),

CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations) SO10(8), and Plymouth Plan policy 46.

3. The main planning considerations in this case are considered to be highway safety; parking provision; biodiversity; trees; housing provision; residential amenity, impact on infrastructure and sustainability. These issues will be discussed in full below.

### Principle of Development

4. The site is considered brownfield being the former Plympton hospital site (now demolished). It is located in a largely residential area and therefore officers consider the principle of residential development is acceptable subject to the considerations below.

### Housing Supply

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

6. 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"

7. 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."

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

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

- Available to develop now

- Suitable for residential development in terms of its location and sustainability; and
  - Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.
10. 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...”
11. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted”
12. 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.
13. Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

### Design and Layout.

14. The NPPF attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed developments to promote the image of the city. It is important that the layout, massing and design of the proposal is acceptable.
15. The main part of the site would be accessed using the existing access off Market Road and serves 36 dwellings. To the west of the site 18 dwellings would front onto and be served from Lavinia Drive. A number of objections have been received regarding this aspect of the scheme and the loss of a hedgerow that has been left to grow since the closure of the hospital. Whilst it is recognised that the hedgerow holds some value to residents officers do not consider it is if particularly significant amenity or biodiversity value. Officers consider introducing a frontage onto Lavinia drive is positive in urban design terms allowing properties to address the street and presenting a normal residential relationship with the existing dwellings on the west side of the road. Planting has been added to help prevent

over domination of parking spaces.

16. A pedestrian path has been provided from the bottom of Lavinia Drive providing easier and more direct access onto market road and beyond that Underwood Recreation Ground and the ridgeway. Although some concerns have been raised by residents again this is considered to be a positive addition improving the permeability of the area. The path would be well overlooked and has been assessed by the Police Liaison officer who has no concerns.

17. In general the proposed layout has been designed to ensure that safe and overlooked streets and spaces are created by having dwellings facing public areas. The proposed layout at the site presents a clear street hierarchy which will be easily legible and is reinforced by building height and form, continuity of facades and the structure of landscaping and surfacing treatments. The layout of the proposed development is thus in accordance with the general policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

18. Dwellings would be 2 storeys, 2 storeys with additional rooms in the roofspace, 3 bed, or 3 bed with rooms in the roof. A number of dwellings would be split level to respond to the topography of the site. The housing mix includes semi-detached, a small terrace of 3 and 2 'quarter houses' containing 4 one bed units. The main material would be render with weather boarding cladding to add interest. Although weatherboarding has been used significantly around Plymouth's waterfront neighbourhoods on the basis that it has a connection with the marine context and shipbuilding, it is not a common material in this area. However, it would be less susceptible to staining and algae growth than a textured render, for example. The use of Cedral weatherboarding is therefore supported as a feature material on-balance, subject to agreement on colour secured through a materials condition.

19. It is considered that designs are simple but positively address the key routes and spaces. Facades contain appropriate levels of interest such as some front canopies/porches and half gables, and have appropriate levels of fenestration (windows) with different amounts of cladding. The building designs are considered to comply with policy CS02 and CS34.

Standard of accommodation and neighbouring amenity

20. The proposed dwellings would in the main be a considerable distance from neighbouring dwellings and would not have a significant impact in terms of loss of light, privacy or outlook. The dwellings fronting Lavinia Drive would have a standard relationship with the existing dwellings. At the south of the site the existing care home would be located approximately 16- 20 metres away which is slightly below the recommended distance of 21 metres between windows however given the difficult topography of this part of the site and the slight difference in orientation this relationship is considered acceptable. With regard to plot 27 and the impact on 38 Market Road, the dwellings would be separated by the long rear garden of No 38 which measures approximately 32 metres. The SPD guidance states that the distance between a gable end and a window should be at least 12 metres. It is therefore not considered that the 2.5 storey dwelling on plot 27 would be unreasonably overbearing or dominant.

21. Officers consider the proposed layout ensures that all proposed dwellings would have adequate privacy light and outlook.

22. The LPA is no longer permitted to refer specifically to the internal size standards for dwellings as prescribe in the Development Guidelines SPD however for reference 19 of the 54 dwellings would fall below the standard in the SPD. The majority (11) of these would be proposed 4 bedroom houses which would still be 96.5m<sup>2</sup> instead of the guidance of 106sqm. Bedroom 4 in such dwellings could be described as a 'box room' and comfortably accommodates a single bed. The dwelling type is therefore considered to provide an acceptable standard of accommodation.

23. The Development Guidelines SPD suggests that a two bed house should be a minimum of 72m<sup>2</sup>, whereas a one bed flat should be a minimum of 40m<sup>2</sup>. The proposed one bedroom 'quarter houses' are hard to define in this context; however with an internal area of 51.3m<sup>2</sup> of living space for future occupiers it is considered that they offer an acceptable and different option to first-time buyers or people who want to downsize but want a small garden.

24. The garden sizes have been increased in size considerably following pre-app concerns raised by officers. Not including the quarter houses the majority of dwellings now meet the guidance within the SPD. The dwellings located on Lavinia Drive do fall short of the guidance for semi-detached dwellings, however would exceed the size guidance for terraced houses. Each pair of semidetached are separated by an access path only and therefore largely have the characteristic of a terrace dwelling. In terms of living standards it is considered that the gardens provide adequate outdoor amenity space for future occupiers.

