



#plymplanning

**Democratic and Member Support**

Chief Executive's Department  
Plymouth City Council  
Ballard House  
Plymouth PL1 3BJ

Please ask for Lynn Young  
T 01752 304163  
E [lynn.young@plymouth.gov.uk](mailto:lynn.young@plymouth.gov.uk)  
[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)  
Published 28 February 2017

## PLANNING COMMITTEE

Thursday 9 March 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.

This meeting will be webcast and available on-line after the meeting. By entering the Council Chamber, councillors are consenting to being filmed during the meeting and to the use of the recording for the webcast.

The Council is a data controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with authority's published policy.

For further information on attending Council meetings and how to engage in the democratic process please follow this link - <http://www.plymouth.gov.uk/accesstomeetings>

**Tracey Lee**  
Chief Executive

# Planning Committee

## AGENDA

### PART I – PUBLIC MEETING

#### 1. Apologies

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

#### 2. Declarations of Interest

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

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

The Committee will be asked to confirm the minutes of the meeting held on 9 February 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.

##### **6.1.6 Linketty Lane, Plymouth, PL7 IRE - 17/00129/FUL (Pages 7 - 12)**

Applicant:	Mr Chris Mavin
Ward:	Plympton Erle
Recommendation:	Grant Conditionally
Case Officer:	Mrs Alumeci Tuima

**6.2. Former Plymouth College Site, Hartley Road, Plymouth, PL3 5LW - 17/00426/S73 (Pages 13 - 26)**

Applicant: Mr Kevin Briscoe  
Ward: Peverell  
Recommendation: Grant Conditionally  
Case Officer: Mr Jon Fox

**6.3. Blake Lodge, Seymour Road, Mannamead, Plymouth, PL3 5AS - 16/02073/FUL (Pages 27 - 50)**

Applicant: Plymouth Deaf Association  
Ward: Compton  
Recommendation: Grant Conditionally  
Case Officer: Mr Jon Fox

**6.4. 1 Armada Street, Plymouth, PL4 8LS - 16/02274/FUL (Pages 51 - 74)**

Applicant: Mr Tim Barrow  
Ward: Drake  
Recommendation: Conditional approval subject to S106  
Obligation. Delegated to Assistant Director  
of Strategic Planning and Infrastructure to  
refuse if not signed in accordance with  
agreed timescales  
Case Officer: Mr Chris King

**6.5. 14-16 Victoria Road, Plymouth, PL5 1RG - 16/01994/FUL (Pages 75 - 90)**

Applicant: Mr David Bartlett  
Ward: St Budeaux  
Recommendation: Grant Conditionally  
Case Officer: Mr Chris King

**6.6. 177 Clifford Road, Plymouth, PL6 6HX - 16/02084/FUL (Pages 91 - 98)**

Applicant: Mrs Dahal  
Ward: Southway  
Recommendation: Grant Conditionally  
Case Officer: Miss Amy Thompson

**6.7. Former Tothill Sidings, Desborough Road, Plymouth, (Pages 99 - 112)  
PL4 9PN - 16/01422/REM**

Applicant: Mr Hisham Shibl  
Ward: Sutton and Mount Gould  
Recommendation: Grant Conditionally  
Case Officer: Mr Simon Osborne

**7. Planning Applications Determined Since Last Committee (Pages 113 - 138)**

The Assistant Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all planning applications determined since last Committee, including -

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available to view online at:  
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

**8. Appeal Decisions (Pages 139 - 140)**

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at:  
<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

## Planning Committee

**Thursday 9 February 2017**

### **PRESENT:**

Councillor Wigen, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

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

Apologies for absence: Councillors McDonald and Sparling.

Also in attendance: Carly Francis (Major Developments Team Leader), Mark Lawrence (Lawyer) and Lynn Young (Democratic Support Officer).

The meeting started at 2.00 pm and finished at 7.00 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.*

#### 114. **Declarations of Interest**

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

<b>Name</b>	<b>Minute Number and Item</b>	<b>Reason</b>	<b>Interest</b>
Councillor Sam Davey	126 - Stoke Damerel Community College, Somerset Place, Plymouth, PL3 4BD – 16/02229/FUL	Is speaking against this application in his capacity as ward councillor	Personal
Councillor Stevens	121 - Melville Building, Royal William Yard, Plymouth, PL1 3RP – 16/01376/FUL	Employee of Devon and Cornwall Police	Personal

#### 115. **Minutes**

Agreed the minutes of the meeting held on 12 January 2017.

#### 116. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

118. **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.

119. **9 Meadow Rise, Plymouth, PL7 1JL - 16/02340/FUL**

Mr & Mrs Keith Vowles

Decision:

Application **GRANTED** conditionally.

120. **9 The Crescent, Plymouth, PL1 3AB - 16/02119/LBC**

Mr R Elliott

Decision:

Application **GRANTED** conditionally.

121. **Melville Building, Royal William Yard, Plymouth, PL1 3RP - 16/01376/FUL**

Mr Adam Willetts

Decision:

Application **GRANTED** 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.

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

(The Committee heard representations against this application)

(The Committee heard from the applicant's agent)

(A Planning Committee site visit was held on Wednesday 8 February 2017 in respect of this application)

122. **Melville Building, Royal William Yard, Plymouth, PL1 3RP - 16/01377/LBC**

Mr Adam Willetts

Decision:

Application **GRANTED** conditionally.

(A Planning Committee site visit was held on Wednesday 8 February 2017 in respect of this application)

123. **Royal Eye Infirmary, Apsley Road, Plymouth, PL4 6PJ - I6/02377/S73**

Mr Evenson

Decision:

Application **GRANTED** conditionally.

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

(The Committee heard representations against this application)

(The Committee heard from the applicant's agent)

124. **Land at Ridge Road, Plymouth, PL7 1UE - I6/01818/FUL**

Mr Steven Hawken

Decision:

Application **GRANTED** conditionally.

(The Committee heard representations against this application)

(The Committee heard from the applicant)

125. **Theatre Royal, Royal Parade, Plymouth, PL1 2TR - I6/02248/FUL**

Theatre Royal Plymouth

Decision:

Application **GRANTED** conditionally.

(The Committee heard representations against this application)

(The Committee heard from the applicant)

(A Planning Committee site visit was held on Wednesday 8 February 2017 in respect of this application)

126. **Stoke Damerel Community College, Somerset Place, Plymouth, PL3 4BD - I6/02229/FUL**

Inspiring Schools Partnership

Decision:

Application **GRANTED** conditionally.

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

(The Committee heard representations against this application)

(The Committee heard from the applicant)

(Councillor Davey, having declared a personal interest, was not present for the debate or vote on this application)

127. **Former Plympton Hospital, Market Road, Plympton, Plymouth, PL7 1QR - I6/02233/FUL**

DCH Group

Decision:

Application **GRANTED** 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.

(The Committee heard from the applicant's agent)

128. **Former Plymouth College Site, Hartley Road, Plymouth, PL3 5LW - I6/02413/S73**

This application was **WITHDRAWN** by the applicant before the Committee meeting.



## PLANNING COMMITTEE – 9 February 2017

## SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
119	9 Meadow Rise, Plymouth, PL7 1JL – 16/02340/FUL	Unanimous				
120	9 The Crescent, Plymouth, PL1 3AB – 16/02111/LBC	Unanimous				
121	Melville Building, Royal William Yard, Plymouth, PL1 3RP – 16/01376/FUL	Councillors Ball, Mrs Bridgeman, Cook, Dann, Sam Davey, Fletcher, Kelly, Morris, Mrs Pengelly, Stevens, Tuohy and Wigans		Councillor Tuffin		
122	Melville Building, Royal William Yard, Plymouth, PL1 3RP – 16/01377/LBC	Unanimous				
123	Royal Eye Infirmary, Apsley Road, Plymouth, PL4 6PJ – 16/02377/S73	Councillors Mrs Bridgeman, Cook, Sam Davey, Morris, Mrs Pengelly, Stevens, Tuffin and Wigans	Councillors Ball, Fletcher and Kelly	Councillors Dann and Tuohy		
124	Land at Ridge Road, Plymouth, PL7 1UE – 16/01818/FUL	Councillors Ball, Mrs Bridgeman, Cook, Dann, Sam Davey, Fletcher, Morris, Mrs Pengelly, Stevens, Tuohy, Tuffin and Wigans		Councillor Kelly		
125	Theatre Royal, Royal Parade, Plymouth, PL1 2TR – 16/02248/FUL	Unanimous				

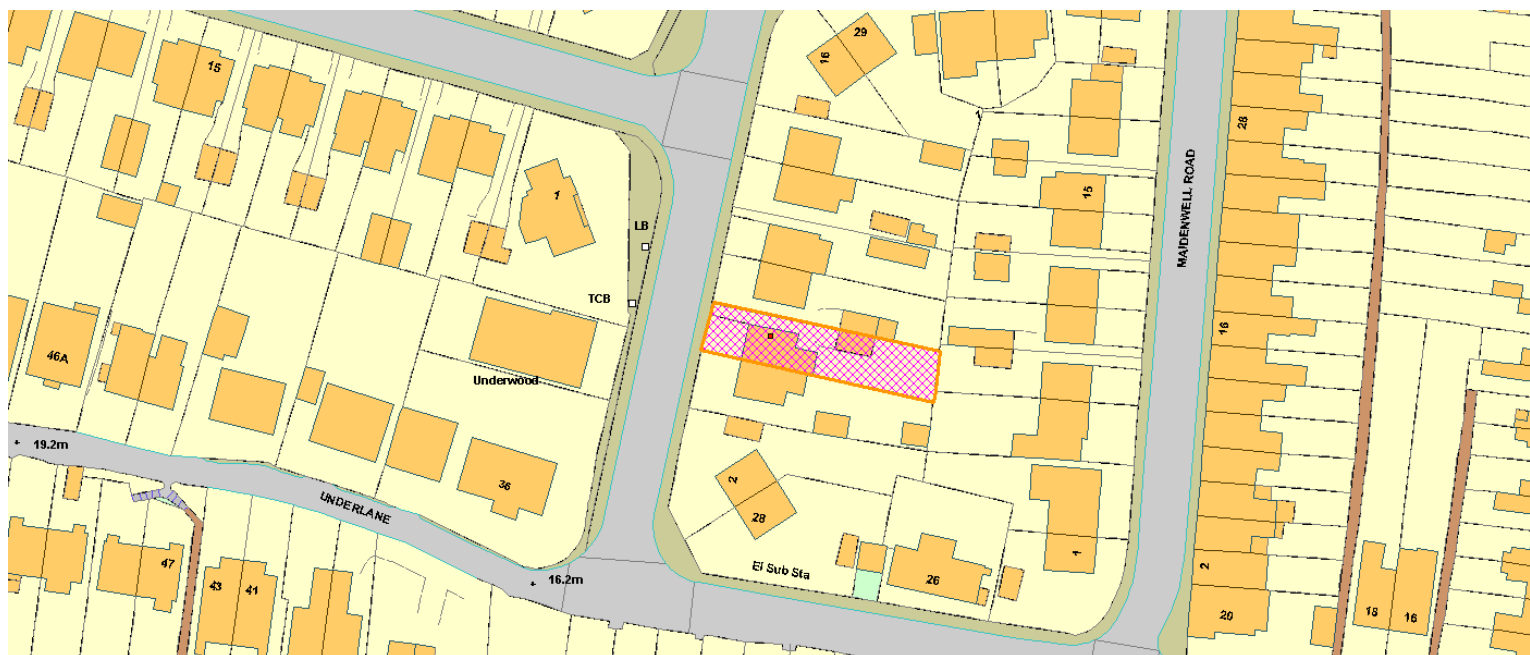
<b>Minute number and Application</b>		<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
126	Stoke Damerel Community College, Somerset Place, Plymouth, PL3 4BD – 16/02229/FUL	Councillors Ball, Mrs Bridgeman, Cook, Dann, Fletcher, Kelly, Morris, Mrs Pengelly, Tuohy and Wigans	Councillors Stevens and Tuffin		Councillor Sam Davey	
127	Former Plympton Hospital, Market Road, Plympton, Plymouth, PL7 1QR – 16/02233/FUL	Unanimous				

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/00129/FUL	<b>Item</b>	01
<b>Date Valid</b>	24.01.2017	<b>Ward</b>	PLYMPTON ERLE

<b>Site Address</b>	6 Linketty Lane Plymouth PL7 1RE		
<b>Proposal</b>	Rear extension		
<b>Applicant</b>	Mr Chris Mavin		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>21.03.2017</b>	<b>Committee Date</b>	<b>09.03.2017</b>
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	Member/PCC Employee		
<b>Case Officer</b>	Mrs Alumeci Tuima		
<b>Recommendation</b>	Grant Conditionally		



This application is being brought to Planning Committee because the applicant is a Councillor.

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

6 Linketty Lane is a semi-detached dwelling located to the south of Valley Road Industrial Estate within the Plympton Erle neighbourhood.

### **2. Proposal Description**

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

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

None requested

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

None

### **5. Consultation responses**

None requested

### **6. Representations**

None received

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

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

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

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). 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 approved Plymouth and West Devon Local Plan, the Framework and other material policy documents as set out in Section 7.

2 The application turns upon policies CS02 (Design) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case is its impact on neighbouring amenity and the impact on the character and appearance of the area.

3 6 Linketty Lane is elevated at approximately 45 degrees above street level and plateaus toward the end of the rear garden. To the eastern/rear elevation an existing conservatory is in situ, which is proposed to be replaced under this consent for a single rear extension. Officers note that similar structures exist within rear curtilages of adjacent properties.

4 The proposed extension dimensions are approximately 3m(height) x 4m(depth) x 3.8m (width) which will create additional kitchen space. The extension will be set down and set in from the original rear wall of the property with materials to match. The side elevation will include a north facing window set away from nearest habitable room without detrimentally impacting on privacy for the adjacent neighbour.

5 With regard to character and appearance, the rear extension will not be prominent from street scene and is consistent with paragraph 2.2.51 of the Development Guidelines, Supplementary Planning Guideline, (SPD) 2013 which states that 'a rear extension should be in keeping with the main dwelling and the character of the area'.

6 Given the slight alterations to the proposed dimensions, it is not considered to deviate considerably from the 45 degree SPD guideline paragraphs 2.2.33 and 2.2.34 and is therefore acceptable having taken into account the position and orientation of the proposal and the position and type of neighbouring window. This will ensure compliance with SPD paragraph 2.2.18 -2.2.19 for achieving a unified exterior to correspond with the existing dwelling and ensure maximising available daylight and sunlight without compromising neighbouring amenity through loss of light, privacy or outlook.

7 The rear extension is not considered to unreasonably impact on neighbouring amenity or the character and appearance of the surrounding area. The form, detailing and materials of the proposal will match the existing features of the dwelling and would have no significant impact on the neighbouring properties due to its size.

### **9. Human Rights**

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

### **10. Local Finance Considerations**

None required

### **11. Planning Obligations**

None required

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

None

### **13. Conclusions**

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

### **14. Recommendation**

In respect of the application dated **24.01.2017** it is recommended to **Grant Conditionally**

**15. Conditions / Reasons**

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

**1. CONDITION – APPROVED PLANS**

Elevations - Proposed ABO3 Version: A received 24/01/17

Site Location Plan AB06 Version: A received 24/01/17

Elevations - Existing AB01 Version: 1 received 04/01/17

Floor Plans - Existing AB02 Version: 1 received 04/01/17

Elevations - Proposed AB03 Version: 1 received 04/01/17

Floor Plans - Proposed AB04 Version: 1 received 04/01/17

Site plan AB05 Version: 1 received 04/01/17

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: 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.

**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 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.

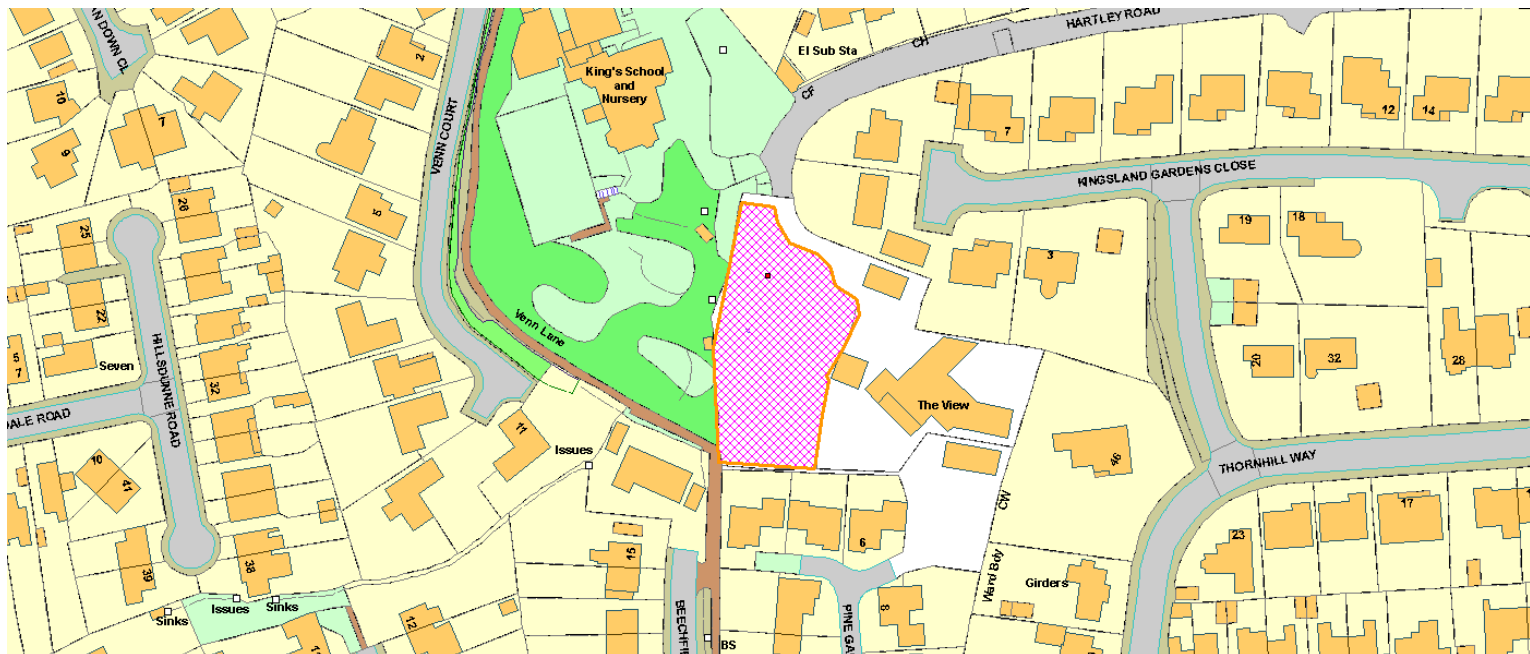


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/00426/S73	<b>Item</b>	02
<b>Date Valid</b>	09.02.2017	<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 to allow alterations to building details including height reduction and raising of ground floor slab level (overall roof height to remain as approved) and provision of two roof terraces and associated balustrades and stairwell building for the top floor apartments (resubmission of application 16/02413/S73)		
<b>Applicant</b>	Mr Kevin Briscoe		
<b>Application Type</b>	Removal or variation of a condition		
<b>Target Date</b>	<b>06.04.2017</b>	<b>Committee Date</b>	<b>09.03.2017</b>
<b>Extended Target Date</b>	<b>N/A</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 to allow alterations to building details including height reduction and raising of ground floor slab level (overall roof height to remain as approved) and provision of two roof terraces and associated balustrades and stairwell building for the top floor apartments (resubmission of application 16/02413/S73).

The terrace on the west side is approximately 36.3m<sup>2</sup> and is set back approximately 2.1 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 3.4 metres from the southern edge. Both terraces are set back approximately 5 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

16/02413/S73 - 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. This application was withdrawn.

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**

No representations have been received, although the public consultation period is ongoing until 6th March.