25. On balance it is considered that the proposed standard of accommodation is acceptable and complies with policy CS34.

### Highways

The Local Highway Authority has not raised any objections to the principal of the redevelopment of the former Plympton Hospital site with 54 dwellings.

### Layout

#### Lavinia Drive

26. The dwellings shown fronting onto the street would be set-back to provide an extra two meters of carriageway in order to accommodate the existing on-street car parking that frequently already occurs on the opposite side of the street. A fronting footway would be provided, and pedestrian drop-crossing point at the south end would also be required to facilitate safe pedestrian crossing movements secured through a condition.

27. Two car parking spaces per family size dwelling and one parking space each for the one-bedroom dwellings would be provided on the frontage, arranged in banks along the street, with pedestrian access between.

28. As discussed above a pedestrian footpath link, is proposed between Lavinia Close and the new street, which would link through the development to Market Road. This is welcomed to encourage sustainable walking trips between the two parts of the development, and the wider network. The linking footpath is shown very narrow, however it's widening to 2.5 together with appropriate lighting will be secured by condition.

### New Cul-de-sac (Main site)

29. The new cul-de-sac access road would take-in and realign part of the existing private access road off Market Road. Due to development constraints the new street would have an intermittent footway swapping from one side of the street to the other.

30. There is a pre-existing private footway along the opposite south side of the street for a short distance which would join onto the proposed new footway on the south side of the access road thus completing the pedestrian footway links to the wider street network.

31. The new street would achieve acceptable long gradients of up to 1:15.

32. The existing private access road off Market Road would be marginally realigned and reconstructed. The development would also need to address the matters of the existing ponding that occurs there through the drainage and street details conditions.

33. Walking trips would likely be generated by the proposed new housing development, including along Market Road, to the local school, bus stops, and local facilities. There is currently a missing section of footway on the west side of Market Road between Potters Way and house number 20A Market Road which is all within the public highway. After requests from officers the proposal includes a dropped road kerb-line there (replacing the current broken white-line). This will be secured through a condition.

35. It is noted that the Local Highway Authority have raised concerns regarding the adoptability of the proposed streets however this is not a planning consideration.

### Traffic Impact

36. A traffic impact assessment has been carried out and submitted as a Transport Statement. It is considered that the submitted traffic assessment is likely to have slightly underestimated the traffic generation in concluding that the proposed housing development would generate less traffic than the hospital use, however it is still considered that the traffic generation from the dwellings is likely to be similar to that of the former hospital use, and small compared to the local highway network flows. For example, Plymouth Road carries on average 3000 (two-way) vehicles during the peak hour. The development traffic impact would be reintroducing less than 1% to the vehicle traffic on that part of the network, which would be virtually imperceptible and acceptable overall in respect of traffic generation and impact. Furthermore the traffic impact would be split between the two streets of Lavinia Drive and Market Road, with cars from the two streets potentially dispersing in different directions depending on their destination.

37. It is accepted (and also noted from the letters of representation) that the local road network, including the configuration of Market Road, and its junctions with the Ridgeway and Underwood Road, is somewhat constrained in its nature. Also that short term delays occur along those parts of the network, particularly during peak periods. However National planning policy (NPPF) informs that development may only be refused on traffic grounds when the traffic impact is severe, which is certainly not considered to be the case with this development, and it is therefore concluded that the associated traffic impact would be acceptable.

### Parking

38. With the exception of the 8 one-bedroom dwellings that would have one hard-standing parking space each, the remainder would have two parking spaces per dwelling (9 in the form of integral garages which sometimes leads to overspill parking in the vicinity). The overall car parking ratio including the garages would equate to 1.8 spaces per dwelling which is considered acceptable.

39. It should be noted that the highways officer has recommended additional conditions regarding, driveway gradients, garage dimensions, and garage door types. The gradients and dimensions shown on the proposed plans are considered acceptable and will be secured by the standard plans condition, therefore these additional conditions are not required. The garage door condition is not considered necessary to make the development acceptable and therefore has not been added.

40. On balance, officers consider in transport terms that the proposed development of the application site with 54 dwellings, including the street layout and associated traffic impact, is acceptable

### Affordable Housing

41. The delivery of affordable housing development is one of the top corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). Consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.

42. The application proposes the construction of 54 homes of which 16 are to be affordable units. This equates to 30% affordable housing for this development, which fully meets the Core Strategy policy requirement outlined in policy CS15 and the policy outlined in the emerging Joint Local Plan. This is very much welcomed by officers.

43. The breakdown of the affordable units is as follows:

8x 1 bedroomed flats (quarter houses) for affordable rent

4x 2 bedroomed shared ownership houses

4x 3 bedroomed shared ownership houses.