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

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

The development plan comprises of the Local Development Framework Core Strategy [Adopted April 2007].

The Plymouth and South West Devon Joint Local Plan [the JLP] will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework [the Framework] provides guidance on determining the weight in relation to existing and emerging development plan policies.

For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework [the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given]. ?

For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage, with the pre-submission version of formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning [Local Planning] [England] Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision. However, the precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the extent to which there may be unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance [NPPG]. Additionally, the following planning documents are also material considerations in the determination of the application:

Development Guidelines Supplementary Planning Document.

Design Supplementary Planning Document.

### **8. Analysis**

This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Local 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]. Relevant JLP policies are SPT1 [delivering sustainable development], DEV1 [protecting health and amenity], DEV2 [Air, water, soil, noise and land] and DEV10 [delivering high quality housing].

#### **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 adversely impact the overall design of the building. The glass balustrades themselves would be visually light-weight 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.

3.3 While no public comments have been received at this stage there were objections received in respect of the previous application, including those based on loss of privacy; noise and disturbance; loss of outlook; overbearing and adverse impact on neighbouring property; the height of the building and being out of scale and character in the area; the original plans for a 5 storey building were considered to be overdevelopment of the site by case officers; loss of natural light; the flats already have amenity space in the form of balconies and communal garden; the proposals do not provide extra housing and cannot be justified on these grounds;

## **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 as well as policies SPT1 [delivering sustainable development], DEV1 [protecting health and amenity], DEV2 [Air, water, soil, noise and land] and DEV10 [delivering high quality housing] of the Joint Local Plan. It is therefore recommended that planning permission be granted.

**14. Recommendation**

In respect of the application dated **09.02.2017** it is recommended to **Grant Conditionally**

**15. Conditions / Reasons**

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

**1. CONDITION – APPROVED PLANS**

General 883-940-0004 Version: 2 received 09/02/17

Floor Plans - Proposed 883-320 Version: 1 received 09/02/17

Elevations - Proposed 883-323 Version: 1 received 09/02/17

Plans and Elevations 883-940-0003 Version: 1 received 09/02/17

General 883-940-0004 Version: 1 received 09/02/17

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 policies DEV1 and DEV20 of the Plymouth and South West Devon Joint Local Plan 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, policies DEV24 and DEV30 of the Plymouth and South West Devon Joint Local Plan 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, policy DEV33 of the Plymouth and South West Devon Joint Local Plan 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, policies DEV24 and DEV30 of the Plymouth and South West Devon Joint Local Plan 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, policy DEV20 of the Plymouth and South West Devon Joint Local Plan 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, policy DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

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, policy DEV31 of the Plymouth and South West Devon Joint Local Plan 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, policy DEV31 of the Plymouth and South West Devon Joint Local Plan 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, policy DEV31 of the Plymouth and South West Devon Joint Local Plan 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, policy DEV20 of the Plymouth and South West Devon Joint Local Plan 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 policy DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

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, DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

#### 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, policies DEV24 and DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012. 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, policy DEV1 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012. 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, policy DEV9 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012. and paragraph 159 of the National Planning Policy Framework.

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, policy DEV20 of the Plymouth and South West Devon Joint Local Plan 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, policy DEV1 of the Plymouth and South West Devon Joint Local Plan and paragraph 61 of the National Planning Policy Framework 2012.

**Informatives**

- 1) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.
- 2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a

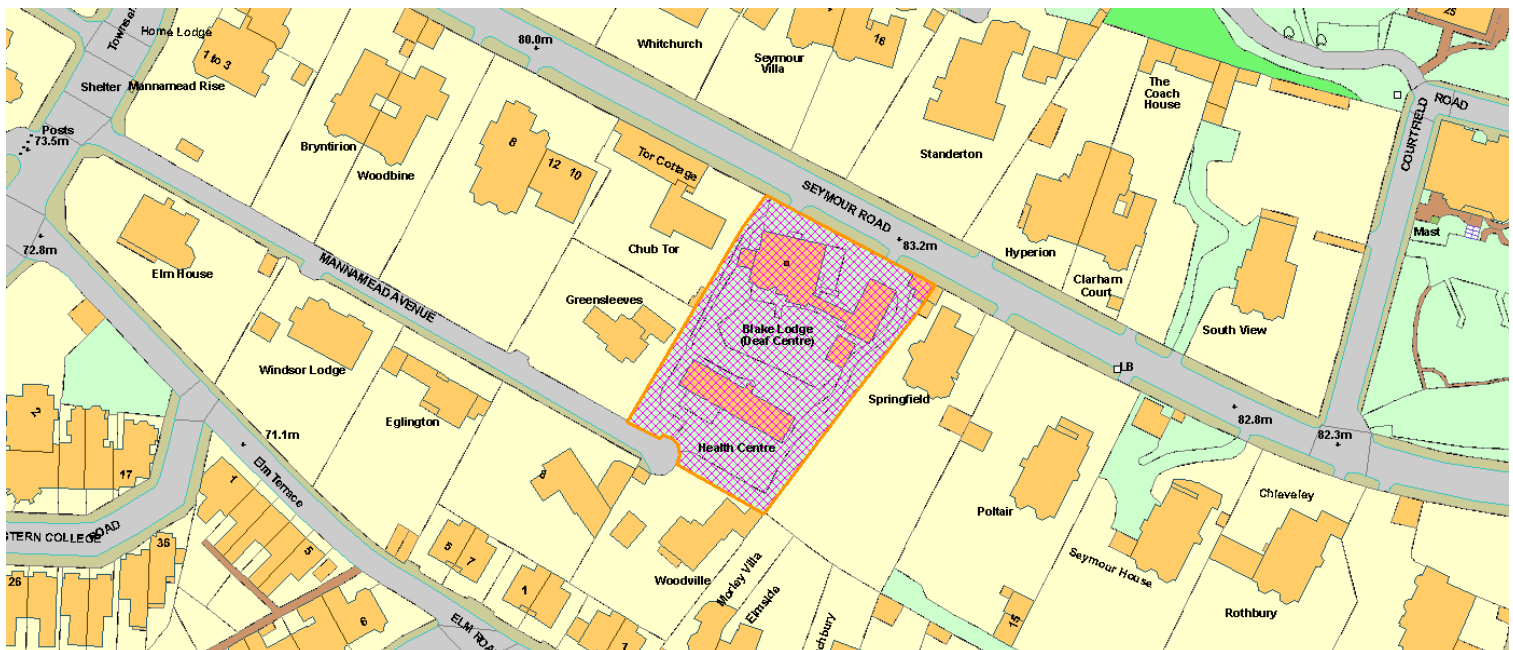
positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	16/02073/FUL	<b>Item</b>	03
<b>Date Valid</b>	19.12.2016	<b>Ward</b>	COMPTON

<b>Site Address</b>	Blake Lodge, Seymour Road Mannamead Plymouth PL3 5AS		
<b>Proposal</b>	Demolition of fitness centre and construction of 10 self-contained flats to be used by Plymouth Deaf Association		
<b>Applicant</b>	Plymouth Deaf Association		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>20.03.2017</b>	<b>Committee Date</b>	<b>09.03.2017</b>
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	Major Application		
<b>Case Officer</b>	Mr Jon Fox		
<b>Recommendation</b>	Grant Conditionally		



## **1. Description of Site**

The site is within the former grounds of Blake Lodge, which is a substantial listed building fronting Seymour Road, in the Mannamead Conservation Area (CA). Blake Lodge is used as a centre for the Plymouth Deaf Association (PDA) and an adjoining building, within the same curtilage, is used as a separate pre-school. The site is to the rear of Blake Lodge and is occupied currently by a long, single-storey building, which up until recently has been used as a gymnasium. Access to the site has in the past been via Mannamead Avenue, to the rear, but the land on which the gym stands was at some time raised up by approximately 1800mm. Consequently the gym is accessed via a long drive running down the side of the pre-school (from Seymour Road).

The site is bounded to the west by a modern, detached dwelling, which appears to constitute 'backland development' of the corresponding property fronting Seymour Road and to the south by another detached property that is also accessed via Mannamead Avenue. The site is bounded to the east by the garden of substantial residential property on Seymour Road. The site contains a number of mature trees, principally down its eastern side. There is also a thick hedge on the western side, adjacent to the backland site.

## **2. Proposal Description**

The proposal is for the demolition of the fitness centre and construction of 10 self-contained flats to be used by Plymouth Deaf Association. The proposals involve excavating the site by approximately 1.5 metres; in order to reduce levels to the point where vehicular access is achievable via Mannamead Avenue. Consequently the roof of the proposed building is approximately one metre higher than that of the existing gym building roof. The proposed roof parapet is another half of a metre higher than that.

The agents have submitted a statement of need. This includes reference to the need for purpose built rentable accommodation for deaf people within close proximity to facilities at Blake Lodge, which revenue from the project is targeted to improve. The revenue from the scheme is also intended to be used for repairs, decoration and soft landscaping to the Blake Lodge Centre.

Design features the PDA would be looking to include are as follows;

Assistive Technology Pre-Installed In Residences

Light Based Alarms and Doorbells

Unobstructed Sightlines

Flooring Wired for Vibration Alerts

Integrated Smart House Technologies

High Speed Internet Enabled

Smart TVs with Video Calling Capacity

Disabled Access/Lifetime Homes provisions built into the design

Security



The statement says that based on the feedback already provided from members, likely criteria for qualification to rent one of the flats is as follows;

- Aged 55 years and over
- Severely Deaf (able to hear 71 to 90dB)
- Profoundly Deaf (able to hear only over 90dB)
- Preferably uses British Sign Language (BSL) as a first language, or Signed English (one individual if a couple)
- Currently resides within the Devon or Cornwall
- Does not require comprehensive nursing care
- Belief that the purpose-built accommodation will enhance the quality of life

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

The related pre-application enquiry also proposed developing the site by the construction of 10 flats. The Local Planning Authority (LPA) considered this to be acceptable in principle and if reduced to an appropriate scale would enhance the character of the conservation area while preserving trees and the amenities of neighbours. As such the proposals were considered in accordance with the relevant Core Strategy policies. However, the LPA considered that the proposals for 10 units would overdevelop the site in terms of the impact on the character of the conservation area and the amenities of neighbours.

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

16/01540/LBC - Minor external and internal alterations. This application was granted consent.

14/00444/LBC - Construction of timber playroom. Listed building consent was not required.

13/00767/LBC - Conversion of building to pre-school unit including external and internal alterations. This application was granted consent.

13/00766/FUL - Conversion of building to pre-school unit including external alterations.

08/02177/FUL - Erection of single storey storage building. This application was granted permission.

07/00035/CAC - refurbishment of gutters and roof slating plus chimney rendering - Conservation area consent was not required.

97/01435/LBC - Redecoration and repair, including re-roofing. This application was granted consent.

87/02282/FUL - Extension to health studio. This application was refused.

#### Tree Works

94/00267/FUL - Single storey side extension. This application was withdrawn.

This application was granted permission.

16/01785/TPO - Holm Oak - Fell (decayed). Consent was granted for these works.

09/01833/TPO - Various tree works. Consent was granted for these works.

### **5. Consultation responses**

The Local Highway Authority (HA)

The Highway Authority advises that based upon a trip rate of around 0.3 movements per unit, the 10 flats would generate just 3 two way trips during the am and pm peak traffic hours. Such a low number of movements would not give rise to any issues on Mannamead

Avenue. On the basis that the flats would be occupied by persons with hearing impediments in reality the likely number of traffic movements associated with the flats would be lower than that forecast (likely to be less than more traditional open-market flats).

The HA also observe that a total of 10 off-street car parking spaces have been provided which equates to 1 space per unit. Whilst it would have been beneficial for some visitor car parking to be provided it is acknowledged that the level of car parking accords with current policy and that the site is considered to be in a sustainable location and can easily be accessed by sustainable transport modes (walking, cycling, public transport etc).

Although the layout of the car park appears to be quite tight the HA note that there is a minimum distance of 5.5m between the rows of spaces which should provide enough space to allow a vehicle to turn. It is noted also that reference is made to secure and covered cycle parking being provided within the building.

### Public Protection Service (PPS)

PPS have no objections to the development, subject to a condition to ensure land quality. The Public Health Team within PPS are supportive of this application in principle. The provision of high quality living accommodation for a vulnerable community fits with their ambitions for a growing city where an outstanding quality of life is enjoyed by all.

### Historic England (HE)

Historic England advise that the while efforts have been made to utilise the topography of the site, and lessen the impact of the development on the listed building and conservation area, the proposals still negatively impact on the characteristically mature landscaped settings of its large detached Victorian villas. HE also note the proposed charitable use of the new building, and advise that the minor harm to the historic environment should be weighed against any wider public benefits offered by the proposals, in accordance with NPPF paragraph 134.

### The Victorian Society

The Society state that ideally there would not be such a large building as existing in what was historically the garden of the Grade II listed house, as this compromises its setting somewhat. Nevertheless, the principle is established and the proposals are judged on this basis.

The Society's view is that replacing the existing building with a larger and slightly taller structure that is in closer proximity to the designated heritage asset, would cause a limited level of harm to it. Under the terms of the NPPF, this should be considered to be 'less than substantial' and should therefore be weighed against the public benefits of the proposals. A considerable heritage benefit that could help to offset the harm would be the repair and restoration of front façade of the main house, as the public face of the listed building.

The Society state that if access is to be from Mannamead Avenue, the original nineteenth century gateway should be made use of. If further works are required, besides unblocking it, these ought to be given careful consideration as the wall and gate piers form part of the curtilage of the listed building.

### Housing Delivery Team

Housing are concerned that the proposed units are too small to allow for prospective occupiers to take a partner without essentially making themselves homeless on the grounds of inadequate accommodation. Aside from this the Housing Delivery Team has concerns on the grounds that the units are too small per se and that there is inadequate amenity space. There is a concern also that prospective occupiers from outside the city might in due course become a burden on care services.

### Police Architectural Liaison Officer

Has no objection to the proposed development.

### Adult Social Care

Are supportive of the scheme.

## **6. Representations**

Letters were received both for and against the proposals. 23 objections were received on the following grounds;

- a. Prejudicial to highway safety owing to the increased use of Mannamead Avenue by deliveries, refuse vehicles, visitors, parents of children at the pre-school; the latter will block the road for emergency vehicles. Parking will block the road and those attending the pre-school will use this access instead of using the access via Seymour Road.
- b. The turning head at the end of Mannamead Avenue will be blocked.
- c. The nature of the junction with Mannamead Road, with poor visibility and being near a bus stop, means that pedestrians do not realise vehicles are entering and leaving Mannamead Avenue. This already presents a danger to pedestrians, motorists and cyclists, which will worsen with the proposed development. With particular concern for road users and pedestrians, e.g. older adults, anyone who has restricted mobility or any sensory impairments, families using pushchairs, and for children and young people
- d. This is already a dangerous junction, due to the fact that only 1 vehicle can exit or enter at a time, often having the added danger of buses exiting the bus bay at the same time. Often motorcyclists will try and overtake the bus as they have not realised the bus driver has stopped to allow a car out, already resulting in several near misses.
- e. Pedestrians are forced to walk in the carriageway of Mannamead Avenue because cars park on the footway owing to the narrowness of the road. This situation will worsen as a result of the development. Often residents of Mannamead Rise are unable to access their own entrances without great difficulty as cars are parked either on the pavement opposite entrances, or in such a position in the lane that residents cannot turn out.
- f. Visiting drivers, who are unaware of the restrictions in this area, find that once they are down Mannamead Avenue, they are unable to turn around and have to reverse back out

onto the main road of Mannamead Road B3250. Many vehicles have to reverse in the street, which is another hazard for pedestrians.

- g. The more sensible and safest access would be via the existing entrance and exit on Seymour Road which has been successfully used for many years by the users of the former fitness studio which is being replaced by the proposed development. This would negate the removal of hundreds of tonnes of spoil and create less environmental and nuisance impact.
- h. Loss of trees due to proposed access from Mannamead Avenue.
- i. Construction vehicles will present a nuisance and a danger and will damage the road and block it for emergency vehicles. The access road is already damaged and the removal of tonnes of soil from the site will further damage the road.
- j. The proposed flat development is out of keeping with the style and character of the surrounding properties and also the Council's own plan for the area.
- k. The existing gym was built either before, or despite, being in a conservation area. The building is a clear example of 'garden grabbing' that the council seeks to prevent.
- l. To keep this site in keeping with the conservation area the logical action would be to demolish the gym and return the land to be the garden of Blake Lodge. The building to be demolished has an internal floor area of 194sq.m. and the new building a gross internal floor area of 557sq.m. So despite the council getting a reduction of the floor area by 76sq.m this still represents further concreting over of what should be Blake Lodge Garden. This should be a smaller development and keeping the existing access from Seymour Road.
- m. Detrimental to setting of listed building and the conservation area. If this development goes ahead, the possibility of maintaining the original land associated with the heritage asset and its gardens will be lost forever.
- n. The likelihood is that vehicles reaching the end of Mannamead Avenue needing to turn will find the car park of the new build very convenient as a turning space and the new residents will find a constant flow of vehicles using their car park to turn.
- o. The proposed windows, the communal gardens and parking area all directly overlook neighbours resulting in a loss of privacy.
- p. The additional use of the avenue by vehicles would change its nature forever.
- q. The increased use of the Mannamead Avenue junction will present a danger to the use of the junction with Elm Road, which is a little further down the hill.
- r. The proposals could lead to the sale of the development site and therefore the subdivision of the curtilage of the listed building to the detriment of the historic asset. What

are the legal means to keep the proposed development for the Deaf community and not sold off for profit to others

- s. The development should highlight the connection and responsibility of buildings located within the curtilage of the Heritage Asset. The proposed residential use would weaken this link. A boarding house/secure accommodation use, linked to the Grade 2 listed building and the members of the Deaf Association, would be better.
- t. Overdevelopment of the site. 10 units will generate too much traffic for either Mannamead Avenue or Seymour Road. The development should be reduced in size. There would be only a minimum of private parking with no turning circle for larger vehicles and services vehicles that will be required to service 10 new properties. The old access from Mannamead Avenue was closed owing to problems of vehicular access and the use by school children as a shortcut.
- u. The proposal for 10 flats would add a considerable burden to local services.
- v. Disregard to boundary treatments.
- w. The existing Grade-II Listed Heritage Asset is in need of some serious renovation, any existing monies and investment should surely be focused on the needs of the existing users of the building, its neighbours and the existing responsibility that Heritage Asset owners have to the buildings located within its curtilage

31 letters support the development for the following reasons;

- i. The British Deaf Association supports this development. This is very much needed in Plymouth.
- ii. Isolation and loneliness are real issues for deaf people as so few hearing people can sign in British Sign Language.
- iii. The development enables deaf people to be part of a community based accommodation. Deaf people are often neglected and disadvantaged because of attitudes, communication and family support. By having accommodation like that proposed at Blake Lodge they will be able to mix with their peers, and lead a more stable and contented life. This development is needed when social services budgets have been cut and support staff is almost negligible. Residents will be able to access deaf community events and activities at the Association.
- iv. This development will go some way to balancing the requirements for independence with the need for community and social interaction. This would benefit the deaf people living there and the wider health and social care system by reducing support needs and incidents of depression.