44. The unit types have been agreed in consultation with Council officers who collate and manage housing need information for the city and the inclusion of 8x1 bedroomed quarter houses in particular is useful in addressing a shortage of affordable housing of that type within the Plympton neighbourhood.
45. There is also good evidence that the 2 and 3 bedroomed shared ownership units will generate high levels of interest from residents on lower incomes, thereby helping them attain this form of low cost homeownership.
46. The developer has made reasonable efforts to distribute the affordable units throughout the site, even though the majority are located on Lavinia Drive.
47. The proposal is therefore considered to comply with policy CS15.

### Sustainable Resource Use

48. Policy CS20 requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010 – 2016
49. The application proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production of 26kWp which would slightly exceed the 15% carbon saving required by policy.

### Surface water drainage

50. A Flood Risk Assessment and Drainage Strategy was submitted with the application.
51. The majority of the site is within Flood Zone 1. However, the very northeastern corner of the site, adjacent to the site access off Market Road, is shown to be within Flood Zone 2 and 3. A potential groundwater flood risk has been noted within this area, and a risk to overland flows through the site has also been identified. Like the majority of the City the site lies in a critical drainage area.
52. The application is considered to meet the requirements of the Sequential Test through applying a sequential approach to the allocation of proposed uses, i.e. 'water-compatible' areas of public open space and access road within those areas of the site designated as Flood Zone 2 and 3, whilst 'more vulnerable' residential development will be sited within those areas designated as being within Flood Zone 1.
53. Surface Water attenuation will be provided in a combination of private and adoptable underground storage.



54. Additional measures have also been proposed with respect setting finished floor levels a minimum 150mm above adjacent infrastructure thoroughfare levels, and, the formation of a site layout which creates a preferential overland flow route through the site along the proposed access road, away from dwellings, and towards Long Brook.

55. The details have been scrutinized very carefully by the Lead Local Flood Authority including extensive correspondence with the applicant's consultant and concluded that subject to a condition requiring further details of the drainage strategy the proposal is acceptable. The EA and Southwest also have no objections to the proposal.

### Public Protection Issues

56. The construction process of the proposed development will inevitably create noise and dust to certain degree which will have the potential to negatively impact nearby residents. The proposed site is in close proximity to residential properties on Lavinia Drive and Underlane, including Merafield View nursing home. Measures will need to be taken to ensure these existing residents/ sensitive receptors are protected as much as possible. A condition requiring a code of construction has therefore been added.

57. There are some potential noise sources nearby and the applicant will need to consider such sites when considering the 'build' of the dwellings. The Public Protection Service have recommended a noise condition however due to the distance of the site to noise sources this is not considered justified in this case. However an informative has been added recommending the proposed dwellings be constructed in accordance with BS8233:2014.

### Land quality

59. A number of contamination reports have been submitted with the application. Taking into account the remediation that has been carried out, the presence of hotspots of contamination outside of the area of the former tanks and generator and that soil movements appear to have taken place on the site, conditions are recommended to support necessary provision of further information to demonstrate that soils that are at surface are suitable for residential end use.

### Biodiversity

60. The application is accompanied with a suitable Ecological Mitigation and Enhancement Strategy which will be conditioned.

### Trees

61. Following concerns regarding the number of trees to be felled in the original submission revised drawings have been received that reflect the discussions between the tree officer and the applicant to retain tree particular tree groups on the northern boundary with crown raising of the retained trees. The installation of the road should not have an impact on the rooting area of these groups as no lowering of levels will be required. The tree protection

and planting plan have been revised to reflect the amendments.

62. The Laurel to the north of the wall will be coppiced but remaining trees (Sycamores) retained. With the exception of trees that are in poor condition or are likely to fall into the stream, the deciduous trees are retained.

63. A mature Monterey Pine within the site is a good specimen and reasonably visible over a wide area. The tree will unfortunately be lost however significant new planting is proposed within the development which will help mitigate its loss, the detail of which will be controlled by condition.

Due to the constraints of the site and topography some loss of trees is considered inevitable however the existing trees are not protected and a number of trees along the northern boundary would be retained. The proposal also includes a number of replacement trees which on balance officers consider is acceptable.

### Other Issues

64. The Police Architectural Liaison Officer has assessed the development and has no concerns however a condition is recommended to ensure that all rear access gates to gardens and footways should have key operated locks to reduce crime and the fear of crime.

### Archaeology

65. The application is accompanied by a Historic Environment Report. The report correctly identifies that much of the site will be truncated by the now demolished former Plympton St Mary Union Workhouse (19th Century) and later the Plympton Hospital. The report also states that 'The potential for the presence and/or survival of below-ground deposits is generally considered to be low'.

66. However, the Historic Environment officer considers the former Plympton Hospital Site to lie in an area of archaeological interest. It is situated approximately 150m to the south-west of Plympton Priory (SAM 24847), on what would have been sloping ground leading down to a tidal estuary on the northern limit of the site. It is thought that the estuary was open up to Market Road until at least the 18th century. Archaeological investigations during sewerage works along Market Road uncovered a medieval sea wall extending from north to south designed to protect the Priory from high tides.

67. The proposed development should be considered to be of medium archaeological potential with the possibility of containing evidence of waterfront deposits or waterlogged remains in the northern portion of the site

68. It is deemed that an archaeological trial trench evaluation to be the most efficient way of determining the presence or absence of archaeological remains. This will be secured by condition.

Other issues in the letter of representation.

69. All necessary documents have been submitted with the application and relevant consultee responses have been received.

70. The description of the development is considered appropriate.

71. The maintenance and impact of the removal of a tree on the existing wall is a private property issue.

72. Property values are not a material consideration.

73. There are recognised health infrastructure capacity issues in Plympton and therefore as detailed in section 11 below the full s106 contribution requested from the NHS required to mitigate the impact of the development has been secured.

74. Likewise there are also education capacity issues in this area and therefore as detailed in section 11 below the full s106 contribution requested from the Local Education Authority required to mitigate the impact of the development has been secured.

### **9. Human Rights**

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

### **10. Local Finance Considerations**

The provisional Community Infrastructure Levy liability (CIL) for this development is: £163,725.13 (£124,962.46 with social housing relief applied) (index-linking applied, but subject to change before final liability confirmed). A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked.

The applicant has indicated that they intend to apply for social housing relief.

### **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 requested in respect of the following matters:

- Strategic Transport
- Local/Strategic Greenspace & Playing Pitches
- Health
- Education

The submitted viability appraisal has been scrutinised by development viability officers, who agree that S106 contributions of £148,000 is justified. The available contribution has been prioritized as follows.

- Health: £ 22,546– towards the development of a single strategic vision for a health and wellbeing hub in Plympton via the current Health & Wellbeing Hub Task & Finish Group.”
- Education: £125,171 - towards a proposed expansion at Yealmpstone Farm Primary School.
- s106 Management Fee: £283

### **12. Equalities and Diversities**

There are no further equality and diversity issues specifically related to this application although approving this proposal will facilitate the delivery of 54 dwellings. A percentage of these dwellings are being provided as affordable housing and will be available to people on the Council’s Housing Register through a Registered Social Landlord and the rest will be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated.

It is proposed that 20% of dwellings will comply adequately with Part M4 (2) (Accessible and Adaptable Dwellings) which has effectively replaced Lifetime Homes. This will be secured by condition.

### **13. Conclusions**

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

The quality of the development being provided is appropriate in scale, form and design for the area.

Officers have taken account of the NPPF and S38 (6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and are therefore recommending approval subject to the completion of a S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date 17th February or other date agreed through an extension of time.

### **14. Recommendation**

In respect of the application dated **18.11.2016** and the submitted drawings

1005 - 300, 1005 - 301, 1005 - 302, 1005 - 310/P1, 1005 - 311 /P1, 1005 - 312/P1, 1005 - 313/P1, 1005 - 315, 1005 - 316/P1, 1005 - 320, 1005 - 321, 1005 - 322, 1005 - 323, 1005 - 324, 1005 - 325, 1005 - 326, 1005 - 328, 1005 - 329, 1005 - 330/P1, 1005 - 331, 1005 - 332, C161615/C/100/ E, C161615/C/102/B, 0758 0001, 04358 TCP\_2016 REVA TREE CONST, 04358 TPP\_2016 /A TREE PROT, 04358 TRP\_2016 /A TREE REMOV, LL-301-LM-001/B LANDSCAPE MASTER, 1005/DAS/V2, ARBORICULTURAL METHOD STATEMENT3, SOFT LANDSCAPE SPEC & MAINT 11/1, HEA ACD721/1/1 JAN17, EMES 151201 REV01 SEPT 16, BAT SURVEYS, ENERGY STATEMENT/0 11/16, FLOOD RISK ASSES -C161615 12/16, PH I DESK STUDY RT - RP5390 08/12, PH I DESK STUDY RT -RP5390 01/13, PH 2 GE&GT RP5433 01/13, VALIDATION REPORT -RP5580 09/13, REM& MAN STRAT RP5580 05/13, PLANNING STATEMENT NOVEMBER 20, it is recommended to **Grant Subject to S106 Obligation - Full**

### **15. Conditions**

1) **CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

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

Reason:

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

2) **CONDITION: APPROVED PLANS**

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

1005 - 300 Site Location Plan

1005 - 301 Existing Site Layout

1005 - 302 Existing Site Sections

1005 - 310 Proposed Site Plan Rev P1

1005 - 311 Proposed Boundary Wall Plan Rev P1  
1005 - 312 Bin Storage Location Plan Rev P1  
1005 - 313 Parking Plan Rev P1  
1005 - 315 Site Sections A-A & B-B  
1005 - 316 Site Sections C-C & D-D Rev P1  
1005 - 320 House Type A -Plans and Elevations  
1005 - 321 House Type B.sd -Plans & Elevations  
1005 - 322 House Type B.su -Plans & Elevations  
1005 - 323 House Type C -Plans & Elevations  
1005 - 324 House Type D -Plans & Elevations  
1005 - 325 House Type E.su -Plans & Elevations  
1005 - 326 House Type E.sd -Plans & Elevations  
1005 - 328 House Type G -Plans & Elevations  
1005 - 329 House Type H (Plots 7-10) -Plans & Elevations  
1005 - 330 House Type H (plots 51-54) -Plans & Elevations Rev P1  
1005 - 331 House Type J -Plans & Elevations  
1005 - 332 House Type K -Plans & Elevations  
C161615/C/100 Rev E Levels and Drainage Plan  
C161615/C/102 Rev B Off-site Highways Works  
0758 0001 Topographical Survey  
04358 TCP\_2016 RevA Tree Constraints Plan  
04358 TPP\_2016 RevA Tree Protection Plan  
04358 TRP\_2016 RevA Tree Removal Plan  
LL-301-LM-001 Rev B Landscape Masterplan

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.