- v. The provision of the flats would ease this sense of loneliness for the deaf residents, especially those with additional disabilities such as mobility problems, learning difficulties or old age.
- vi. This would be a much needed resource for the deaf community in a city where resources and support are so sparse.
- vii. Support this application as there is very little in the southwest for those who are deaf
- viii. This is an attractive design, researched by architects sympathetic to the look of the local area, conscious of the needs of the deaf community and the requirements of those with disabilities. It is impressive that these would be the only purpose-made flats for the deaf community within a deaf community setting, in the county
- ix. The impact visually on the surrounding area is infinitely more pleasing than an old gym building. The re-opening of the blocked gate on to Mannamead Avenue would enhance the appearance of the lovely old wall.
- x. Currently the deaf community is not getting enough support at all levels from local all the way up to government. It would be good if Plymouth council can lead the way by example and encourage awareness of such need in the UK.
- xi. Deaf people are at no more of a risk than any hearing person. In fact, as they are more visually aware they, in fact, may be at less risk than a hearing person. Furthermore, as these flats are targeted at the older generation there is likely to be very limited traffic in and out of the property.
- xii. Transport can become an issue or people may have difficulty in organising transport. People have expressed that they go to the Deaf Club every week to meet their friends. They have said that the flats will allow them to continue to do this, as they are unlikely to go out in the dark in the current homes, for fear of their own safety.
- xiii. A petition of 25 was received, which supports the proposals on grounds including making services in Blake Lodge accessible to members of the deaf community, while at the same time allowing members of the deaf community to be together.
- xiv. A petition of six persons has been received which supports the development including stating that Social insolation as a consequence of being Deaf can significantly impact a person's mental and physical health. This is most apparent when considering the robust research that shows the incident of mental illnesses amongst Deaf people is greatly increased compared to a hearing person of a similar age and health.
- xv. Many of the residents are likely to use public transport for most purposes and access to the nearby bus stop at the end of the avenue is an asset. The avenue is flat and has a pavement along the whole length.

## **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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

\* For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). ?

\* For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines Supplementary Planning Document
- Design Supplementary Planning Document.

## **8. Analysis**

This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Local 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]. Relevant JLP policies

are SPT1 [delivering sustainable development], SPT3 [provision for new homes], DEV1 [protecting health and amenity], DEV2 [Air, water, soil, noise and land] and DEV10 [delivering high quality housing].

### 8.1 Principle of Development

8.1.2 The site is within a conservation area typified by large period buildings on substantial plots. A number of these have been developed in their back gardens, i.e. 'backland development'. A case in point is the dwelling to the west of the site, which appears was constructed in the late 1960s/early 1970s. The presence of the gym on site is another reason for considering the proposals positively in principle. The gym is low level but aside from that does not contribute positively to the character or appearance of the CA. Much of the site is otherwise taken up with a large tarmac parking area, which also is at odds with the generally green garden-scape in the surrounding area. In respect of development in rear gardens policy DEV10 of the JLP states that: 'To protect the quality of the urban environment and prevent 'town cramming', development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods.' Within the context of this policy, and the historic development on the site and elsewhere, it is considered that the proposed development is acceptable and would on balance improved the site.

8.1.3 The proposal for 10 flats and a communal area includes large scale excavations to reduce the site level to the extent that vehicular access would once again be possible from Mannamead Avenue. The proposals to reduce the site levels [by approximately 1.5 metres] also effectively reduce the visual impact of any new development on the site. Therefore the proposals overall are considered to be acceptable in principle. In this respect the proposals are considered to be in accordance with policies CS03 [Historic Environment], CS15 [Housing Provision] and CS34 [planning application considerations] of the Core Strategy of Plymouth's Local Development Framework as well as policies SPT1, SPT3, DEV1, DEV2 and DEV10 of the JLP.

### 8.2 Design

8.2.1 The footprint of the building is shaped like an upside-down 'L' and would be flat-roofed with a natural sedum covering. The materials include extensive natural stone walls on the ground floor of the main south elevation, and on the eastern and inward facing elevations of the proposed building. Elsewhere render is the main finish. The windows would be in powder-coated aluminium. Overall the design of the building is considered to be of an appropriate quality and scale in accordance with policy CS02 [design] of the Core Strategy.

### 8.3 Character of the area and listed building issues

The site is within the Mannamead Conservation Area (CA) and any proposed development must preserve or enhance the area's character. At the pre-app stage it was considered that 10 units would overdevelop the site and that eight units would fit on the site more comfortably in respect of the spaces around the building, neighbouring residential amenity and the overall character of the area. The submitted design and access statement addresses this issue and states that: 'The building to be demolished has a gross internal floor area of 194sq.m. The new building has a gross internal floor area of 557sq.m. Orientation,



overlooking, massing, appearance, trees, topography, minimum space standards and the needs of the Deaf Community have influenced this amount. The local authority called for a reduction in bulk during pre-planning discussions, hence the floor area of the latest proposal has been reduced by 76sq.m.' Aside from that the main change is that the upside-down 'L' shape has been flipped over so that the north/south part of the L shape now runs down the western side of the site, and not the eastern, as was the case at the pre-app stage.

8.3.1 The Historic Environment Officer is concerned that that the application proposals have not gone far enough in reducing the footprint of the development, which is essentially the concern that both Historic England and the Victorian Society express on the proposals; and it is true that the footprint does not appear to have been significantly reduced. However, the 'mirroring' of the building layout places the greater length of building over on the western side, i.e. where there is an opposing backland development on the adjacent site, whereas the narrower, eastern side of the building, is adjacent to the garden space of the neighbouring house in Seymour Road. This change has balanced out the development in terms of its layout and impact on the site. On balance, and given the secluded nature of the site, the scale of the proposed development is not considered to give significant harm to the character of the conservation area.

8.3.2 With regard to the listed building of Blake Lodge, the curtilage has long been partly fragmented owing to the long-standing gym building on the lower part of the site. The proposals advance the proposition that the prospective occupiers of the development would have access to and use of the lawned area immediately behind Blake Lodge, although not at the times the pre-school were using that space. This commitment ties the proposed development to the Lodge and is considered to be an adequate means of preventing the site from being sold off on the open market.

8.3.3 With regard to mitigating the impacts of the development on the conservation area, Historic England refer to paragraph 134 of the National Planning Policy Framework, which states that: '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.' The viable use of the building by the PDA could be helped by the proposed development if resulting revenues are in part used to fund necessary works to preserve the fabric of the listed building. In this respect the Victorian Society has helpfully suggested restoring the front façade of the building, which can be secured by a planning condition that requires details and a timetable for such works before development commences. As well as requiring these works by condition, it is also considered appropriate to limit the use of the building to persons for whom British Sign Language is their first language, as well as requiring the flats to remain incidental to the use of Blake Lodge.

8.3.4 There is some relevant case history under the auspice of the Planning (Listed Buildings and Conservation Areas) Act 1990 In the case of Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage, National Trust & SSCLG [2014], it was found that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would

be some harm. It should be given 'considerable importance and weight' when the decision-maker carried out the balancing exercise. However, there have been challenges to the strength of this judgement. To cite another example, the approval of the demolition of a care home (Pierson House, Plymouth) and construction of a 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure was approved and it was considered that less than substantial harm would be caused to the conservation area. In the case of Blake Lodge, the historic environment issues have been given considerable importance and weight and in this case the issues are balanced in favour of the development being acceptable.

### 8.4 Residential Amenity

The scale of the building, and the associated comings and goings, would have an impact on the amenities of neighbours. It is recognised that the existing gym is a somewhat alien use and that it attracts visitors during the day. In that sense the proposed residential use is more in keeping with the area [notwithstanding Blake Lodge and adjoining pre-school are more institutional in character]. However, a block of flats is a more intensive form of development than a single dwelling. At the pre-application stage the scale of the proposed building was considered to be intrusive when viewed from neighbouring properties, despite the lowering of the site levels. For reasons similar to those in respect of the character of the area, it is considered that the amended site layout reduces the impact on neighbours, i.e. the development is lessened, or is further from, the houses on the southern and eastern sides of the site. As a consequence there is more development on the western side of the site, next to the house known as Greensleaves. However, there is a reasonably thick hedge on this boundary, which is within the control of the applicant. Providing this hedge is appropriately maintained the degree of overlooking from the first floor bedroom and kitchen on this elevation should not be significant.. The relationship with the properties to the south and east is not considered harmful. There is an historic wall on the southern boundary, which is close to the neighbouring property. For this reason, as well as concerns that the old wall is properly preserved and restored, there should be a condition that requires details of the works to the wall. Of significance, too, is the fact that the use of the flats would be limited to deaf people, who use British Sign language as their first language, and would be classed as incidental to Blake Lodge.

### 8.5 Transport matters

Many of the public comments on this application relate to objections and concerns about the perceived inadequacy of the road serving the development and its junction with Mannamead Road. Mannamead Avenue is considered by many objectors to be too narrow leading to conflict between pedestrians and cars and cars with cars/other vehicles such as refuse and emergency vehicles. The junction with the main road is also cited as dangerous and incapable of further traffic movements without prejudicing highway safety.

8.5.1 The Local Highway Authority does not object to the proposed development. The fundamental issue is whether the level of traffic generated by the development would lead to conditions that prejudice highway safety and convenience, i.e. with regard to the function of Mannamead Avenue and its junction with Mannamead Road. In this case the level of traffic generation arising from 10 flats is considered to be well below dangerous levels, i.e. three

movements over the peak am or peak pm period would not add significantly to turning movements at the junction; nor would they make a significant difference to the nature and volume of vehicular comings and goings on the access road. The same reasoning goes for emergency and refuse vehicles, all of which might have cause to attend properties on Mannamead Avenue as it stands, and the frequency of which would not increase significantly as a result of the development. However, as a result of concerns about access for emergency vehicles, officers consider that the turning space on the site could be extended to help manoeuvrability for larger vehicles that attend the premises. Relevant amended plans would need to be obtained from the applicant and an update will be provided in an addendum report.

8.5.2 With regard to proposed access versus utilising the existing access form Seymour Road, which the gym users used, the applicant's agent states the following: "Seymour Road Access: There are a number of reasons why we are proposing to have the access via Mannamead Avenue rather than Seymour Road; (1) From the initial pre-planning response there were no issues for use of this access from Highways, this has been further quantified by highways response in the full planning application. Concluding that there are no access or visibility issues by using this entrance. (2) The orientation of the development allows access directly to the front of the apartments via Mannamead Avenue, making use of an original entrance of the grade II listed building plot. (3) By using the entrance to the south of the site it directs the cars away from the existing nursery on the site, and therefore increasing the safety of those 2-5 year old children and their parents/ carers. (4) The access to the south also directs cars away from the front of Blake Lodge where there are currently 2 residential flats. (5) Due to the drop in site level, as you can see by the external staircase on the east into the car park, the levels of the vehicular access down the east would have to be regraded to meet the proposed level. This is not viable as the protected tree roots project into this area and therefore needs to remain as is."

### 8.6 Housing matters

Members will be updated in the form of an addendum report to clarify Plymouth's position with regard to its 5 year housing land supply. 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 SPT3 of the Plymouth and South West Devon Joint Local Plan.

8.6.1 With regard to concerns raised by the Housing Team, the proposed units are a minimum 40 sq.m, which is adequate for one-bedroomed units and meets the National Space Standards. Officers consider that the prospect of out-of-town occupiers of the flats is justified due to the specialist nature of the accommodation provided through this application.

### 8.7 Housing Need

The applicant's agent has provided the following overview of information provided in the application: The Plymouth Deaf Association are proposing to create a 'deaf friendly community', they want to provide independent living for the potential residents with easy

access to support at Blake Lodge and with the ability to mutual support and relationships with those in a similar position. The amount of units is influenced by the idea of creating the community feel, not housing a few deaf residents but with the ability to create a home for 10 residents creating accommodation that is deaf friendly, incorporating all those aspects not found in regular housing. The charity want to create sustainable accommodation, putting in place this kind of facility that is not available in South West. This will be the first deaf friendly community in Plymouth and is something that should be encouraged to reduce the isolation of the deaf community. Based on the figures set out in the Statement of Need there is a clear need for this type of accommodation, providing equal opportunities and inclusion for the deaf community.

### 8.8 Trees and Natural Infrastructure

The trees on site are protected by virtue of being in the conservation area. Those that are intended for removal would not in officers' views significantly impact on the character of the site or the CA overall. The Ecological Mitigation and Enhancement Scheme [EMES] is currently somewhat short of precise ecological mitigation measures and these issues will need tightening up.

### 8.9 Other matters

There is a concern that The proposal for 10 flats would add a considerable burden to local services. However, the scale and nature of the proposed development is not considered to be onerous in this respect.

## **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; £13,174.96 (index-linking applied, but subject to change before final liability confirmed). A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked. The applicant should check the current rates at the time planning permission first permits development.

## **11. Planning Obligations**

Not relevant in this case.

## **12. Equalities and Diversities**

The proposals are considered to provide valuable, up-to-date modern accommodation for deaf people in a location that is close to an existing hub for the deaf population in Plymouth, i.e. Blake Lodge. The inter-relationship with existing services and support, together with the independent living this development will foster, is considered to be a welcome and positive development in improving the quality of life for this sector of the community.

## **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 will provide valuable accommodation while at the same time preserving the character and appearance of the conservation area and the setting and fabric of the listed building. In other respects the proposals are not considered to be harmful to residential amenity nor highway safety. The development is therefore considered to be in accordance with policies of the Core Strategy of Plymouth's Local Development Framework and the Joint Local Plan and it is recommended that permission be granted.

## **14. Recommendation**

In respect of the application dated **19.12.2016**  
it is recommended to **Grant Conditionally**

## **15. Conditions / Reasons**

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

### **1. CONDITION – APPROVED PLANS**

1512\_P01 Version: C

1512\_P02 Version: A

1512\_P03 Version:

1512\_P04 Version:

1512\_P05 Version:

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: 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 policy SPT3 of the Plymouth and South West Devon Joint Local Plan.

3) **PRE-COMMENCEMENT: ACCESS FOR CONTRACTORS**

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

Reason:

This pre-commencement condition is required to ensure that the development can ensure the safety of road users and pedestrians can be maintained and to ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV10 and DEV15 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

4) **PRE-COMMENCEMENT: BOUNDARY TREATMENT**

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

a) Details and a methodology for the restoration and construction of the boundary wall on the southern elevation of the site including the preservation and restoration of the vehicular entranceway from Mannamead Avenue and any new means of enclosure;

b) Details of the permanent retention of the hedge on the western site boundary including a maintenance schedule and undertaking to replace any dead, dying or removed plants in the first planting season following death or removal.

Development shall be carried out in accordance with the approved details and the said boundary treatments shall be completed before the building is first occupied. In addition the boundary fencing shown on the approved plans shall be provided before the building is occupied and all approved boundary treatments shall thereafter be permanently retained.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity and in order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with Policies CS03 CS34 of the Plymouth Local Plymouth and South West Devon Joint Local Plan, sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 61 to 66 and 132 - 134 of the National Planning Policy Framework 2012.

5) **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 take place until sections 1 to 3 of this condition have been complied with

1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to:

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

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

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must 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.

### 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must 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 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.

### 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition 3.

Reason:

This pre-commencement condition is required to ensure that risks to health through contamination are properly considered and addressed before building works commence by ensuring 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, DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

## 6) **PRE-COMMENCEMENT: EXTERNAL MATERIALS**

Notwithstanding the submitted plans no development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:



This pre-commencement condition is required to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority and that the materials used are in keeping with the character of the area in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies Dev20 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 and 132 - 134 of the National Planning Policy Framework 2012.

7) **PRE-COMMENCEMENT: SURFACING MATERIALS**

Notwithstanding the submitted plans no development shall take place until details of all materials to be used to surface external areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

This pre-commencement condition is required to ensure that the development can reasonably accommodate the surfacing materials that are acceptable to the local planning authority and that the materials used are in keeping with the character of the area in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies Dev20 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 and 132 - 134 of the National Planning Policy Framework 2012.

8) **PRE-COMMENCEMENT: MANAGEMENT PLAN**

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:

This pre-commencement condition is required to ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking by protecting 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, policy DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012.

9) **PRE-COMMENCEMENT: RESTORE FACADE OF BLAKE HOUSE**

Details and a timescale for works to restore the front façade of the main house of Blake Lodge, or other works as agreed in writing with the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority before works commence.

Reason:

This pre-commencement condition is required to ensure that important historic features are properly protected / respected before construction commences by helping to mitigate the impact of the development hereby permitted on the setting of the Grade 2 listed building and the Conservation Area, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework., DEV22 of the Plymouth and South West Devon Joint Local Plan, sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 132 - 134 of the National Planning Policy Framework 2012.

10) **PRE-COMMENCEMENT: ECOLOGICAL MITIGATION**

Notwithstanding the submitted information no development shall take place until an Ecological Mitigation and Enhancement Scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with a timetable forming part of the submitted scheme.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraph 118 of the National Planning Policy Framework 2012.

11) **PRE-OCCUPATION: ACCESS FOR PEDESTRIANS**

The building shall not be occupied until a means of access for pedestrians 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, policies DEV10 and DEV15 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

12) **PRE-OCCUPATION: PROVISION OF PARKING AREA**

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, policies DEV10 and DEV15 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

13) **PRE-OCCUPATION: CYCLE PROVISION**

No unit shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 5 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, policies DEV10 and DEV15 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

14) **PRE-OCCUPATION: LANDSCAPING**

Prior to the occupation of the building all soft landscape works shall be carried out in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The details required for the submission of Landscape Design proposals is set out below, where the developer is in doubt they are advised to discuss their submission with the Local Planning Authority.

These soft landscape details 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. Any trees or plants that, within a period of five years after planting, are removed, fail to thrive, or become damaged or defective, shall be replaced as soon as is reasonably practical 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 landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV24 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

15) **CONDITION: TREE PROTECTION**

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 BS3998: 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 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, policies 24 and 30 of the Plymouth and South West Devon Joint Local Plan and paragraph and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

16) **CONDITION: USE RESTRICTION**

The occupation of the accommodation hereby approved shall be limited only to persons for whom British Sign Language is their first language and the use of the flats hereby permitted shall remain incidental to the use of Blake Lodge at all times.

Reason:

The accommodation is considered to be suitable for deaf people but its occupation by any other persons would raise issues relating to the impact on the listed building and the character of the conservation area; access and the level and use of outdoor amenity space and would need to be the subject of a further planning application for consideration on its merits, in accordance with policies CS03, CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework and policies DEV10, DEV15, DEV22, DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraphs 32, 61, and 132-134 of the National Planning Policy Framework 2012.

**Informative**

1) **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 [including pre-application discussions] and has negotiated amendments to the application 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: MANAGEMENT PLAN**

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: RESIDENTIAL PARKING 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.

**This page is intentionally left blank**

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	16/02274/FUL	<b>Item</b>	04
<b>Date Valid</b>	28.11.2016	<b>Ward</b>	DRAKE

<b>Site Address</b>	1 Armada Street Plymouth PL4 8LS		
<b>Proposal</b>	Erection of building containing 8 houses of multiple occupation (HMO) (Class C4 & Sui Generis), 4 flats (Class C3) & associated bike & bin store (demolition of existing building)		
<b>Applicant</b>	Mr Tim Barrow		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>27.02.2017</b>	<b>Committee Date</b>	<b>09.03.2017</b>
<b>Extended Target Date</b>	<b>17.03.2017</b>		
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Mr Chris King		
<b>Recommendation</b>	Conditional approval subject to S106 Obligation. Delegated to Assistant Director of Strategic Planning and Infrastructure to refuse if not signed in accordance with agreed timescales		



This planning application has been referred to planning committee by Cllr Ricketts

## **1. Description of Site**

The application site is located between Armada Street and Bedford Terrace in the North Hill area of the City. The application site is referred to as 1 Armada Street whereas the north of site is referred to as 16 Bedford Terrace. The site was formerly the Union Glass industrial site. The two existing buildings on the site are low quality industrial buildings fit only for the purpose of the previous operations and therefore have little relation to the surrounding premises or the character of the area. The application site is outside of the City Centre and University Area Action Plan.

The area can be described as a mixed use area demonstrating a wide range of uses including offices, shops, cafes, bars and solicitors however the predominant use is residential. Most of the surrounding residential properties have been converted into either Houses of Multiple Occupation (HMOs) or flats and are predominantly occupied by students or young professionals. Armada Street and Bedford Terrace have to some degree defined the massing patterns, which are consistent with the general character of the area.

## **2. Proposal Description**

Erection of building containing 8 houses of multiple occupation (HMO) (Class C4 & Sui Generis), 4 flats (Class C3) & associated bike & bin store (demolition of existing building).

This mix will be provided through the following accommodation schedule:-

Unit 1	- 5 Bed HMO Flat- 124m <sup>2</sup> - Use Class C4
Unit 2	- 1 Bed Studio Flat- 45m <sup>2</sup> - Use Class C3
Unit 3	- 8 Bed HMO Flat- 220m <sup>2</sup> - Sui Generis
Unit 4	- 6 Bed HMO Flat- 141m <sup>2</sup> - Use Class C4
Unit 5	- 2 Bed Flat- 55m <sup>2</sup> - Use Class C3
Unit 6	- 6 Bed HMO Flat- 141m <sup>2</sup> - Use Class C4
Unit 7	- 2 Bed Flat- 55m <sup>2</sup> - Use Class C3
Unit 8	- 6 Bed HMO Flat- 131m <sup>2</sup> - Use Class C4
Unit 9	- 6 Bed HMO Flat- 141m <sup>2</sup> - Use Class C4
Unit 10	- 2 Bed Flat- 55m <sup>2</sup> - Use Class C3
Unit 11	- 6 Bed HMO Flat- 132m <sup>2</sup> - Use Class C4
Unit 12	- 6 Bed HMO Flat- 132m <sup>2</sup> - Use Class C4

A central amenity courtyard has been proposed (82m<sup>2</sup>) and two secure roof top terraces have also been included providing an additional (110m<sup>2</sup>) of outdoor amenity space for future occupiers:-

Communal Courtyard	- 82m <sup>2</sup>
Roof Terrace South Building	- 60m <sup>2</sup>
Roof Terrace Central Wing	- 50m <sup>2</sup>
Total Amenity Area	- 192m <sup>2</sup>

The development includes two integral bin stores and one large cycle store for all residents.



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

This planning application was the subject of a Pre-application. During this pre-application process the Local Planning Authority considered the principle of the development, and then provided advice on issues including use, amenity, design, highways, drainage, biodiversity and energy. The scheme that has been submitted has been modified to broadly accommodate the views of the Local Planning Authority in line with the policies in the Local Development Core Strategy.

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

17/00382/FUL - Construction of Dormers to House of Multiple Occupation (HMO) - Class C4 - Under Consideration

97/01116/FUL - Change of use to premises for storage and sale of glass -

93/00824/FUL - Change of Use from Auction Rooms to Proprietary Members Club.

### **5. Consultation responses**

Economic Development Department - No Objections

Environment Agency - No Objections subject to further information

Lead Local Flood Authority - No Objections subject to further information

Local Highway Authority - No Objections subject to Conditions

Low Carbon Team - No Comments received however a suitable condition is to be imposed with regards to energy.

Natural Infrastructure Team - No Objections Subject to Conditions

Police Architectural Liaison Officer - No Objections Subject to Conditions

Private Sector Housing Officer – No Objections

Public Protection Service - No Objections Subject to Conditions

Urban Design Officer - No Objections Subject to Conditions

### **6. Representations**

The Local Planning Authority has received three letters of representation. The letters are summarised as follows:-

- o The proposed development will affect the living standards of adjacent House of Multiple Occupation - No3 Armada Street.
- o The proposal is completely out of character with the area o  
The size and scale are unacceptable
- o Proximity to existing uses may increase noise complaints to the council against these existing uses
- o Roof deck poses a health and safety risk to clients of The Mouse Trap terrace
- o Would like to ensure that the proposal does not prevent future redevelopment of the commercial units west of the site facing onto North Hill (including Stags estate agents, The Mouse Trap bar and other adjacent businesses)

## **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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:-

- o Sustainable Design Supplementary Planning Document
- o Development Guidelines Supplementary Planning Document
- o Planning Obligations and Affordable Housing Supplementary Planning Document
- o The City Centre and University Area Action Plan (AAP) 2010

### 5 year housing land supply

Members will be updated in the form of an addendum report to clarify Plymouth's position with regard to its 5 year housing land supply

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 DEV10 of the Plymouth and South West Devon Joint Local Plan.

### **8. Analysis**

1. This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. This application turns upon policies CS01 (Sustainable Linked Communities), CS02 (Design), CS05 (Development of Existing Sites), CS18 (Plymouths Greenspace), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Highways Considerations), CS32 (Designing out Crime), CS33 (Planning Obligations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy 2007.
3. This application also turns upon the following policies from the approved Plymouth and South West Devon Joint Local Plan (JLP):- DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise and land), DEV7 (Meeting local housing need in the Plymouth Policy Area), DEV9 (Meeting local housing need in the Plan Area), DEV10 (Delivering high quality housing), DEV11 (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area), DEV14 (Maintaining a flexible mix of employment sites), DEV20 (Place shaping and the quality of the built environment), DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV31 (Specific provisions relating to transport) DEV32 (Meeting the community infrastructure needs of new homes), DEV34 (Delivering low carbon development), DEV35 (Renewable and low carbon energy (including heat)) and DEV37 (Managing flood risk and water quality impacts).
4. The principal issues relating to this application are considered to be residential amenity; design, massing and layout; and the impact towards the character of the area. Other considerations include drainage, renewable energy, pollution and biodiversity.

#### Principle of Development - Loss of Employment Site

5. The existing site is disused light industrial land previously operated by Union Glass. Union Glass has since relocated to another part of the city ensuring that there has not been a net loss of employment within the city.
6. Policy CS05(1) of the Core strategy and policy DEV14 of the JLP will protect viable employment sites and assess whether its retention is necessary to meet the area's current or longer term economic development needs.
7. Both policies consider whether the neighbourhood within which the site is located already has a good range of employment opportunities available for local people, or the proposal will deliver a mixed use development which continues to provide for a good range

of local employment opportunities.

8. The applicant has provided evidence to demonstrate that the site is not a viable employment site, and this have been reviewed by Plymouth City Council's Economic Development Department who have not raised any objections to the proposed change of use. The view indicates that the proposed change of use is acceptable. Furthermore officers are of the view that there would be clear regeneration and sustainable community benefits from the proposal in accordance with aforementioned polices, and policy CS01 of the Core Strategy and policy DEV20 of the JLP.

### Principle of Development - Article 4 Direction and Residential Proposal

9. Paragraph 196 of the National Planning Policy Framework (NPPF) states that 'the planning system is plan-led and planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

10. The Plymouth and South West Devon Joint Local Plan (JLP) has now been approved by full Council. The weight that this document holds in the decision making process will continue to increase as it moves through the formal consultation and examination stage. In assessing the planning balance of this application it is important for Members to understand the context of the application.

11. Members are advised that the Local Planning Authority has been working proactively with the applicant over the past 8 months to address identified deficiencies in the proposals prior to the submission of this formal application. The application has yet to be determined as an extension of time has been agreed to resolve issues identified in the three letters of representation. Had the applicant not been willing to address some of these concerns the application could have been presented at the previous committee without the presence of the approved Joint Local Plan and its emerging policies.

12. Until very recently the proposal has been considered in the context of the Local Development Framework Core Strategy 2007 which remains the adopted development plan. Therefore the LDF Core Strategy is still a key material consideration when assessing the planning balance of this application.

13. It is important to note that the JLP echoes the views of the Core Strategy in stating that Houses of Multiple Occupation (HMO) can make a valuable contribution to the private rented housing stock and provide essential housing suited to predominantly young and single people, including students, and those on low incomes.

14. Policy DEV11 (1) of the published Plymouth and South West Devon Joint Local Plan (JLP) states that the LPA will not support applications for Homes in Multiple Occupation unless the proportion of dwelling units in multiple occupation (including the proposed site) does not exceed 10% of the total dwelling stock within 100m of the application site.

15. Many of the policies within the JLP have been subject to previous formal consultation

as part of the Plymouth Plan. However, policy DEV11 is a policy that has not been consulted on or tested at examination. Officers therefore consider that this policy should only be afforded limited weight when assessing the planning balance of this application.

16. Officers consider that the approach of the Core Strategy which recognised the need for HMOs as long as they contributed to the creation of sustainable linked communities should therefore take precedent in this case.

17. Members will be aware that the Council made an 'Article 4 Direction' which, from 14 September 2012, requires planning permission for the change of use of C3 dwellinghouses to C4 HMOs within an identified area of the city. The purpose of the Article 4 Direction was to try and control the proliferation of HMOs in certain localities and reduce the loss of traditional family dwellings. For clarity, the C4 Use Class covers small shared dwelling houses occupied by between 3 and 6 unrelated individuals who share basic amenities. Large HMOs, with more than 6 people sharing, are 'sui generis' (not in a use class).

18. This application site is within the Article 4 Direction however it does not result in the loss of any family dwellings and does not propose purpose built student accommodation. Officers have been mindful of the need to try and support the creation of a sustainable community and have secured a range of house types with HMOs of various sizes, a one bedroom flat and three two-bedroom flats which could be occupied by a small family. Officers consider this development will positively contribute to the housing stock in the area providing choice to Plymouths residents. The inclusion of the four flats will make further important contributions to the housing needs in the city in accordance with Policy CS15 of the Core Strategy.

19. The range and tenure of the accommodation proposed is also supported in the government White Paper, 'Fixing our broken housing market'. Paragraph 3.20 states that alongside affordable homes, we need more good quality privately rented homes, with the 'build to Rent' model being an alternative way to meet the housing crisis in this country. The White paper suggests that the government wants 'to build on this and attract major institutional investment in new large-scale housing which is purpose-built for market rent. This will drive up overall housing supply, and increase choice and standards for people living in privately rented homes'.

20. Officers have reviewed the tenure of the surrounding properties and can advise that approximately 31% of the housing stock within 100m of the application site are HMOs. Officers accept that whilst this is above the 10% threshold in the JLP, taking in to account the greater weight that should be given to the Core Strategy in this case and that the development has not sought to provide a single house type the addition of further HMOs in this locality is considered acceptable.

21. The site is positioned in a highly sustainable location in easy reach of a full range of services and amenities that future residents would require. The development is not solely for "students" and will provide a tenable housing choice to young professionals who are unable

to afford to buy or rent larger properties alongside couples and small families. At least 40% of the housing stock within 100m will still be retained as single dwellings.

22. Given the established character of the North Hill area of the city, and the site's proximity to both the city centre and Mutley the proposal is not considered contrary to policy and results in a development of an appropriate type, form, scale, mix and density in relation to its location relative to the neighbourhood's centre.

23. Members are advised that officers consider the proposal does accord with all 7 points of policy DEV10 (8) which assess HMO criteria. Policy DEV10 can be afforded more weight than Policy DEV11 as it is based on Plymouth Plan policy 18 which has been through a formal consultation process. In lieu of the above points, officers consider that the principle of the proposal is acceptable at this site in spite of the changing local policy framework and its apparent conflict with policy DEV11.

24. The planning application has been considered primarily against the LDF Core Strategy where there is not considered to be any conflict. Furthermore, paragraph 197 of the NPPF states that 'in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development'.

25. In conclusion, officers have weighed up the balance of the proposal against the LDF Core Strategy, the JLP and the NPPF. It is recognised that the applicant has been caught in a situation where emerging, untested policy no longer supports the proposal with the same clarity as its predecessor. In this case, greater weight has been afforded to the current adopted Development Plan, and on balance, it is officer's view that this proposal will provide a wide choice of housing types, to meet the needs of all members of the community without causing demonstrable harm to the character of the area in accordance with policy DEV7 of the Joint Local Plan.

### Design

26. Policies CS02 and CS15 of the Core Strategy and DEV 20 of the JLP both set criteria to ensure buildings are of good design incorporating high quality materials relevant to the context and character of the area. The National Planning Policy Framework clearly supports high quality design but suggests that Local Authorities should take head of paragraph 60 of the NPPF which states:-

27. 'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness'

28. The application site is located in an area of the city characterised by a mix of 2, 3 and 4 storey buildings resulting in a fairly eclectic mix of building ages and styles.

29. The application proposes a contemporary four storey 'U' shaped building that fronts onto both Armada Street and Bedford Terrace. There is a linking block in the west of the site

that abuts the commercial units that front North Hill. The proposed building layout reflects the adjacent houses to the east meaning the internal courtyard acts in the same way as the back to back gardens found in older housing developments in the area. This design approach has lessened the impact towards the two dwellings immediately adjacent and was something that was identified during the Pre-Application.

30. One of the letters of representation stated that the proposed development was too high. Although the height was originally supported by officers the applicant agreed to rescue the height of the building. They have removed the parapet on the northern block which reduces the height by 1m and they also reduced parts of the southern block parapet and balustrading which reduces the height by up to 1m. The modifications to the southern block lessen the overall bulk and street presence in officer's view. These amendments to the height have resulted in the relocation of the solar panels to a different part of the roof to improve the visual impact of the building.

31. Street scene cross sections have been provided by the applicant to demonstrate the building in the context of the buildings to the north and south. The building is only slightly higher than Sherwell House to the south, and is significantly lower than the houses to north in Bedford Terrace. The distances between north and south facing windows to their opposite counterparts are considered acceptable given the denser nature of this area.

32. These relationships are considered acceptable as they clearly demonstrate or create normal street relationships that are commonly found within the city. The Council has not received any letters of objection with respect to this aspect, indicating that the relationship of the proposed building to opposite buildings is not a significant concern to local residents.

33. The scale of the proposed building means it will occupy a greater amount of the site than the existing building. However, the level of site coverage is not considered overdevelopment, and an adequate amount of space has been left within the development to provide amenity space for future occupiers.

34. The development has been reviewed by the Council's Urban Design officer. It is their view that the proposed building is supportable and has adequately incorporated design features and materials befitting of its location. The submission of the 'mini-masterplan' exercise has demonstrated that the development would safeguard the development opportunities of the commercial buildings to the west of the site which have been raised as a concern in one of the letters of representation.

35. The proposed elevation treatment is considered suitable for the building's location however a condition has been imposed to agree the final material palette so as to enhance the finished product and ensure that it retains a locally distinctive feel. It is the view of officers that the building's massing sits comfortably in its surroundings when compared to the built form and therefore complies with the Core strategy policies CS02 and CS34 and Joint Local Plan policies DEV1 and DEV20. It is officer's view that the architectural character of the area, and the North Hill street scene would not be adversely impacted by this development.

### Amenity

36. As noted in section 2 of this report, the development proposes a mix of flat sizes from a 1 bed studio to an 8 bedroom HMO. Officers have reviewed the internal sizes of these flats and confirm that they exceed the sizes outlined in both paragraphs 2.5.23 and 2.8.25 of the Development Guidelines SPD as well as the Nationally Described Space Standards. All twelve flats will therefore accord with policies CS15 and CS34 of the Core Strategy and DEV1, DEV10 and DEV20 of the JLP providing adequate amenity space and living standards. In addition to this, all proposed rooms exceed the required sizes of the Private Sector Housing Officer.

37. A building of this size is required to provide a minimum of 110m<sup>2</sup> of outdoor amenity space for future residents. This development proposes approximately 190m<sup>2</sup> including two roof terraces and the ground floor courtyard area. The addition of Juliet balconies further enhances amenity and the relationship between the flats facing one another across the proposed courtyard is considered acceptable when comparing to the surrounding built context.

38. The development is also well located public open space including Drake's Place and Addison Park both within approximately 100m metres of the site. Freedom Fields Park is also within a short walking distance. The provision of both internal and external amenity space for future residents is therefore considered acceptable. In addition to this the layout of the building will satisfactorily protect outlook and privacy of future residents also, and allow sufficient light levels into habitable rooms.

39. The site is located in a densely populated residential area, and the Development Guidelines SPD suggests that levels of amenity in these the older, more densely populated parts of the city are likely to be lower. The impact of the proposal on neighbouring dwellings is not considered demonstrably harmful by officers given the established character of the area. Suitable levels of privacy and outlook will be retained for existing residents. Officers have considered the siting and topography of the site and consider that there will be no significant loss of light to adjacent properties.

40. To further enhance amenity of both existing neighbouring residents' and future occupiers of the flats an accommodation management plan has been submitted to the Local Planning Authority and its use will be conditioned. The use of the roof terraces will also be restricted to protect amenity and prevent anti-social behaviour at unsociable times. This will also prevent conflict between the roof terraces of the Mouse Trap bar to the west of the site during the later evening hours and/or at weekends.

41. The Local Planning Authority received comments from neighbouring properties with respect to amenity and the applicant has attempted to address these issues.

42. The Mouse Trap bar has raised concerns that the introduction of residents so close to the venue could give rise to noise complaints to the Council's Public Protection Service. The applicant has submitted a noise assessment, and under the advice the Public Protection Service strict sound proofing conditions have been imposed on the developer with respect to insulation and insulation verification. The absence of windows on the west elevation of the



building in lieu of future development protection will also reduce possible noise conflict in accordance with policy CS22 of the Core Strategy, DEV1 and DEV 20 of the JLP and the NPPF. Limitations on the use of the roof terraces through a condition will further protect the relationship between the two uses.

43. The owner of Hamilton House (3 Armada Street) to the east of site has stated that the proposal would result in a demonstrable loss of amenity for to one of the bedrooms of this existing 6 bedroom HMO. Officers have been to the dwelling and considered the issues and concluded that there would be a loss of amenity with respect of this one bedroom. As stated in the Development Guidelines SPD, it is expected that in older areas of the city amenity will be lower and on balance officers consider that this issue does not warrant refusal given that the property will still be afforded significant levels of light and amenity throughout the remainder of property and its principle windows in the north and south elevations will remain unaffected.

44. Notwithstanding the Local Planning Authorities viewpoint on this, the applicant was keen to ensure that the residents of Hamilton House were protected through the process of the development. The Local Planning Authority has received a planning application for the modification of this HMO to improve the internal layout and to allow the relocation of bedroom window affected by the adjacent proposal. This has been proposed by the applicant to demonstrate their commitment to enhance amenity in the area and was not a requirement of officers although it is welcomed. Officers can advise that at the time of writing this report the application had yet to be determined and was under consideration by the authority.

45. Having reviewed the plans for the alterations to this HMO it would improve the quality of the accommodation for the residents in accordance with policies CS15 and CS34 of the Core Strategy and DEV1, DEV10 and DEV20 of the JLP.

46. Developments of this size are more often than not going to cause some amenity impacts that need to be considered against the planning balance. In this instance, officers are satisfied that suitable measures have been put in place to mitigate the possible impacts of the development. It is considered that the applicant has responded well to the issues that have been raised by officers and residents and as such now complies with relevant local and national policy.

### Local Highways Authority

47. The property lies within a resident parking permit scheme which operates between the hours of 0900-1900 Monday to Saturday. In accordance with the Development Guidelines SPD a property within a permit zone which operates for more than 6 hours a day and 6 days a week could be considered acceptable as being car free. The application site is in a very sustainable location with shops, services and employment opportunities within close proximity and there is good access to public transport. Given this the proposed level of parking is considered acceptable by officers.

48. In accordance with highways legislation the property will be excluded from being eligible to obtain permits and visitor tickets for use within the scheme. However in this instance the property does have a frontage onto the private street, Bedford Terrace, and the

applicant is able to provide 2 allocated parking spaces on the street. These spaces will be made available for residents and their use managed by the buildings management company. The application site is in a very sustainable location with shops, services and employment opportunities within close proximity and there is good access to public transport. Given this the proposed level of parking is considered acceptable by officers.

49. In accordance with the Development Guidelines SPD the applicant proposes to provide an internal cycle store, which would be secure and covered. The proposed scheme offers a facility suitable for 21 bicycles which is considered acceptable. As the submitted drawings show the cycle store and car parking, which is beneficial to the scheme but not actually required, there are no requirements for planning conditions, in that regard, other than that the permission should be granted in accordance with the submitted drawings. However, due to the close proximity to the Highway it would be appropriate to request a Code of Practice during the demolition and construction processes.