### 3) PRE COMMENCEMENT- CONTAMINATED LAND

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 commence until conditions 1 to 3 below 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 condition 3 has been complied with in relation to that contamination.

### 1. Submission of Remediation Design Scheme

A detailed design 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 shall include all works to be undertaken, proposed objectives and design criteria, soil import criteria, timetable of works and site management procedures that will be employed to prevent cross contamination. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after works are complete.

### 2. Implementation of Approved Remediation Design Scheme

The approved design 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.

The applicant/developer should be mindful that these conditions detail particular actions and a set of works that need to be submitted and approved by the local planning authority before any development takes place. Once an approved detailed remediation design strategy is in place (if required) the pre-commencement part of these conditions may be lifted.

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

### 3. 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 must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 2 above, 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 shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3 above.

Reason (common to all): To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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

#### 4) PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS STRATEGY

No development shall take place until an Employment and Skills Strategy has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Strategy should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Strategy should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved Employment and Skills Strategy unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure that local people and businesses benefit from development within the City in accordance with the Council's growth agenda and Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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

#### 5) PRE-COMMENCEMENT: DRAINAGE

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

Reason:

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



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

6) PRE COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

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

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

Pre-commencement justification: To ensure the code of practice is in place before the development commences)

7) PRE COMMENCEMENT -ARCHEOLOGY

No development shall commence until the applicant (or their agent or successors in title) has secured and implemented a programme of archaeological work to include archaeological trial trench evaluation, aimed at providing information of the location, nature and extent of any surviving archaeological remains and which may be present.

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

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

Reason:

The site may contain archaeological deposits and/or human burial remains which would warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 128 of the National Planning Policy Framework 2012.

Justification for pre-commencement:

To ensure that any archaeological deposits can be appropriately investigated and recorded prior to any potentially destructive below-ground works.

8) PRE DPC LEVEL: EXTERNAL MATERIALS

No development shall take place above slablevel until further details including samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

9) PRE DPC LEVEL -SUSTAINABILITY

The development shall be completed in accordance with the submitted Energy & Carbon Reduction Strategy prepared by AES Sustainability (dated November 2016). This proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production together with the proposed installation size of 26kWp. The carbon savings which result from this shall be above and beyond what is required to comply with Part L Building Regulations.

Prior to commencement of development above DPC level the applicant shall provide to the Local Planning Authority details of the locations of the on-site renewable energy production methods (in this case Photovoltaic Cells) for approval. The on-site renewable energy production methods shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the development in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

10) PRE DPC LEVE: STREET DETAILS

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

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

11) PRE DPC: LANDSCAPE DESIGN PROPOSALS

No development shall take place above DPC level until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

The hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting are removed, fail to thrive, become damaged or defective , shall be replaced as soon as is reasonably practicable with others of species , size and number as originally approved, unless the local planning Authority gives its written consent to any variation.

Reason:

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

12) PRE OCCUPATION: LANDSCAPE MANAGEMENT PLAN

A Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development, such a Plan shall include the long term objectives of the landscape scheme, and must set out how these objectives will be met. The Management Plan must indicate the ownerships and responsibilities of all landowners or agencies following the completion of the development and intended land transfers and leases etc for all landscape areas, and must include this information graphically on a plan. The Landscape Management Plan should also set out all maintenance operations for the initial first 5 years following implementation of the scheme.

Reason

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

13) PRE OCCUPATION: SECURE BY DESIGN

All gates to private pathways and ones giving access to rear gardens, shall have locks with key access provided in accordance with details previously submitted and approved in writing by the Local Planning Authority. The approved gates with locks and key access shall be installed before any of the residential units requiring to use the respective private pathways are occupied.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policies CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

14) PRE OCCUPATION: COMPLETION OF ROADS AND FOOTWAYS

All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 10 above before the first occupation of the penultimate dwelling.

Reason:

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

15) PRE OCCUPATION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)

The dwellings hereby approved shall not be occupied until the proposed missing section of footway on the west side of Market Road between Potters Way and house number 20A Market Road has been constructed in accordance with details to be submitted for approval in writing by the Local Planning Authority have been completed.

Reason:

To ensure the impact on the highway network in acceptable in accordance with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

16) PRE OCCUPATION PROVISION OF PARKING AREA

Each car parking space shown on the approved plans including garages shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

17) CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars 04358 TPP\_2016 /A before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

18) CONDITION: PART M ( ACCESSIBLE AND ADAPTABLE DWELLINGS)

Unless agreed in writing 20% of the dwellings hereby approved shall be constructed in accordance with the details shown on the relevant housetypes drawings demonstrating compliance with Part M4(2).