50. The existing vehicle crossover on Armada Street will need to be re-instated to full kerb height to match the surrounding footways and the footway re-instated accordingly. Officers consider that this should be completed prior to occupation. This can be achieved by way of a license and as such the applicant is advised that permission must be obtained from Plymouth Transport and Highways prior to any works commencing on the Public highway. As such, subject to conditions, there are no objections to the proposal from the Local Highways Authority as the proposal accords with policy CS28 of the Core Strategy and Policy DEV31 of the JLP.

### Public Protection - Noise, Management Plan and Contamination

51. The Public Protection Service have concerns relating to the potential noise impact on future occupants of the proposed development from existing neighbouring commercial premises, particularly Mousetrap.

52. The noise assessment (Report Number 020/16, prepared by SB Consulting Ltd) concluded that there no additional mitigation is required and suggests that there will be no noise impact.

53. However, it is noted that the monitoring for the assessment occurred outside of the University term time. As such the assessment of the noise emanating from Mousetrap would not have coincided with when the premises' is likely to experience its busiest periods. The premise is likely to be at its peak demand during the term time.

54. To ensure that the development is suitable and that any future residents are protected from any adverse noise, the Public Protection Service recommends that a condition is applied to ensure that the development complies with BS8233:2014. The Public Protection Service also requires a verification report and the methodology (date, time, location) will need to be agreed by the LPA in advance of the verification taking place.

55. The Public Protection Services advises that further monitoring is carried out (during term time) to ensure the findings of the report are accurate to ensure that the development will comply with BS8233:2014 and will pass verification. This will be secured by condition. The

Public Protection Service also advises that should the development be approved and passes the verification, the developer should inform any future tenants, prior to them moving in, that the site is adjacent to a licensed premises.

56. A suitable management plan for the operation of the premises has been submitted and its use will be conditioned to protect amenity of residents. This will help to protect residential amenity and social cohesion by curbing anti social behaviour by future residents.

57. A preliminary risk assessment (Approved Site Investigations Ltd, Contaminated Land survey, Phase 1, 13th October 2015, Ref: A1104/P1/JW) has been submitted and is sufficient. An unexpected contamination condition has been imposed to protect future occupiers should contamination be found during the construction phase.

### Biodiversity

58. The site currently demonstrates very little biodiversity therefore achieving the objectives of policy CS19 of the Core Strategy and policy DEV28 of the JLP should be possible. A range of measures have been proposed to increase biodiversity on the site including a green roof. However the green roof has now been removed to accommodate the Solar panels as part of the design amendments requested by officers and in response to the letters or representation. A revised Ecological Mitigation and Enhancement Strategy (EMES) has been submitted to the Council and demonstrates that the site will still achieve Biodiversity gain and is therefore considered acceptable. This will be secured by condition.

### Drainage

59. The application site is located in Flood zone 1 (low risk) however it is located in an Environment Agency identified Critical Drainage Area (CDA). As such on site attenuation of water is critical to prevent knock on impacts. The applicant has provided a drainage report which includes confirmation from South West Water that a connection to the combined sewer would be accepted. The green roof which has now been removed from the scheme was not part of the drainage strategy.

60. Both the Environment Agency and the Lead Local Flood Authority have advised the Local Planning Authority that further information is required with respect to onsite attenuation to ensure that both surface water and foul water is discharged to the combined system at suitable rates so as not to negatively impact the area. These details will be condition to ensure the proposal is in accordance with policy CS21 of the Core Strategy, policy DEV37 of the JLP and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

### Renewable Energy

61. The application proposes solar panels to achieve the requirements of policy CS02 of the Core Strategy and policy DEV34 and DEV35. This will be secured by condition to clarify the specifics of energy provision for this development.

### Secure by Design

62. The Police Architectural Liaison officer identified one security issue however this in fact relates to a side pathway of the neighbouring dwelling to the east. No other issues have

been raised with regards to security and crime, meaning the development will be in accordance with both the Core Strategy and the JLP when considering safety and amenity.

### **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: £48,634.82 (index-linking applied, but subject to change before final liability confirmed). A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked. The applicant should check the current rates at the time planning permission first permits development, see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance. The applicant has indicated that they do not intend to apply for self-build exemption or 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 sought for the total amount which is seventy one thousand two hundred and seventy seven pounds 71,277 (£71,277) for the following matters:-

- (i) Local Greenspace: the sum of thirteen thousand eight hundred and seventy five pounds (£13,875.00) to be allocated towards the provision and maintenance of facilities at Beaumont Park.
- (ii) Children's Play Space: one thousand two hundred and eighty seven pounds (£1,287.00) to be allocated towards the provision and maintenance of play facilities at Beaumont Park.

(iii) Playing Pitches: twenty five thousand one hundred and sixty nine pounds (£25,169.00) to be allocated towards the provision and maintenance of baseball facilities at Central Park

(iv) Strategic Greenspace: thirty thousand nine hundred and forty six pounds (£ 30,946.00) to be allocated towards the provision and maintenance of a strategic tree improvement plan enhancing tree lined avenues and planting at Central Park

4.1.2 The Management Fee of two thousand six hundred and sixty eight pounds (£ 2,668)

At the time of writing this committee report the above financial obligations have been agreed in principle by the applicant.

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

The development will be built in accordance with the 'Lifetime Homes Statement' which proposes Units 1, 2 and 3 (Lower Ground Floor) to be fully compliant with Part M4(2) - Accessible and Adaptable. The rest of the building will be compliant with Part M4(1) - Accessible Dwellings where possible.

### **13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the Local Development Framework Core Strategy 2007 and the Plymouth and South West Devon Joint Local Plan.

Officers consider that the benefits of this scheme outweigh any adverse impacts theretofore on balance the planning application is recommended for conditional approval subject to the signing of a S106 agreement.

### **14. Recommendation**

In respect of the application dated **28.11.2016** it is recommended to **Grant Subject to S106 Obligation - Full**

**15. Conditions / Reasons**

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

**1. CONDITION – APPROVED PLANS**

Layout SHEET 3 Version: REV A

Lower Ground Floor Plan SHEET 4 Version: REV A

Upper Ground Floor Plan SHEET 5 Version: REV B

First Floor Plan SHEET 6 Version: REV B

Second Floor Plan SHEET 7 Version: REV B

Third Floor Plan SHEET 8 Version: REV C2

Sections SHEET 9 Version: REV B

Elevations - Proposed SHEET 10 Version: REV D

Elevations - Proposed SHEET 11 Version: REV E

Proposed Layout SHEET 12 Version: REV A

Sections SHEET 13 Version: REV D

Elevations - Proposed SHEET 14 Version: REV B

Elevations - Proposed SHEET 15 Version: REV B

Elevations SHEET 16 INDICATIVE Version: REV A

Elevations SHEET 17 INDICATIVE Version: REV A

Roof Plan SHEET 18 Version: REV A

Streetscape EXTERNAL VIEWS REV E Version: 1

Streetscape MINI MASTER PLAN REV A Version: 1

Site Location Plan SHEET 1 Version: REV A

Survey Plans SHEET 2 TOPO SURVEY Version: 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.

2) **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 and in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

3) **CONDITION: CODE OF PRACTICE**

PRE-COMMENCEMENT

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, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

Justification: To ensure that the construction of the development does not cause significant or unreasonable harm to the highway and surrounding amenity.

4) **CONDITION: DRAINAGE FURTHER DETAILS**

PRE-COMMENCEMENT

Notwithstanding the submitted drainage details, no development shall take place until the below details of the proposals for the attenuation and disposal of surface water have been submitted to and approved in writing by the Local Planning Authority.

The proposed drainage system, including attenuation, should provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.

A surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas. If there is an opportunity to direct exceedance flows off site into a waterbody then this will

be considered providing that all necessary land and discharge approvals have been obtained.

The approved details shall be implemented before the building hereby permitted is first occupied.

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, policy DEV37 of the Plymouth and South West Devon Joint Local Plan and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Justification: To ensure that the drainage proposals do not have an adverse impact on the existing combined sewer system and the wider water environment

5) **CONDITION: EXTERNAL MATERIALS**

PRE-DPC

The development hereby approved shall not proceed past the Damp Proof Course level until full 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, policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

6) **CONDITION: NOISE VERIFITCATION**

PRE-OCCUPATION

All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise and prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the below standards and criteria:-

The standard as set out in BS8233:2014 shall be applied, meaning there must be no more than 35 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. The date, method and location of the monitoring required for verification shall be agreed in writing with the LPA prior to the verification taking place.



The dwellings shall be built and maintained as such unless otherwise agreed in writing by the Local Planning Authority

Reason: To ensure that the dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 17 and 123 of the National Planning Policy Framework 2012.

7) **CONDITION: LANDSCAPE WORKS IMPLEMENTATION**

PRE-OCCUPATION

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, policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

8) **CONDITION: REINSTATEMENT OF FOOTWAY**

PRE-OCCUPATION

The building shall not be brought into use until the existing footway crossing (to become redundant) has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV20 and DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

9) **PRE-OCCUPATION: ENERGY CALCULATIONS**

PRE-OCCUPATION

Before any unit of accommodation hereby approved is occupied the applicant shall provide to the Local Planning Authority a report for approval identifying how the energy saving methods outlined in the submitted details to achieve the 15% of the carbon emissions for which the development is responsible. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV34 and DEV35 of the Plymouth and South West Devon Joint Local Plan and relevant Central Government guidance contained within the NPPF

10) **CONDITION: JULIET BALCONIES**

PRE-OCCUPATION

No dwelling hereby approved shall be occupied until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:

Quantity, design and material specifications of the proposed Juliet Balconies. 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, policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 of the National Planning Policy Framework 2012

11) **CONDITION: ROOF AREA USE RESTRICTION**

Only the roof areas of the building hereby permitted identified as 'Roof Terrace' on the approved plans shall be used by residents and these Roof Terraces shall only be used between 0800 Hours to 2100 Hours Mondays to Sundays unless otherwise agreed in writing by the Local Planning Authority

Reason:

The use of the Roof Terraces outside of these hours could result in an unacceptable loss of amenity and unnecessary conflict with adjacent premises contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 17 of the National Planning Policy Framework 2012.

12) **CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT**

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 February 2017).

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraph 118 of the National Planning Policy Framework 2012.

13) **CONDITION: ACCOMMODATION MANAGEMENT**

The submitted Management Plan Rev B shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority

Reason:

To assist in protecting the residential amenities of the area, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 123 of the National Planning Policy Framework 2012.

14) **UNEXPECTED CONTAMINATION**

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

(i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks

to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model

Procedures for the Management of Land Contamination, CLR 11'.

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 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 including pre-application discussions and has negotiated amendments to the application 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: 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.

5) **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.

6) **INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

Design and Access Statement Rev B; Drainage Statement; Buy to Let Britain Presentation 23062015; Extended Phase 1 Habitat Survey and Extended Phase 1 Habitat Survey (2); Landscaping Rev B; Lifetime Homes Statement Rev B; Management Plan Rev B; Phase 1 Contaminated Land Survey; Secured by Design Rev B; Transport Statement Rev B; Noise Survey 020/16; Ecological Mitigation and Enhancement Strategy Feb 2017;

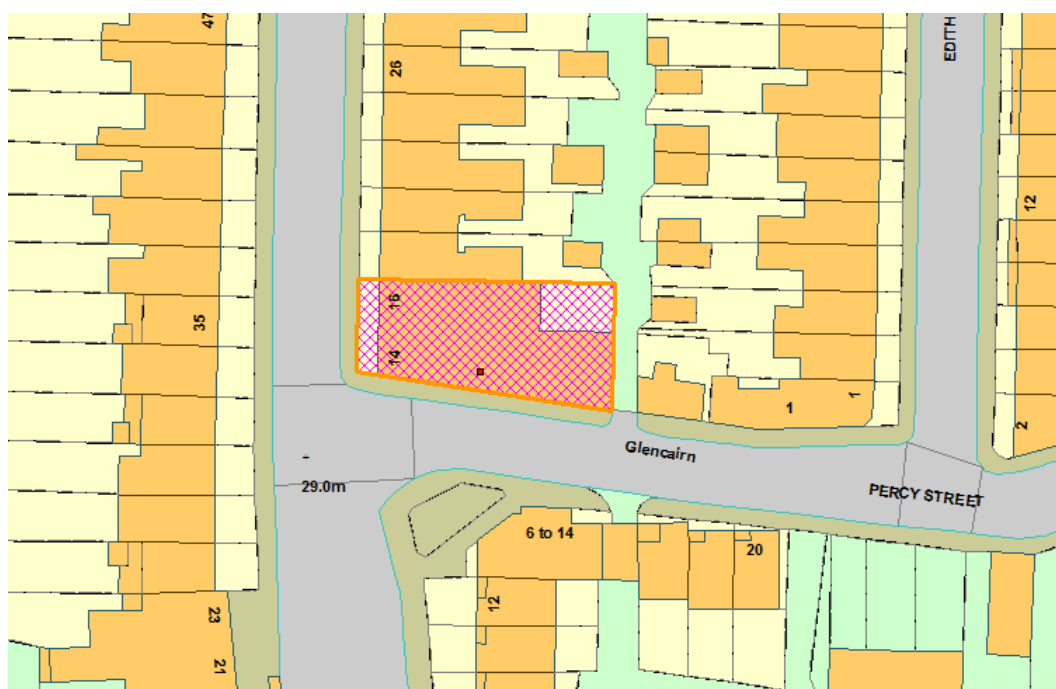
**This page is intentionally left blank**

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	16/01994/FUL	<b>Item</b>	05
<b>Date Valid</b>	16.01.2017	<b>Ward</b>	ST BUDEAUX

<b>Site Address</b>	14-16 Victoria Road Plymouth PL5 1RG		
<b>Proposal</b>	Change of use of existing business premises into 4no flats (Class C3) with associated parking and external works		
<b>Applicant</b>	Mr David Bartlett		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>13.03.2017</b>	<b>Committee Date</b>	<b>09.03.2017</b>
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Mr Chris King		
<b>Recommendation</b>	Grant Conditionally		



This planning application has been referred to Planning Committee by Cllr Wheeler

## **1. Description of Site**

The application site is on the corner of Victoria Road and Percy Street in the St Budeaux area of the City. The existing building is currently operating as an electrical sales unit (Use Class A1) for Bartlett Refrigeration. The rear (east) of the site is accessed by a service lane that also serves many other adjacent buildings. The site is relatively level however there is gentle north to south slope towards the opposite side of Percy Street.

## **2. Proposal Description**

This application proposes the change of use of the existing business premises into four 2 bed flats (Class C3) with associated parking (4 vehicle spaces) and external works.

The original proposal was for six flats (4no 1 bed and 2no 2bed) however following concerns in relation to parking provision the applicant has agreed to reduce the number of units to four.

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

None

## **4. Relevant planning history**

None

## **5. Consultation responses**

Economic Development Department – No Objections subject to suitable financial mitigation

Lead Local Flood Authority – No Objections subject to conditions

Local Highways Authority – No Objections subject to conditions

Natural Infrastructure Team – No Objections

Public Protection Service – No Objections subject to conditions

## **6. Representations**

During the initial 21 day consultation period the Local Planning Authority received 15 letters of representation. The letters are summarised as follows:

- Parking in this area is already an issue
- It is very difficult to find a parking space at any time during the day on Edith Street and Percy Street
- Six flats could equate to eight more cars with only four car parking spaces, where will the rest park, as there is no room on Victoria Road or in Edith Street
- I already have great difficulty accessing my garage in the rear lane
- Can there be a reduction in the number of flats
- This development should be self-sufficient in parking provision. However, this does not prevent residents of the development from parking additional vehicles on-street, neither does it require them to use the parking provided within the development for their vehicles.



- If permission is to be granted, I would ask that another informative be added to the list of conditions and informatives, to the effect that if a controlled parking zone is introduced in this area in the future, these premises will be excluded from eligibility for permits in the zone.
- There will also be added safety issues, this area has a preschool and a primary school within yards and adding more cars reversing and parking in the associated parking would be a major concern especially on a main road junction and a back service lane used by many walking their children to these educational establishments
- There has already been a new build of properties on the opposite corner of Percy St, and whilst they have some private parking, the impact on the street parking, especially during the day, has been dramatic, and this development will only make parking even more difficult for everyone in the area.
- Loss of privacy with new windows being inserted
- The possible noise levels going from a quiet shop, to a building occupied by 6 families (potentially 16 people) in one block does concern us. What sound proofing can be put in place to keep noise levels to a minimum?
- Issues during construction such as dust and blocked garages
- More housing here will add to the parking problem. There is a derelict snooker hall plus land to park just a few hundred yards away why not utilise that and create a better environment for all the residents
- The busy main road (Victoria Road) is also treacherous to cross and an increase in traffic from residents and visitors is a safety issue
- Permit parking has been requested by residents in this area on numerous occasions and been refused so these flats will just add to the total congestion and frustration of all residents

Due to the level of feeling towards the application and potential parking situation from local residents officers have negotiated with the applicant to reduce the number of units from six to four. This amendment has required a further 14 day consultation to give residents the opportunity to review the plans and make comment before the decision is made by the committee. This consultation period ends on the 6th march 2017. At the time of writing this report 2 letters of representation have been received however no new issues have been raised.

Any additional comments received between the publishing of the committee report and the planning committee meeting will be included in an addendum report.

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

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

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

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). 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
- Shopping Centres Supplementary Planning Document

### 5 year housing land supply

Members will be updated in the form of an addendum report to clarify Plymouth's position with regard to its 5 year housing land supply

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 DEV10 of the Plymouth and South West Devon Joint Local Plan.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Joint Local Plan, the Framework and other material policy documents as set out in Section 7.

2. This application turns upon policies CS01 (Sustainable Linked Communities), CS02 (Design), CS05 (Development of Existing Sites), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Highways Considerations), and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy 2007.

3. This application also turns upon the following list of policies from the approved Plymouth and South West Devon Joint Local Plan (JLP):- DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise and land), DEV7 (Meeting local housing need in the Plymouth Policy Area), DEV9 (Meeting local housing need in the Plan Area), DEV10 (Delivering high quality housing), DEV11 (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area), DEV14 (Maintaining a flexible mix of employment sites), DEV20 (Place shaping and the quality of the built environment), DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV31 (Specific provisions relating to transport) and DEV37 (Managing flood risk and water quality impacts).

4. The principal issues relating to this application are considered to be local highway and parking concerns, and residential amenity. Other considerations include the change of use of the existing premise, design and layout.

### Principle of Development

5. The application site is currently in use for Electrical Sales (Class A1) employing 7 people. The site is within close proximity to the St Budeaux District Centre and does not sit within the Primary Shopping Area (PSA) of the District Centre as identified in the Shopping Centres SPD. The impact on both the PSA and the Primary Frontage is considered low with regards to the loss of A1 given that it is outside of this identified boundary. In this regard the site is not necessarily appropriately located to the PSA and its loss would not result in an imbalance of uses in the area as highlighted in policy DEV16 of the Joint Local Plan.

6. The Economic Development Department has stated that the change of use would result in the loss of a useful commercial building and that if the development is to be approved then mitigation to support employment generation in the local area would be appropriate. Officers have considered this request and given that the jobs are remaining within the city and the scale of the change to the local area is small the mitigation is not considered justified and would not fully meet Planning Policy Guidance tests. It is officers view that them mitigation is not required to make the proposal acceptable in planning terms and it is not considered appropriate in scale or kind.

7. The site has not been identified as a priority economic sector and officers have not been given suitable policy justification for the financial mitigation of this site in this area of the city. The proposal is considered in accordance with Policy DEV18 as the vitality and viability of the centre as a whole will retain its role in the retail hierarchy, meeting the needs of the area it serves.

8. Policy DEV14 of the JLP states that the change of use of existing employment sites will only be allowed where there are overriding and demonstrable economic, regeneration and sustainable neighbourhood / communities benefits from doing so. Policy CS05 of the LDF Core Strategy will allow the loss of employment sites if there are clear regeneration benefits or if the neighbourhood within which the site is located already has a good range of employment opportunities available for local people, or the proposal will deliver a mixed use development which continues to provide for a good range of local employment opportunities.