Reason:

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

19) CONDITION: BIODIVERSITY

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated September 2016) for the site.

Reason

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

20) **CONDITION: ARBORICULTURAL METHOD STATEMENT**

The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement - AMS 3. The provisions within the statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

### **Informatives**

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

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

**2) INFORMATIVE: CONDITIONAL APPROVAL (with negotiation)**

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.

**3) INFORMATIVE: DRAINAGE**

With regard to condition the proposed off site discharge rate into the Longbrook, which is in excess of the 1 in 10 year Greenfield allowance. If the LPA (through consultation with the EA determine that the Longbrook at this location is unable to accept off site discharges above the 1/10 year greenfield rate, then you will be required to restrict the off discharge to an approved rate with an increase in on site attenuation as required to provide the 1 in 100 year + 30% allowance for climate change standard of protection.

**4) INFORMATIVE: ROADWORKS**

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

**5) INFORMATIVE: PUBLIC HIGHWAY ENGINEERING**

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

**6) INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

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.

**7) INFORMATIVE: NOISE**

It is recommend that all dwellings should be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise.

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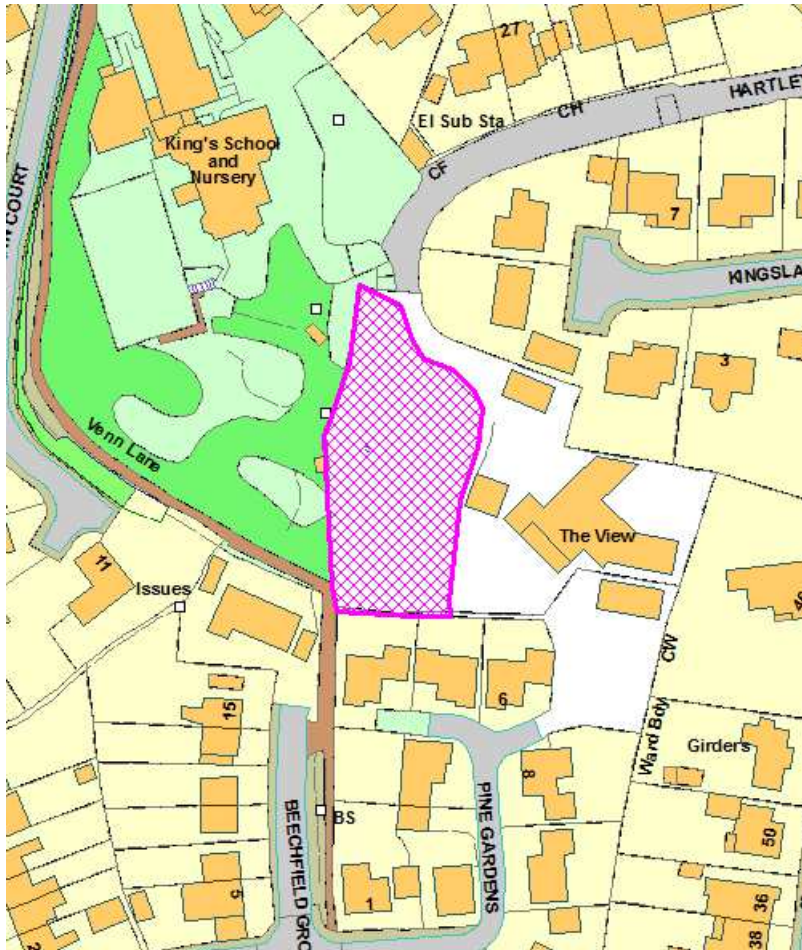


# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/02413/S73	<b>Item</b>	10
<b>Date Valid</b>	15.12.2016	<b>Ward</b>	PEVERELL

<b>Site Address</b>	Former Plymouth College Site, Hartley Road Plymouth PL3 5LW		
<b>Proposal</b>	Variation of condition 2 of application 14/02196/FUL (for block of 8 flats etc.) to allow provision of two (reduced) roof terraces to the two top floor apartments		
<b>Applicant</b>	Mr Kevin Briscoe		
<b>Application Type</b>	Removal or variation of a condition		
<b>Target Date</b>	09.02.2017	<b>Committee Date</b>	<b>09.02.2017</b>
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Mr Jon Fox		
<b>Recommendation</b>	Grant Conditionally		



This application has been called to committee by Councillor Mahony

### **1. Description of Site**

The site comprises the four-storey (eight flats) building approved under application 14/02146, which is currently under construction. The building site is bounded to the north by houses in Kingsland Garden Close, which is at a higher level, and to the south by new houses in Pine Gardens and an established dwelling at the top end of Beechfield Grove, all of which are at a considerably lower level. To the west lies the grounds of Kings School and, to the east, a large, recently constructed modernist style house that shares an access with the application site from Hartley Road.

### **2. Proposal Description**

The proposal is for variation of condition 2 of application 14/02196/FUL (for block of 8 flats etc.) to allow provision of two (reduced) roof terraces to the two top floor apartments. The proposals include the construction of a new stairwell to provide access to the roof.

The terrace on the west side is approximately 36.33m<sup>2</sup> and is set back approximately 2.14 metres from the southern edge of the roof, and the terrace on the east side is approximately 27.35m<sup>2</sup>, and set back approximately 3.38 metres from the southern edge. Both terraces are set back approximately 5.00 metres from the north edge of the building and approximately 5.7 metres from the western edge and 4.3 metres from the eastern edge respectively.

The southern edges of the terraces are approximately 27 to 28 metres from the boundaries of the new houses in Pine Gardens. The eastern terrace is approximately 6.5 metres from the boundary of the large modernist house, and approximately 21 to 22 metres from the boundary of properties in Kingsland Garden Close.

**3. Pre-application enquiry**

There was no pre-application enquiry in this case.

**4. Relevant planning history**

(The application site forms part of the former Plymouth College Preparatory School site which has been subject to a number of applications on different parts of the site since 2005.)

Application site

14/02196/FUL - Development of vacant site with a block of 8 flats, cycle store and amenity space - GRANTED.

13/00426/FUL - Plot 1 Demolition of existing buildings and erection of a large detached house with two double garages and vehicular circulation - GRANTED.

Adjoining site to the east

13/01275/FUL - Plot 2 - Proposed detached modernist dwelling with double garage, out houses and associated vehicular circulation: application to vary Condition 2 of Planning Permission 13/00443/FUL to include enlargement of the first floor on the northern elevation, reduction of the ground and lower ground floor on the southern elevation and fenestration changes - GRANTED and substantially built.

13/00443/FUL - Plot 2 - Proposed detached modernist dwelling with double garage, out houses and associated vehicular circulation - GRANTED.

Northern part of the former school site excluding the playing field

09/01930/FUL - Demolition of existing buildings, conversion of gatehouse into two flats and erection of 12 houses, associated access road, parking and landscaping - GRANTED subject to a section 106 agreement - LAPSED.

The southern former playing field

14/00128/FUL - Development of site by erection of 12 dwellings, access and associated works (existing building to be removed) - GRANTED subject to a section 106 agreement - Under construction.

07/00867/FUL - Formation of vehicular access to service lane r/o 54 Thornhill Road - GRANTED.

07/00041/FUL - Formation of vehicular access to Beechfield Grove and service lane r/o 54 Thornhill Road - REFUSED.

The whole of the former school site including the playing field

05/02044/OUT- Outline development of all of the former school site by the erection of 24 dwellings (with associated access roads and parking areas) and a new community sports hall/gymnasium - REFUSED.

## **5. Consultation responses**

There were no consultations carried out in this case.

## **6. Representations**

Six letters of representation were received, which raise objections on the following grounds:

1. Loss of privacy from roof terraces and windows in proposed stairwell. The glass balustrades will offer no additional privacy.
2. Roof terraces are communal areas and significant numbers of people could gather resulting in noise disturbance and more scope for invasion of privacy.
3. Loss of outlook.
4. The building would be too high and out of character and scale in the area.
5. Loss of natural light.
6. The position of the bin store will result in noise and odour nuisance. The bin store should not be in the common area giving access to a neighbouring property and should not be close to a neighbouring property.
7. One of the proposed extra parking spaces will be adjacent to a neighbour's wall.
8. The flats already have outside amenity space in the form of balconies and communal garden, and therefore there is no need for this extra outside space.
9. The proposals do not provide extra housing and cannot be justified on those grounds.
10. The proposals constitute a fifth storey and would overdevelop the site in terms of scale and density. The overall building height will exceed 14.5 m. Properties on Kingsland Gardens Close are approximately 9 m
11. Adding an additional level will have an overbearing and adverse impact on neighbouring property.
12. The original plans for the flats included 9 flats over five stories and were considered to represent the overdevelopment of the site as stated in the Case Officers report in respect of application 14/02196.

## **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 outofdate, granting permission unless:

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

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

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

## **8. Analysis**

This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7. The relevant policies are CS02 (design), CS15 (housing provision), CS22 (pollution), CS34 (planning application considerations).

### 1. Principle of Development

1.1 The development seeks to extend an existing residential building and notwithstanding impacts on design and residential amenity is considered acceptable in principle. Comments have been received about the extra height of the resulting building, and how this was resisted by the Local Planning Authority previously. However, the scale and overall size and nature of the stairwell and balustrades are not considered to have the impact of a full extra building storey. In this respect the proposals are not considered to be out of scale or character in the area.

### 2. Design

2.1 The raised stairwell, which is necessary to provide access to the proposed terraces, would break the roofline visually. However, this element of the proposed build would be set back from the edges of the roof and on balance is not considered to mar the overall design of the building. The glass balustrades themselves would be light-weight, visually, and are not considered to adversely affect the appearance of the building.