9. Officers are satisfied that the proposed change of use from an electrical sales store to provide open market residential flats in this area is acceptable and compliant with the NPPF and the presumption in favour of sustainable development. The site is isolated from the commercial centre and is surrounded by residential dwellings of varying size and tenure. The loss of the commercial unit in this location is considered low in the context of the development plans and the Shopping Centres SPD. The proposed housing mix will also support the objectives of Policy CS15 of the Core Strategy and DEV 7 of the JLP and will not conflict with policy CS01 of the Score Strategy.

### Evolution of the Proposal

10. The application that was submitted to the Local Planning Authority proposed 6 flats with a total of 4 off street parking spaces. As is noted in section 6 of this report, many letters of representation were received during the consultation period primarily raising concerns over parking. Many letters have suggested that there should be a reduction in the number of units or an increase in parking provision.

11. One letter has suggested that future occupants of the site should be restricted from obtaining parking permits should a future Controlled Parking Zone (CPZ) be implemented. Officers have sought legal clarification on this position and can advise Members that this is not something the Local Planning Authority or the Local Highway Authority can do as explained below.

12. An informative attached to a planning decision notice does not carry any legal weight and as such is used solely to draw applicant's attention to other relevant matters. The Local Planning Authority could not therefore attach an informative saying that the premises would be excluded from a CPZ if one was introduced in the future as it cannot say for certain this would be the case if a CPZ was introduced. Furthermore the Local Highways Authority have advised officers that the Local Planning Authority does not have any policy basis for such an informative therefore what has been requested is factually incorrect and is unable to commit the Council in such a way.

13. The Local Highways Authority did not object to the proposal of six flats with four spaces however due to the level of resident concern officers have negotiated with the applicant to reduce the scale of the proposal. The applicant has therefore agreed to reduce the number of units to four with same level of parking spaces, i.e. a ratio of 1 to 1. Officers consider this to be proactive working and have begun a further 14 days consultation to advise local residents of the amendments to the scheme.

## Design Alterations

14. To accommodate the proposed dwellings and off street parking spaces then some parts of the existing building will be demolished. This is not considered significant and reduces the overall bulk of the site. The application now proposes four 2 bed flats spread over the ground and first floor of the building however no accommodation is proposed in the loft space of the building. Necessary internal changes are proposed to accommodate the flats resulting in four flats of adequate size and layout for future occupiers.

15. New windows are proposed in all four elevations to rationalise the building's appearance within the street scene for its new use. The increase in windows will provide good levels of light into the proposed flats. The principle access into the building will be from Percy Street in the south with a secondary access via the rear service lane through the parking and amenity area. The layout of the proposal accommodates all necessary facilities including bin store, bike store and of street parking.

16. Officers requested that a front door was inserted into the Victoria Road elevation (west) to complement the existing street scene. Due to the configuration of the apartments the applicant advised that this would result in an access directly into the lounge or kitchen area, reducing the quality of the internal space. Whilst the addition of this front door would have been preferred officers do not consider it a necessary requirement. The quality of the overall scheme is still apparent and the shared access from Percy Street and the rear service lane/parking area is considered acceptable in this instance.

17. Officers have reviewed the relevant policies of both the Local Development Framework Core Strategy (CS02, CS15 and CS34) and the Plymouth and South West Devon Joint local Plan (DEV7, DEV9, DEV10 and DEV20) and consider the scale and character of development acceptable in this location. The external changes to the building are not considered harmful and in officers view will enhance the buildings presence within the street scene.

## Amenity

18. The relationship of the proposed flats with the surrounding properties is considered acceptable with little impact on neighbouring amenity. The property on the opposite side of the service lane is the closest (9m away) elevation however this is a blank elevation, and the flats have other windows facing north and south thus providing outlook. The relationship with the dwellings on the south side of Percy Street is considered a normal street relationship, with a distance of circa 12m and this is consistent with rest of the street. The layout of the properties to the north dictates that there will not be any significant or demonstrable loss of amenity.

19. The relationship of the flats with each other is also considered acceptable with adequate privacy and shared facilities proposed. The impact of the proposed new windows within the building is not considered significant and is reflected in the fact that only one letter of representation raises privacy and overlooking as a concern. Officers have reviewed the Development Guidelines SPD and are satisfied that the development will not harm adjacent

residents due to the layout of the proposed development and its relationship with its closest neighbour.

20. Officers have reviewed the internal sizes of the four flats and they exceed the standards set on the Development Guidelines SPD and the Nationally Described Space Standards and as such accord with policy DEV10 of the JLP. It should be noted that the reduction from six flats to four flats has seen a positive increase in internal amenity space. Some of the previously proposed 1 bedroom flats were marginal in size, although on balance they would have been acceptable.

21. Paragraph 2.8.27 of the Development Guidelines SPD recommends a minimum of 50m<sup>2</sup> private amenity space for developments proposing flats however this application provides only 20m<sup>2</sup>. The application site is in close proximity to public amenity space at the eastern end of Percy Street which includes play facilities and an area of green space. Due to reduction in number of units, the increased internal size of the flats and the proximity to public amenity area officers consider that proposal is acceptable. This is also not considered significantly out of character for the area when considering the low level of outdoor amenity space that adjacent dwellings are afforded.

22. Officers consider that the change in use of the site will result in a less disruptive situation for existing residents. There will be less activity during the daytime hours resulting in better amenity for local residents. There may be more activity during the evening hours; however the impact of only four new dwellings in this location is not considered severe and their associated noise will not cause a loss of amenity. The proposal is therefore considered to accord with Policies CS15 and CS34 of the Core Strategy and DEV1, DEV10 and DEV20 of the Joint Local Plan.

### Local Highways Considerations

23. The commercial property has a frontage with Victoria Road and Percy Street with a rear courtyard accessed from the rear service lane. A garage door exists, with a dropped kerb, onto Percy St. The applicant intends on converting the property into 4 residential units, and by way of demolishing the garage / store will provide a parking area for 4 cars.

24. The historical business use at the property would have generated a level of traffic and associated parking during operational hours. However, the majority of this parking would have occurred when on-street parking demand associated with adjoining dwellings would be lower. As such the proposed parking will be required to serve the development and its provision must be ensured by way of a planning condition.

25. Under current guidance the garage dropped kerb access would not be permitted as it is too close to the service lane entrance. However, as the vehicle crossover is existing its use is established and therefore there are no objections to it being used to serve the proposed parking area.

26. The parking spaces must be surfaced and drained so as not to allow loose material or surface water to be deposited or to flow on to the adjoining highway. The spaces must be

provided prior to occupation of the unit they serve and they shall only be used for the parking of vehicles. In accordance with the Council's Development Guidelines SPD the applicant proposes to provide a cycle store, which would appear to be secure and covered. The store should be provided and controlled by way of a condition.

27. The proposal is likely to reduce the number of trips made to and from the premises and the proposed level of parking is considered to meet the likely parking demand of the residential use. The Development Guidelines SPD recommends a maximum of 2 spaces for a dwelling and in this instance 1 space per dwelling is considered adequate given the sustainable nature of this location (proximity to shops, services and public transport). Each unit will be provided with access to cycle storage. As such, subject to conditions, there are no objections to the proposal with regards to highway safety and parking provision from the Local Highways Authority.

28. Officers therefore consider that the proposal accords with policies CS28 and CS34 of the Core Strategy and policy DEV10 of the JLP as the application has clearly demonstrated that it is self-sufficient with regards to parking provision that will not adversely impact the local highway and general amenity as suggested by residents.

### Public Protection / Land Contamination

29. This application has been accompanied by a Phase 1 land contamination report which has been reviewed by the Public Protection Service. A suitable land contamination condition has been imposed due to the level of ground disturbance required as part of the proposed works.

### Drainage

30. The applicant has submitted a drainage strategy which proposes the discharge of Surface Water and Foul Water to separate systems. The Local Flood Authority is happy with this position and its implementation will be conditioned in accordance with policy CS22 of the Core Strategy and policy DEV37 of the Joint Local Plan.

### Biodiversity

31. Developments of this size are not required to provide full landscaping details however in this case minor hard landscape improvements will be made to the rear courtyard to more the overall amenity of the site. The Natural Infrastructure Team have reviewed the proposal and are satisfied that bats are unlikely to be present as the building is in current use and the roof space is in good condition.

## **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 Community Infrastructure Levy liability (CIL) for this development is: £0.00, which includes potentially qualifying existing floorspace which is to be reused as part of the development. This information is based on the CIL information form submitted with the application. There is no negotiation of CIL. The Levy is subject to change and will be index-linked. The applicant should check the current rates at the time planning permission first permits development, see [www.plymouth.gov.uk/cil](http://www.plymouth.gov.uk/cil) for guidance

**11. Planning Obligations**

None Applicable

**12. Equalities and Diversities**

The number of units falls below the threshold requiring a provision of Part M4(2) Accessible and Adaptable Dwellings.

**13. Conclusions**

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and specifically the Local Development Framework Core Strategy 2007. In addition to this the proposal accords with the adopted Plymouth and South West Devon Joint Local Plan and is therefore recommended for conditional approval.

**14. Recommendation**

In respect of the application dated **16.01.2017** it is recommended to **Grant Conditionally**

**15. Conditions / Reasons**

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

**1. CONDITION – APPROVED PLANS**

Site Location Plan 1773[S-]01 Version: 1 received 31/10/16

Plans - Existing 1773[S-]02 Version: 1 received 31/10/16

Plans - Proposed 1773[PL-]01.A Version: 2 received 17/02/17



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: 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 Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

## 3) CONDITION: CONTAMINATED LAND

### PRE-COMMENCEMENT

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

#### Section 1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks

to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's

'Model

Procedures for the Management of Land Contamination, CLR 11'.

### Section 2. Submission of Remediation Scheme

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

### Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

#### Reason:

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

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

4) CONDITION: CYCLE PROVISION

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for 4 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, policies DEV20 and DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

5) CONDITION: NOISE

PRE-OCCUPATION

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

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1, DEV2 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 17 and 123 of the National Planning Policy Framework 2012.

6) CONDITION: PROVISION OF DRAINAGE WORKS

PRE-OCCUPATION

No unit of accommodation hereby approved shall be occupied until surface water drainage and foul water drainage have been implemented in accordance with the submitted Drainage Strategy Statement unless otherwise agreed in writing

Reason:

To ensure that satisfactory drainage infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 of the Plymouth and South West Devon Joint Local Plan and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012

7) 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, policies DEV20 and DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 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 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.

3) INFORMATIVE: CODE OF PRACTICE

The development hereby approved should be carried out in accordance with the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and should consider 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.

5) INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

Design and Access Statement; Envirocheck Report; Drainage Strategy Statement; Phase 1 Land Contamination Report

**This page is intentionally left blank**

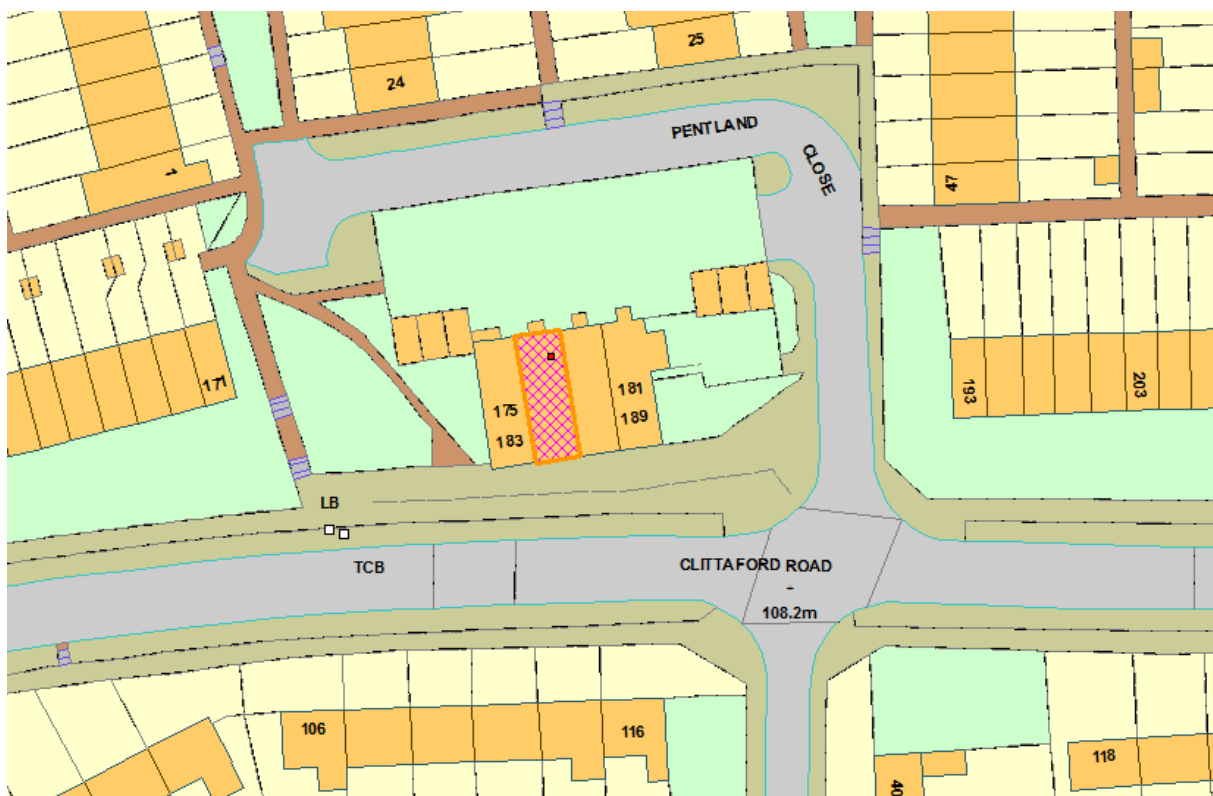
# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	16/02084/FUL
<b>Date Valid</b>	10.11.2016

<b>Item</b>	06
<b>Ward</b>	SOUTHWAY

<b>Site Address</b>	177 Clittaford Road Plymouth PL6 6HX		
<b>Proposal</b>	Change of use from retail shop (Class A1) to hot food takeaway (Class A5)		
<b>Applicant</b>	Mrs Dahal		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>15.02.2017</b>	<b>Committee Date</b>	<b>09.03.2017</b>
<b>Extended Target Date</b>	<b>15.03.2017</b>		
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to planning committee by Cllr Johnny Morris

**1. Description of Site**

177 Clittaford Road is a commercial unit located in the Southway area of the city. The unit is within a terrace of three retail units with residential flats above. These units are a Local Centre as set out in the Shopping Centres Supplementary Planning Document.

**2. Proposal Description**

Change of use from retail shop (Class A1) to hot food takeaway (Class A5).

**3. Pre-application enquiry**

None.

**4. Relevant planning history**

None.

**5. Consultation responses**

Public Protection- Consider the application acceptable subject to added conditions.

Public Health Service- Recommend refusal due to concerns that the proposal is contrary to the aims of the Plymouth Plan.

Local Highway Authority- No objection

Police Liaison Officer- No objection.

Economic Development Department- No objection.

**6. Representations**

13 letters of representation received objecting to the application due to main concerns of;

- \* Impact on quality of life
- \* Parking
- \* Increase noise and disturbance
- \* Ventilation/ odours
- \* Groups of youths hanging around in the area/ anti-social behaviour
- \* Already have hot food outlets within walking distance
- \* No waiting or parking facilities made available
- \* Litter
- \* Extra traffic

**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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

\* For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). ?

\* For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage having now been subject to a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision if there are no substantive unresolved objections. However, the precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies. Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:

\* Development Guidelines Supplementary Planning Document

\* Shopping Centres Supplementary Planning Document

### **8. Analysis**

1. This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Local Plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies CS02 (Design), CS11 (Changes of Use in District and Local Centres), CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning application considerations) of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and Policy DEV6 (Hot food takeaways in Plymouth) and DEV18 (Protecting local shops and services) of the Joint Local Plan.

Loss of A1 Shopping Use.

2. The Shopping Centres Supplementary Planning Document (2012) when looking at the Clifford Road centre found that 'although the centre lacks character, the buildings are in good condition and the shop fronts are maintained to a good standard. The centre is limited in terms of the facilities it provides, however, the units appear to be performing well'

3. The Shopping Centres Supplementary Planning Document (2012) states that the following key issues should be used to inform future development regarding this centre:

- i. There are two remaining shops (A1) units within the centre which provide key local services. In order to maintain the predominance of A1 within the centre and provide services for the local community, these A1 uses should be retained.
- ii. Given the limited number of facilities within the centre, it may be appropriate to reconsider the role of Clifford Road within the shopping hierarchy in the next Core Strategy Review.

4. Core Strategy Policy CS11 (Changes of Use in District and Local Centres) states that; Within District and Local Centres the change of use of ground floor retail premises (A1) will be permitted provided that:

1. The primary function of the centre is maintained.
2. The proposed use provides a complementary role to the retailing function of the centre.
3. It would not result in a harmful over concentration of non-A1 retail uses within a frontage or within the centre as a whole.
4. The development helps people meet their day-to-day needs within the local community.

5. The existing neighbouring uses either side of the application site are within A1 use. From looking at the history of the site and at the Shopping Centre Survey results in 2012 the unit was previously used as a Southway Information Centre. An information centre would have been a B1 (business) use class and not a A1 use class.

6. Policy DEV18 within the Joint Local Plan looks at protecting local shops and services. Part 5 of the policy in particular concentrates on proposal for hot food takeaways (Use Class A5) and states that these proposal will not be permitted where they result in:

- i. Unacceptable levels of noise, smell, litter, disturbance, or otherwise detrimental impacts to the role and function of the area or centre and residential amenity.
- ii. Unacceptable traffic and parking problems.
- iii. Detrimental impact on the character and appearance of the area.

7. Policy DEV18 looks at protecting local shops and services, and while this policy was not within the draft Plymouth Plan it is considered that policy 33 (safeguarding environmental quality, function and amenity) has similar aims to ensure that the development proposals protects residential amenity, provide sufficient parking provision and ensure safety of the highway network. It is therefore considered that moderate weight can be given to policy DEV18 when determining this application.

8. The Public Protection Service initially raised concerns regarding ventilation causing odour and or noise nuisance to the residential properties in the surrounding area. However since their initial comments further details have been provided about the proposed ventilation extraction system and now consider the application acceptable. A condition has been added to ensure that the ventilation system that has been proposed is used at this site and is operated and maintained in accordance with the manufacturer's instructions.

9. No objections have been raised by the Local Highway Authority. The Development Guidelines Supplementary Planning Document state that one car parking space should be provided per 5.5m<sup>2</sup> of floor space used by customers. The proposed area used by customers is approximately 7m<sup>2</sup> therefore one car parking space should to be provided. It is however noted that there is on –street parking spaces available within walking distance of the application site. With on-street parking provided to along Clittaford Road and parking is also provided to the rear of the property. It is therefore considered that the lack of one car parking space provided with the proposals is not considered a reason to refuse this application as sufficient parking is provided around the application site.

10. It is not considered that the proposal would result in a harmful over concentration on non-A1 uses. The application has previously been a non-A1 use and the existing neighbouring A1 uses are maintained, therefore complying within the objectives set out in the Shopping Centres SPD. Overall it is not felt that the addition of a A5 use would result in the centre losing its primary function as a retail centre.

### Wellbeing

11. The approved Joint Local Plan has introduced a new approach to tackling strategic citywide issues through the development of an innovative citywide single plan. As part of the new plan the planning authority is working closely with the Office of the Director of Public Health.

12. Joint Local Plan Policy DEV6 (Hot food take aways in Plymouth) states that the Local Planning Authority will resist proposals that provide new hot food take aways within 400 metres of providers of secondary education to protect the schools food environment.