### 3. Residential amenity and the character of the area

3.1 In terms of the impact on residential amenity, the proposed terraces are set back from the north, south, east and west sides of the building. Given the terraces are screened by a 1700mm high obscure glazed screen on three sides, and that there are already bedroom windows facing north, it is considered that there would be no significant additional loss of privacy for neighbouring properties to the north, west and east. The southern side of the terraces would be screened by an 1100mm high clear glass balustrade, which would allow open views to the south, i.e. towards the new houses in Pine Gardens and established dwellings in Beechfield Grove. However the combination of the set back on the roof, and the overall separation distance of approximately 27 to 28 metres, as well as the significant change in levels, would in officers' opinion avoid an unreasonable of privacy for the occupiers of Pine Gardens.

3.2 In terms of the use of the terraces the roof space is only accessible to the top two units of accommodation and as such is not a communal amenity area, which lessens the likelihood of large groups of people on the terraces creating a noise nuisance.

## **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**

Not relevant in this case.

#### **11. Planning Obligations**

Not relevant in this case.

#### **12. Equalities and Diversities**

The proposals do not raise any issues relating to equality and diversity.

#### **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 would not be harmful to the character of the area or residential amenity. The proposals are therefore considered to be in accordance with policies CS02 (design), CS15 (housing provision), CS22 (pollution) and CS34 (planning application considerations) of the Core Strategy of Plymouth's Local Development Framework. It is therefore recommended that planning permission be granted.

#### **14. Recommendation**

In respect of the application dated **15.12.2016** and the submitted drawings it is recommended to **Grant Conditionally**

#### **15. Conditions**

##### **1) CONDITION: APPROVED PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans: 305F Proposed Site Layout - 8 Apartments, 320F Proposed Floor Plans - 8 Apartments, 321F Section A-A Site Analysis, 323F Proposed Elevations - 8 Apartments, 325F Proposed Context Elevations - 8 Apartments, 327F Existing Site Topography as amended by drawing 883-940-0003B in respect of the roof terraces, associated balustrades and access staircase only and all other changes to the previously approved scheme including materials are not approved.

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.

2) **PRE-OCCUPATION: DETAILS OF BOUNDARY TREATMENT**

The positions, design, materials and type of boundary treatment shall accord with the details approved under condition discharge application 15/01674/CDM. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

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

3) **CONDITION: PROVISION FOR TREE PLANTING**

All proposed tree planting, and the proposed times of planting, shall accord with the details approved under conditions discharge application 15/01674/CDM and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

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

4) **PRE-OCCUPATION: REFUSE STORAGE DETAILS**

The refuse storage area shall accord with the details approved under conditions discharge application 15/01674/CDM. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

5) **CONDITION: ARBORICULTURAL METHOD STATEMENT**

The Arboricultural Method Statement shall accord with the details approved under conditions discharge application 15/01674/CDM. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (6) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.



6) **CONDITION: LANDSCAPE DESIGN PROPOSALS**

The hard and soft landscape works and programme for their implementation shall accord with the details approved under conditions discharge application 15/01674/CDM.

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.

7) **GRAMPIAN CONDITION- PEDESTRIAN FACILITIES**

The improved pedestrian facilities shall accord with the details approved under conditions discharge application 15/01674/CDM.

Reason:

In order to provide a satisfactory means of access to the development for pedestrians in the interests of pedestrian safety and sustainability to comply with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

8) **PRE-OCCUPATION: PEDESTRIAN/CYCLE ACCESS**

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

Reason:

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

9) **PRE-OCCUPATION: PROVISION OF PARKING AREAS**

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

10) **PRE-OCCUPATION: CYCLE PROVISION**

The building shall not be occupied until a cycle store for 8 bicycles has been provided in accordance with the details approved under conditions discharge application 15/01674. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

11) **PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION**

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

Reason:

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

12) **CONDITION: CODE OF PRACTICE**

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

Reason:

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

13) **CONDITION: REPORTING OF UNEXPECTED CONTAMINATION**

In the event that unacceptable levels of risk, unexpected contamination or ground conditions are found when carrying out the approved development, that were not previously identified, expected or anticipated; they must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to any or all of the following that apply:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,

o ground and surface waters, o ecological systems,  
o archeological sites and ancient monuments; (iii) a remedial and preferred options appraisal.

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed

remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site is suitable for use and will not qualify as contaminated land under Part 2A of the Environmental Protection

Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, and ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

14) **CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED**

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars [plan no. IN] (or in accordance with Section 6.2 of BS 5837:2012

Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have

been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

15) **CONDITION: HIGHLEVEL WINDOWS**

The horizontal windows in the east elevation of the building shall at all times be high level, at least 1.7 metres above the floor level of the room in which the window is installed.

Reason:

To protect the privacy of the neighbouring dwelling in accordance with Policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

16) **CONDITION: LIFETIME HOMES**

A minimum of 2 flats shall be built to Lifetime Homes standards and shall thereafter be retained to this standard.

Reason:

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

17) **CONDITION: SOFT LANDSCAPE WORKS**

The details of soft landscape works shall accord with the details approved under conditions discharge application 15/0164/CDM and shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

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

18) **CONDITION: OBSCURE GLAZING**

The obscure glazed screen shown on the plans shall be provided prior to the first use of the terraces hereby permitted and shall thereafter be permanently retained in accordance with details of the design and level of obscurity of the glass that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

**Informatives**

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

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

2) **INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATION**

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.

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