13. The proposed takeaway would not be within 400 metres of a secondary school. The closest secondary school is Notre Dame Roman Catholic School which is approximately 1000 metres away. While it is noted that the local planning authority has worked closely with the Public Health Service in formulating the emerging Plymouth Plan in prompting healthy living it is not considered that the proposed takeaway would be contrary to the aims of Policy DEV6 of the Joint Local Plan and is therefore considered acceptable.

14. Policy 13 (supporting healthy lifestyles) of the draft Plymouth Plan also aimed at refusing new hot food take away applications that are within 400m radius of schools. This policy is similar to the Joint Local Plan policy DEV6 and therefore moderate weight can be given to this policy when determining the application. It is considered that the proposal does not conflict with this policy.

15. The agent for the current application has stated that opening hours would be 10.00 until 22.00 each day. These opening hours are considered to be acceptable considering the neighbour convenience store opening hours of which is between 07.30 and 21.00hrs most days apart from Sunday which is 08.00 to 21.00hrs. A condition will be added to ensure that the opening hours are restricted between 10.00 and 22.00.

### Public Health Comments

16. Public Health have concerns about the proposal as it does not comply with the city's ambition to reduce health inequalities by providing a food environment where healthy choices are the easiest choices. They states that the Local Planning Authority should work towards "ensuring the development of a variety of food premises which enable residents to make healthy choices" They refer to the policy that that prevents the development of hot food takeaway premises within Plymouth and especially those close to schools. They acknowledge the proposed development is not within 400m of a school.

### Other matters.

17. Within the letters of representation received a number of issues were raised regarding parking and also anti-social behaviour. Both the Local Highway Authority and Police Liaison Officer were consulted on with this application and both did not raise any objections to the proposal. It is considered adequate parking provision is provided around the application site.

### Is the design acceptable?

18. No changes are proposed to the front of the property and it is therefore considered that the proposal would not have a detrimental impact on the appearance of the street scene.

19. An informative will be added to ensure that the applicant is made aware that if advert consent is required it should be obtained separately.

## **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 found that the proposal accords with policy CS02, CS11, CS22, CS28 and CS34 of the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021 and Policy DEV6 (Hot food takeaways in Plymouth) and DEV18 (Protecting local shops and services) of the Joint Local Plan. Notwithstanding the objections from the Public Health

Service and the concerns raised by local residents, on balance, the proposal is considered acceptable and the application is recommended for conditional approval.

**14. Recommendation**

In respect of the application dated **10.11.2016** it is recommended to **Grant Conditionally**

**15. Conditions / Reasons**

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

**1. CONDITION – APPROVED PLANS**

Site Location Plan SITE LOCATION PLAN Version:

Elevations - Existing 104/4 A Version: 1

Elevations - Proposed 104/3 A Version: 1

Floor Plans - Proposed 104/2 A Version: 1

Floor Plans - Existing 104/1 A Version: 1

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: 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.

**3) CONDITION: OPENING HOURS**

The use hereby permitted shall not be open to customers outside the following times:  
10.00 hours to 22.00 hours Mondays to Sunday

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV18 of the The Plymouth and South West Devon Joint Local Plan and paragraph 123 of the National Planning Policy Framework

4) **CONDITION: VENTILATION SYSTEM**

The electrostatic precipitation ventilation extraction system is to be used in this premises and all equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason: To protect the residential and general amenity of the area from 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.

**Informatives**

1) **INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATIONS**

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: ADVERTISING**

Advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	16/01422/REM	<b>Item</b>	07
<b>Date Valid</b>	19.08.2016	<b>Ward</b>	SUTTON AND MOUNT GOULD

<b>Site Address</b>	Former Tothill Sidings, Desborough Road Plymouth PL4 9PN		
<b>Proposal</b>	Reserved matters application relating to appearance, landscaping, layout and scale of 50 dwellings following granting of outline planning permissions 13/00854/OUT and 14/00791/OUT		
<b>Applicant</b>	Mr Hisham Shibl		
<b>Application Type</b>	Approval of Reserved Matters		
<b>Target Date</b>	<b>16.02.2017</b>	<b>Committee Date</b>	<b>09.03.2017</b>
<b>Extended Target Date</b>	<b>16.03.2017</b>		
<b>Decision Category</b>	Major App with more than 5 public comments		
<b>Case Officer</b>	Mr Simon Osborne		
<b>Recommendation</b>	Grant Conditionally		



## **1. Description of Site**

The site comprises of a triangular shaped parcel of land approximately 1.318 hectares in size, located in a cutting between Desborough Road and Knighton Road in St Judes. It is a former railway sidings but has been disused and vacant for many years, although railway tracks are still located on land close to the northern boundary of the site (the abandoned line runs out towards Laira Bridge and beyond towards Plymstock Quarry). The site is largely covered by concrete hard surfacing and there exists a securely fenced water services compound in the south western corner that contains a concrete block structure likely to be a pumping station.

The site is generally level with the exception of a 5-7 metre cut slope which forms the south eastern boundary between the main site area and Desborough Road at the higher level. The site has an unusual setting, being at a lower level than all of the land and development that surrounds it. The site is bounded to the north by railway sidings with a high embankment leading up to Knighton Road, to the west by Tothill Road Viaduct with Friary Retail Park beyond and to the south by an embankment leading up to Desborough Road. The site narrows significantly to the east where the disused railway line continues.

Surrounding development to the north, east and south is mainly residential, with bulky goods retail development immediately to the west leading into the City Centre along Exeter Street, which is only a 700 metre walk from the site. The surrounding residential development is period in character and mainly in the form of Edwardian and Victorian terraces, many of which have been sub divided into smaller flatted units.

## **2. Proposal Description**

Reserved matters application relating to appearance, landscaping, layout and scale of 50 dwellings following granting of outline planning permissions and 14/00791/OUT.

The outline approval 13/00854/OUT secured 8 dwellings as affordable housing and as such 8 of the proposed dwellings would be affordable housing.

The proposal would include 10 three bed dwellings, and 40 four bed dwellings at a density of 38 dwellings per hectare.

A total of 96 car parking spaces would be provided in the form of 57 on plot spaces and 39 integral garages.

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

A pre-application discussion took place in 2014. Officers were generally supportive of the scheme

## **4. Relevant planning history**

14/00791/OUT- Outline application for residential development with all matters reserved-PERMITTED: This permission relates to a slice of land to the north of the larger site approved



by 13/00854/OUT and a condition was included limiting the number of additional dwellings to 6.

13/00854/OUT -Outline application with details of access (via Desborough Road) submitted to develop land by erection of 44 new dwellings (details of appearance, landscaping, layout and scale reserved for future consideration). –PERMITTED.

12/01257/OUT - Outline application with details of access (via Friary Retail Park) submitted to develop land by erection of 44 new dwellings (details of appearance, landscaping, layout and scale reserved for future consideration). WITHDRAWN

10/00851/OUT - Erection of 5 storey building containing 21 student cluster flats (250 bedrooms) and 14 one bedroom self-contained flats all for occupation by students in full time education with ancillary wardens office and separate building containing retail (use class A1) unit with 2 bedroom flat above and associated car parking, public open space and cycle path. PERMITTED.

## **5. Consultation responses**

Local Highway Authority – no objections subject to conditions

Public Protection Service – No comments

Local Lead Flooding Authority – Requests further details

Police Architectural Liaison Officer – No objections subject to condition

Environment Agency – No comments received.

Natural Infrastructure Team – No objections subject to condition

Economic Development – No objections subject to condition.

South West Water – No comments

Network Rail – No objections subject to comments

## **6. Representations**

In total 16 letters of objection have been received and one making observations. 7 of the 17 letters were received after re-advertising amended plans, 4 of which were from residents who had previously written in. The issues raised are:

1. Traffic congestion and parking on existing roads
2. Traffic problems including loss of existing parking due to location of access.
3. Impact on residential amenity of existing properties including loss of light and privacy, noise of vehicles using access slope,
4. Loss of views and greenery and impact on wildlife
5. Construction noise, pollution and disturbance
6. Existing residents will have to look out onto a housing estate
7. Future residents will be overlooked.
8. Too many houses proposed
9. Houses will be overbearing and out of character with the existing housing in the area
10. The proposal does not include the strategic cycle route
11. Site boundaries need clarifying
12. Impact on schools
13. It's putting the poorest in the poorest areas.

14. Poor consultation on amendments
  15. No Environmental Impact Statement
  16. The site should be used as a multi-storey car park
  17. The Council should buy the site and use it for community uses such as an allotment.
- The comments received since the re-advertisement generally re-iterated previous concerns.

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

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

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

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation, with the pre-submission version formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). 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

## 5 year housing land supply

Members will be updated in the form of an addendum report to clarify Plymouth's position with regard to its 5 year housing land supply.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the approved Plymouth and Southwest Devon Local Plan, the Framework and other material policy documents as set out in Section 7.
2. The Core Strategy policies of most relevance to this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), and CS34.
3. The relevant emerging Joint Local Plan policies are DEV7 (Meeting local housing need in the Plymouth Policy Area), DEV7 (Meeting local housing need in the Plan Area) DEV10 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment), DEV24 Landscape character, DEV31 (Specific provisions relating to transport).
4. Outline planning applications 13/00854/OUT and 14/00791/OUT gave consent for the site to be developed for residential purposes for up to 50 dwellings. The development of the site for residential purposes has thus been established. This application seeks consent for the appearance, layout, landscaping and scale of the 50 new dwellings proposed and these issues will now be addressed in turn.

## Layout

5. The proposed site would be accessed from Desborough Road towards the south east end of the site. Due to the significant level difference between the site and Desborough Road, this requires some remodelling. The location and details of the Access was approved in detail as part of the outline consent and conditions are attached requiring further details of this and the remodelling.
6. This remodelling would extend part way into the site which results in the finish site level sloping from east to west. The layout has been designed around a central spine road which runs north east to south west across the site and turns at a right angle to run north to south along the western boundary. Unfortunately the levels of the site prevent the proposed dwellings fronting onto Desborough Road which from an urban design perspective would be preferable, however it is accepted that this would likely result in the site becoming unviable. The rear boundary of the proposed dwellings to the south of the spine road would therefore front the footway.

7. At the request of officers the proposal has been amended to introduce terraced dwellings and to ensure that a road runs along the western boundary underneath the viaduct instead of private rear gardens where they could have easily been overlooked. Plot 50 has also been moved further away from No 1 Desborough Road and this relationship is now considered acceptable.

8. The other proposed dwellings are located well within the site and the distances between them and existing dwellings exceeds the guidelines in the in the Development Guidelines SPD.

9. The majority of proposed dwellings would be terraces fronting onto the spine road, the proposal also includes 4 semi-detached and 1 detached dwelling. The pattern of development in the area is long rows of terraces and therefore this approach is considered acceptable.

10. A cycle route also connects at the east of the site and exits to the west road and proposes to make use of the estate road to enable a continuation of the Strategic Cycle Network which currently stops at the nearby junction Gardens and is diverted onstreet within local residential areas. This approach is considered acceptable.

11. The site provides a stepped link to Desborough Road. This is in addition to other non-stepped routes and therefore whereby steps are not usually preferred they do offer further choice from this development for those users able to ascend them. There are therefore no objections to the provision of steps in this instance.

12. This is a difficult and unusual site which does impact on the quality of the proposed layout however every effort has been made to ensure the layout has been designed to ensure that safe and overlooked streets and spaces are created by having all dwellings facing public areas. The development is characterised by terraces of housing in order to form a strong street frontage and established building line within the internal street scenes. The majority of parking at the site is provided on street, to the front of the proposed dwellings, and will be adequately overlooked, in accordance with the principles of secured by design.

13. The layout of the proposed development is thus in accordance with the advice contained within policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and DEV10 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment) of the emerging Joint Local Plan.

### Scale and Appearance

14. The existing housing stock in the area is characterised by 2 storey terraces with the majority having bay windows. The dwellings proposed within this application are predominantly terraced with traditional pitched roofs. Due to the lower ground level of the site the dwellings proposed on the south side of the spine road will be split level having a 3 storey front elevation and 2 storey rear elevations. The dwellings within the site would be 2.5 or 3 storeys. Due to the significantly lower ground level the ridgeline would still be lower

than existing houses on Desborough Road and only the roofs would extend above the height of the Tothill Road viaduct. The scale of the houses are therefore considered acceptable for this site.

15. The design of the dwellings has taken a contemporary approach whilst attempting to make reference to the bays found on the majority of the housing stock in the area by the use of contemporary projecting 'box' windows on front and prominent side elevations. A large number of dwellings would include an integral garage and it will be important to ensure that garage doors are of good quality material. All external materials are controlled by condition on the outline consents. The overall design of the proposed development and use of a varied materials palette is considered positive, ensuring an acceptable balance between the introduction of contemporary features and materials whilst also ensuring compatibility with the existing townscape and local context.

16. The scale and appearance of the proposed development is considered to be compliant with Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), DEV10 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment), DEV24 Landscape character of the emerging JLP, and the Design SPD.

### Landscaping

17. The majority of landscaping proposed at the site is hard landscaping. The main spine road will be surfaced in tarmac at the eastern end of the site with the western end designed as a shared surface and finished in block paving. . The parking spaces to the front of dwellings would be charcoal paving blocks.

18. The proposal would include a number of street trees along the edge of the spine road and grassed areas to break up the banks of parking at the front of the dwellings. The boundary treatment proposed along the most prominent boundary on Desborough Road would retain the existing railings with a planted hedgerow similar to that currently existing to provide privacy combined with a soft appearance. A landscape management condition has been added and a boundary details condition is already attached to the outline consent

19. The soft landscaping shown on the submitted plans introduces an adequate amount of planting at the site with plenty of new trees proposed. The landscaping details proposed are considered adequate and in accordance with policy CS34 (Planning Application Consideration) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007), DEV24 (Landscape character) of the emerging Joint Local Plan and the Design SPD.

### Highways Issues

20. The principle of residential development for 50 dwellings and the associated traffic movements has already been assessed and deemed acceptable through the outline applications. The access to the site, both vehicular and pedestrian, was also established as part of the outline planning permission.

21. It should be noted that a Transport contribution of £84,180 has been secured on the outline consent towards the implementation of the infrastructure provision in the National Strategic Cycle Network between Junction Garden and Exeter Street. £2,860 to be paid to the Council for the purposes of ensuring the bus ticket allocation measures in the travel plan.

22. The layout provides Parking at a ratio of 1.92 spaces per dwelling on average, the majority of dwellings will have 2 spaces with 4 dwellings having 1 space ( 57 on plot spaces and 39 provided as integral garages) which complies with current Maximum parking standards and is similar to that indicatively proposed and considered acceptable during the outline application . Taking into account the fairly good accessibility at the site and the promotion of a travel plan the proposed parking provision is considered acceptable, based on the likely parking demand.

23. The application is therefore considered to be in compliance with policy CS28 of the Core Strategy and policy DEV31 of the emerging Joint Local Plan.

### Residential amenity

24. The layout of the site has been arranged so that the relationships between the proposed dwellings within the site acceptable and designed so that all new dwellings will benefit from adequate levels of amenity, in accordance with the guidance contained within the Council's Adopted Development Guidelines SPD.

25. With regards to outdoor amenity standards, all of the proposed dwellings accept for one plot have private amenity space that in terms of area is in accordance with guidelines contained within the SPD.

26. With regard to internal size standards , the proposed dwellings all meet or exceed the minimum National Space Standards as required by emerging policy DEV10 of the JLP.

27. Bin stores also included within the development, in accordance with the guidance contained within the Development Guidelines SPD.

### Biodiversity

28. Issues raised by policies CS19 (Wildlife) and CS20 (Sustainable Resource Use) have been covered by the outline consent and are the subject of conditions relating to an ecological mitigation and management plan and sustainable energy.

### Drainage

29. The lead local flood authority has requested further information regarding the drainage of the site. Drainage was assessed as part of the outline consent which includes a condition requiring further drainage details. Information has been submitted to demonstrate the proposed layout should not compromise an acceptable drainage solution. The existing condition will therefore deal with this matter.

### Crime and Security

30. The Police Liaison Officer has no objections to the proposal subject to a condition requiring lockable gates to private pathways which has been added.

### Employment opportunities

31. The Council's Economic Development department have requested a condition relating to an employment strategy, this is in line with emerging JLP policy DEV19 and has therefore been added.

### Letters of representation

32. The majority of the concerns raised by residents have been addressed above. As already highlighted a number of letters raise concerns such as traffic movements that have already been considered in the outline approvals and cannot be revisited in a reserved matters application.

33. A concern has been raised regarding the lack of an Environmental Impact Assessment (EIA). The requirement for the EIA is largely determined by legislation and guidance and in fact very few developments require an EIA. Due to the character and location of the proposal it was considered that for the purposes of the EIA legislation the development is unlikely to have a significant impact on the environment and therefore neither the outline applications or this reserved matters application are considered to require an Environmental Statement.

34. Concern has been expressed regarding the advertisement of the application. The application has been advertised in accordance with the Council's publicity code which includes site notices and a newspaper advert. As mentioned above the application was fully re-advertised after receipt of amended plans which showed reasonably significant changes to the layout.

35. Some alternative uses for the site have been suggested. However this application has to be treated on its own merits.

36. A number of letters raise concerns regarding disturbance during construction. The outline consents include a condition requiring a Code of Construction which will have to be complied with.

## **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 £186,191.52 (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 do not intend to apply for self-build exemption or Social Housing Relief

### **11. Planning Obligations**

The heads of terms have already been agreed during the outline approval 13/00854/OUT . For reference these are as follows:

- a. Local schools: £79, 883 to be allocated to the provision of additional school places within the vicinity of the application site.
- b. Transport: £84, 180, 350 to be allocated towards the implementation of infrastructure provision in the National Strategic Cycle Network between Junction Gardens and Exeter Street. £2, 860 to be paid to the Council for the purposes of ensuring the bus ticket allocation measures in the Travel Plan are effectively controlled.
- c. Local green space: £73, 294 towards improvements to Tothill Park playing pitches and upgrading of current changing facilities.

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

The outline applications secured 20% of dwellings to meet 'Lifetime Homes' standard which has been shown on the proposed drawings.

### **13. Conclusions**

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 the target date or other date agreed through an extension of time.



**14. Recommendation**

In respect of the application dated **19.08.2016**  
it is recommended to **Grant Conditionally**

**15. Conditions / Reasons**

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

**1. CONDITION – APPROVED PLANS**

Cross Section 5290/PL/010 Version: D received 10/01/17

Streetscape 5290/PL/015 Version: A received 10/01/17

Plans - Proposed 5290/PL/017 Version: received 10/01/17

Planning Layout 5290/PL/003 Version: R received 24/02/17

Landscaping 4685.01 Version: C

Landscaping 4685.02 Version: C

Plans and Elevations 5290/PL/004 Version: B received 27/07/16

Plans and Elevations 5290/PL/005 Version: C received 27/07/16

Plans and Elevations 5290/PL/008 Version: B received 27/07/16

Plans and Elevations 5290/PL/012 Version: B received 27/07/16

Plans and Elevations 5290/PL/013 Version: received 27/07/16

Plans and Elevations 5290/PL/014 Version: received 27/07/16

Site Location Plan 5290/PL/016 Version: received 17/08/16

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-COMMENCEMENT: EMPLOYMENT 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 and emerging Policy DEV19 of the Plymouth and South West Devon Joint Local Plan.

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

3) 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 and emerging Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan.

4) 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 and emerging Policies DEV20 and DEV24 of the Plymouth and South West Devon Joint Local Plan

5) PRE OCCUPATION: LANDSCAPE IMPLEMENTATION

The landscaping works hereby approved shall be implemented before first occupation of the development.

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, emerging policy DEV24 Plymouth and South West Devon Joint Local Plan.

## 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 NEGO**

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 regards to the discharge of condition 16 of the outline permission 13/00854/OUT and condition 7 of 14/00791/OUT the applicant is advised that :

Surface water should be discharged into a separate drainage system which should be discharged according to the following hierarchy:

- Discharge to a waterbody (if available and with sufficient capacity).

- Infiltration

- Discharge to a surface water sewer, highway drain or culverted watercourse with attenuation as required.

Evidence, including ground investigation or infiltration tests, should be provided that demonstrates these options have been assessed and appraised.

- Detailed drainage proposals for the site should be submitted that demonstrates that the proposed drainage scheme, including any storage, is designed for a 1% AEP (1 in 100 year return period) event with 30% allowance for climate change. Additionally, the proposed drainage system should be checked that no surcharging occurs with a 40% allowance for climate change. Infiltration rates, calculations and or model results should also be submitted to support the design.

- SWW should be consulted for any drainage strategy that proposes to connect to the existing SWW combined sewerage system and written confirmation from SWW should be submitted, including agreed surface water discharge rates before the drainage proposals are accepted. This may be limited to 1 in 10 year greenfield run off rates, with on-site attenuation required to store Plymouth Local Flood Risk Management Strategy surface water volumes over and above these rates to a 1 in 100 year return period standard of protection
- If any existing on site sewerage is to be used then a condition survey should be conducted to ensure the system is serviceable.
- Any surface water run off for flows exceeding the 100 year return period storm event should be stored on site and not discharged onto third party land or the highway. A plan should be submitted detailing surface water exceedance flow routes
- A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the demolition and construction phases.
- As a minimum the Council will expect any SuDS to be designed and constructed in accordance with National Standards for Sustainable Drainage, (in lieu of these standards being finalised, reference should be made to Devon County Council's SUDS guidance, attached) and will be subject to the proposed drainage system addressing the requirements of Plymouth's Local Flood Risk Management Strategy Part 2: Technical Guide (which may set a higher standard in response to local circumstances). Arrangements should be put in place to ensure maintenance sufficient to preserve system performance over the life-time of the development.
- Details of how and when the drainage system is to be managed and maintained should be submitted.

4) **INFORMATIVE: CONDITIONS REITERATED&S106**

The applicant/developer is advised that the conditions attached to and specified upon the notice of outline planning permissions 13/00854/OUT and 14/00791/OUT are still in force insofar as the same have not been discharged by the Local Planning Authority and must be complied with. The outline permission is also subject to a Section 106 Agreement.

5) **INFORMATIVE: NETWORK RAIL**

The applicants attention is drawn to the comments of Network Rail dated 7th February 2017.

# Planning Applications Determined Since Last Committee

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
23/12/2016	Grant Conditionally	16/02008/FUL	Mr Ian Scott	Change of use from sheltered housing to 6x open market flats including new rear extensions	14 Connaught Avenue Plymouth PL4 7BX	Mr Jon Fox
05/01/2017	Agreed Minor Amendment	16/02324/AMD	Aster Communities	Non-material minor amendment: Plot 15 has been moved south, away from Horn Lane, the attached garage moved back to allow parking in front of it and parking to unit 20 adjusted as necessary of application 15/01520/FUL	Former Downham Special School, Horn Lane Plymouth PL9 9BR	Mrs Rebecca Boyde
05/01/2017	Grant Conditionally	16/02196/FUL	Heidi Wallen	New external access lift and associated external works	2A Thames Gardens Plymouth PL3 6HD	Miss Amy Thompson
05/01/2017	Grant Conditionally	16/02330/FUL	Ms Lorna Wheeler	Detached garage	Ivymay House, Amacre Drive Hooe Plymouth PL9 9RJ	Mr Chris Cummings
05/01/2017	Lawful Certificate Issued	16/02384/PRDE	Mr & Mrs Jackson	Rear dormer	9 St Dunstans Terrace St Judes Plymouth PL4 8SB	Mr Chris Cummings
06/01/2017	Grant Conditionally	16/01528/FUL	Mr Robert Reed	Hardstanding (retrospective)	46 Thames Gardens Plymouth PL3 6HD	Mr Chris Cummings
06/01/2017	Grant Conditionally	16/02074/FUL	Mr Darren Herring	Rear extension	7 Trent Close Plymouth PL3 6PB	Mrs Alumeci Tuima

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
06/01/2017	Grant Conditionally	16/02125/FUL	Mr S Kerr	Three storey side extension	3 Ullswater Crescent Plymouth PL6 5HB	Mrs Alumeci Tuima
06/01/2017	Grant Conditionally	16/02192/ADV	Lidl UK GMGH	1x illuminated totem sign	299 Union Street Plymouth PL1 3FA	Mr Mike Stone
06/01/2017	Grant Conditionally	16/02193/FUL	Mr Martin York	External rear balcony & staircase and minor alterations	13 Penlee Gardens Plymouth PL3 4AN	Mrs Kate Price
06/01/2017	Grant Conditionally	16/02194/LBC	Mr Martin York	External rear balcony & staircase and minor alterations	13 Penlee Gardens Plymouth PL3 4AN	Mrs Kate Price
06/01/2017	Grant Conditionally	16/02221/FUL	Mr David Thavenot	Enlargement of window and new roof vents, external grilles & internal fire protection measures	4, 7 & 8 Elliot Terrace Plymouth PL1 2PL	Mrs Kate Price
06/01/2017	Grant Conditionally	16/02222/LBC	Mr David Thavenot	Enlargement of window and new roof vents, external grilles & internal fire protection measures	4,7 & 8 Elliot Terrace Plymouth PL1 2PL	Mrs Kate Price
06/01/2017	Grant Conditionally	16/02230/FUL	Mr & Mrs Alan Wallers	Two storey side extension and replacement slate roof to conservatory	38 Amados Drive Plymouth PL7 1TS	Mr Mike Stone
06/01/2017	Grant Conditionally	16/02234/FUL	Mr & Mrs C Lock	Rear extension	9 Thorn Park Plymouth PL3 4TG	Mrs Liz Wells
06/01/2017	Grant Conditionally	16/02235/FUL	Miss H Clarke	External wall insulation (retrospective)	164 Victory Street Plymouth PL2 2DB	Mr Chris Cummings

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
06/01/2017	Grant Conditionally	16/02236/FUL	Mr Tony Kallis	Side extension, side extension at first floor level, enlarge driveway, boundary wall and weatherboard cladding	36 Windermere Crescent Plymouth PL6 5HX	Mr Mike Stone
06/01/2017	Grant Conditionally	16/02254/FUL	Mr & Mrs Nott	Side extension	15 Tor Road Plymouth PL3 5TE	Mrs Alumeci Tuima
06/01/2017	Lawful Certificate Issued	16/02162/PRDE	Mr Steve Harwood	Rear extension	58 Stirling Road St Budeaux Plymouth PL5 1NY	Mr Chris Cummings
06/01/2017	Lawful Certificate Issued	16/02241/PRUS	Mr P Rump	Proposed separation of existing dwelling (Class C3) from public house (Class A4)	Crown & Column, 223 Ker Street Plymouth PL1 4HE	Mr Chris Cummings
09/01/2017	Grant Conditionally	16/02054/FUL	Alliance Medical	Demolition of existing buildings and erection of new PET/CT scanner unit and associated facilities and plant	Derriford Hospital, Derriford Road Plymouth PL6 8DH	Mr Chris King
10/01/2017	Grant Conditionally	16/01913/LBC	Miss Elly Wallace	Internal alterations, minor re-configuration and full refurbishment of Chaplaincy	Presbytery, Armada Way Plymouth PL1 2EN	Mr Chris King
10/01/2017	Grant Conditionally	16/02093/FUL	Mr Geoffrey Hazeldene	Loft conversion with front and rear dormer	9 Westwood Avenue Plymouth PL6 7HS	Mrs Alumeci Tuima
10/01/2017	Grant Conditionally	16/02096/REM	Mr Fred Bennetton	Application for approval of reserved matters inc. appearance, layout and scale of 1no self-build plot (plot 15) following grant of permission (15/00486/OUT)	West Park Primary School, Wanstead Grove Plymouth PL5 2LU	Mr Chris King

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
10/01/2017	Grant Conditionally	16/02099/FUL	Bartons Group	Boundary wall (retrospective)	Glenholt Park, Glenfield Road Plymouth PL6 7NJ	Mr Chris Cummings
10/01/2017	Grant Conditionally	16/02220/FUL	Miss Rebecca Keat	Modular building (Restrospective)	Devonport Dockyard, Saltash Road Keyham Plymouth PL1 4SG	Mrs Alumeci Tuima
10/01/2017	Grant Conditionally	16/02264/FUL	Mr & Mrs Falconer	First floor rear extension	12 Anson Place St Judes Plymouth PL4 9DD	Miss Amy Thompson
10/01/2017	Refused	16/02243/FUL	Mr James Parker	Access off classified road for car parking	276 Crownhill Road Plymouth PL5 3SQ	Mrs Liz Wells
11/01/2017	Agreed Minor Amendment	16/02323/AMD	Aster Communities	Non-material minor amendment: The area to the front of the flats that face onto Horn Lane has been adjusted so that the boundary wall/fence returns into the gable of the flats to create a soft planting area that has a direct relationship with the public realm whilst still ensuring that the security of the flats is maintained of application 15/01520/FUL	Former Downham Special School, Horn Lane Plymouth PL9 9BR	Mrs Rebecca Boyde
11/01/2017	Agreed Minor Amendment	16/03006/AMD	Mr Anthony Carson	Non-material minor amendment: amendments to windows for application 14/01645/FUL.	51-53 The Broadway Plymouth PL9 7AF	Mr Chris King
11/01/2017	Agreed Minor Amendment	17/00072/AMD	Forthrite Building Limited	Non-material minor amendment: Regularise the additional car parking area to formally mark out all car parking spaces currently in use on this area for application 14/01687/FUL	Transit Way Plymouth PL5 3TW	Mr Chris King
11/01/2017	Grant Conditionally	16/02097/REM	Mr Adam Brimacombe	Application for approval of reserved matters inc. appearance, layout and scale of 1no self-build plot (plot 25) following grant of permission (15/00486/OUT)	West Park Primary School, Wanstead Grove Plymouth PL5 2LU	Mr Chris King



Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
11/01/2017	Grant Conditionally	16/02191/FUL	Mr Andrew Hollins	Hardstanding	138 Uxbridge Drive Ernesettle Plymouth PL5 2SH	Mr Mike Stone
11/01/2017	Grant Conditionally	16/02237/LBC	Babcock International Group	Minor internal & external alterations	BP124, HMNB Devonport, Saltash Road Plymouth PL1 4SG	Mrs Jess Maslen
11/01/2017	Grant Conditionally	16/02238/FUL	Mr Aitken	Two storey side extension	156 Beacon Park Road Plymouth PL2 2QR	Mrs Alumeci Tuima
11/01/2017	Grant Conditionally	16/02268/TCO	Mr Ben Sidman	Various tree management works including removal of 13 trees (4: dead/dying 9: to benefit adjacent trees)	Milford House, Old Warleigh Lane Plymouth PL5 4ND	Mrs Jane Turner
11/01/2017	Grant Conditionally	16/02326/REM	Mr Steve Martyn	Application for approval of reserved matters inc. appearance, layout and scale of 1no self- build (Plot 14) following grant of permission 15/00486/OUT	West Park Primary School, Wanstead Grove Plymouth PL5 2LU	Mr Chris King
11/01/2017	Grant Conditionally	16/02345/TCO	Mr Jonathan Grayfox	Silver Birch - remove	Caroline Court, Market Street Plymouth PL1 3PQ	Mrs Jane Turner
11/01/2017	Grant Conditionally	16/02348/TCO	Dr James Morris	Yew - remove lowest branches over lodgeBay - remove (beneath Yew)	Penlee Gardens Plymouth PL3 4AN	Mrs Jane Turner
11/01/2017	Prior Approval Not Required	16/02306/GP2	Mr Guss Shemetras	Change of use from B1(a) Office Use to C3 residential	22 Queen Anne Terrace, North Hill Plymouth PL4 8EG	Miss Amy Thompson

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
11/01/2017	Refused	16/02252/FUL	Wyatt Bros Ltd	Retrospective change of use from ground floor café (Class A3) to funeral directors office and cool room (Sui Generis) including car port and boundary wall	5-7 Durnford Street Plymouth PL1 3QJ	Mrs Kate Price
11/01/2017	Refused	16/02253/LBC	Wyatt Bros Ltd	Retrospective change of use from ground floor café (Class C3) to funeral directors office and cool room (Sui Generis) including car port and boundary wall	5-7 Durnford Street Plymouth PL1 3QJ	Mrs Kate Price
12/01/2017	Grant Conditionally	16/02063/FUL	Mr Ray Westlake	Change of use from shop (Class A1) to self-contained flat (Class C3)	140 Albert Road Plymouth PL2 1AQ	Mrs Liz Wells
12/01/2017	Grant Conditionally	16/02213/S73	Mr James Walters	Variation of condition 8 of application 16/00253/FUL to allow one tree to be felled and two other trees to be pollarded	34 Great Churchway (Formerly Part Of 208 Springfield Road) Plymouth PL8 2NE	Mr Jon Fox
12/01/2017	Grant Conditionally	16/02294/ADV	Nuffield Health	Replacement signs (7no in total)	10 Plymbridge Lane Plymouth PL6 8BD	Mrs Liz Wells
12/01/2017	Grant Conditionally	16/02301/FUL	Mr Michael Ryeland	Raised decking (retrospective)	1 South Down Road Plymouth PL2 3HW	Mrs Liz Wells
12/01/2017	Grant Conditionally	16/02380/FUL	Mrs Leanne Fone	Rear extension and conversion of garage to provide accessible facilities	152 Langley Crescent Plymouth PL6 6ET	Mr Mike Stone
12/01/2017	Prior Approval Not Required	16/02410/24	Telefonica UK Limited	A 12.5m shrouded monopole with 2 dishes, 2 ground base cabinets, and ancillary development	Highways Land On Blandford Road Plymouth PL3 6JU	Mr Mike Stone

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
13/01/2017	Grant Conditionally	16/02216/FUL	Mr A Isaias	New extension to rear	St Elizabeth's House, Longbrook Street Plympton St Maurice Plymouth PL7 1NJ	Mrs Kate Price
13/01/2017	Grant Conditionally	16/02217/LBC	Mr A Isaias	New extension to rear	St Elizabeth's House, Longbrook Street Plympton St Maurice Plymouth PL7 1NJ	Mrs Kate Price
16/01/2017	Grant Conditionally	16/01605/FUL	Mr Alex Christaki	Fence to side garden	1 Revel Road Plymouth PL3 5LF	Mrs Liz Wells
16/01/2017	Grant Conditionally	16/01935/FUL	Mr & Mrs Hanley-Wildman	Rear extension and replace existing cladding front and rear with cedral cladding (resubmission of 16/01728/FUL)	6 Finches Close Plymouth PL9 8DP	Mr Mike Stone
16/01/2017	Grant Conditionally	16/01995/FUL	Mr Luke Salter	Change of use from family dwelling (Class C3) to HMO (Class C4)	2 Adelaide Terrace, Sydney Street Plymouth PL1 5AD	Mrs Liz Wells
16/01/2017	Grant Conditionally	16/02043/FUL	Mr Roan Yeates	Double garage in rear garden	74 Hermitage Road Plymouth PL3 4RY	Miss Amy Thompson
16/01/2017	Grant Conditionally	16/02172/FUL	Mr James Armstrong	Change of use from offices (Class B1) to dwellinghouse (Class C3)	98-99 Hotham Place Stoke Plymouth PL1 5NE	Mr Mike Stone
16/01/2017	Grant Conditionally	16/02207/FUL	TSB C/O Mitie TFM	Air conditioning replacement	TSB Plymstock, 3-5 The Broadway Plymouth PL9 7AD	Miss Amy Thompson
16/01/2017	Lawful Certificate Issued	16/02338/EXUS	Mr Phil Downs	Establish use as 5-bed HMO (Class C4)	12 Derry Avenue Plymouth PL4 6BH	Mr Chris Cummings

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
18/01/2017	Agreed Condition Details	16/02255/CDM	Mr J Steven	Condition Discharge: Conditions 3, 4, 5 & 7 of application 15/02229/FUL	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
18/01/2017	Agreed Condition Details	16/02256/CDM	Mr J Steven	Condition Discharge: Conditions 3, 4, 5 & 7 of application 15/02230/FUL	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
18/01/2017	Agreed Condition Details	16/02257/CDM	Mr J Steven	Condition Discharge: Conditions 3, 9 & 18a of application 15/02231/LBC	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
18/01/2017	Agreed Condition Details	16/02258/CDM	Mr J Steven	Condition Discharge: Conditions 3, 8 & 15a of application 15/02232/LBC	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
18/01/2017	Agreed Condition Details	16/02440/CDM	Mr J Stevens	Condition Discharge: Conditions 14 & 16 of application 15/02231/LBC	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
18/01/2017	Grant Conditionally	16/02204/FUL	Mrs Shilpa Kulkarni	Two storey rear extension, front porch and driveway	51 Goodwin Avenue Plymouth PL6 6RL	Mr Mike Stone
18/01/2017	Grant Conditionally	16/02206/FUL	Mr Tony Barnard	Guard rails around flat roofs	Various Addresses At Morley Court & Market Way, Western Approach Plymouth	Mrs Liz Wells
18/01/2017	Grant Conditionally	16/02249/FUL	Mr & Mrs Henn	Replace an existing two storey rear extension with a new two storey rear extension	30 Moor Lane Plymouth PL5 1UA	Miss Amy Thompson
18/01/2017	Grant Conditionally	16/02436/FUL	Mr Brian Gaylard	Two-storey rear extension, rear extension and rear dormer	4 Toriano Place, Boringdon Road Plympton Plymouth PL7 4ED	Mr Mike Stone

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
19/01/2017	Agreed Condition Details	16/02270/CDM	Linden Sherford LLP	Condition Discharge: Condition 18 of application 15/00518/REM	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Hays Road Elburton Plymouth PL9 8DD	Mr Ian Sosnowski
19/01/2017	Grant Conditionally	16/02035/ADV	TSB Bank Plc	Illuminated fascia sign	162-164 Armada Way Plymouth PL1 1LY	Mrs Alumeci Tuima
19/01/2017	Grant Conditionally	16/02289/FUL	Mrs Carla Palin	Side extension and loft conversion	81 Lower Compton Road Plymouth PL3 5DW	Mrs Alumeci Tuima
19/01/2017	Grant Conditionally	16/02327/FUL	Mr & Mrs Kevin Cooke	Single storey front extension, part single storey & part two storey side extension and rear extension (amendment to approved application 15/00953/FUL to include side garage)	26 Powderham Road Plymouth PL3 5SG	Miss Amy Thompson
20/01/2017	Grant Conditionally	16/01992/FUL	Barbican Leisure (Plymouth) Ltd	Construction of mixed use development containing a commercial unit (Class A5) and 8no student studio flats (Class C3)	33 Bretonside Plymouth PL4 0BB	Mr Chris King
20/01/2017	Grant Conditionally	16/02046/FUL	Your Property Development (Crescent) Ltd	Change of use on two adjoining Grade II listed buildings from current office use to residential use (Class C3) with the creation of 10no two bedroom apartments	10 & 11 The Crescent Plymouth PL1 3AB	Mr Jon Fox
20/01/2017	Grant Conditionally	16/02048/LBC	Your Property Development (Crescent) Ltd	Change of use on two adjoining Grade II listed buildings from current office use to residential use (Class C3) with the creation of 10no two bedroom apartments	10 & 11 The Crescent Plymouth PL1 3AB	Mr Jon Fox
20/01/2017	Grant Conditionally	16/02316/FUL	Mr R Sanders	Change of use to allow use classes B1, B2 & B8	Unit 100-101, Faraday Mill Business Park, Cattewater Road Plymouth PL4 0ST	Miss Amy Thompson

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
20/01/2017	Grant Conditionally	16/02341/ADV	Mr & Mrs Deacon	New shopfront signage	2A & 2B Pemros Road Plymouth PL5 1ND	Mrs Jess Maslen
20/01/2017	Grant Conditionally	16/02428/FUL	Mr & Mrs Whitman	Amendments to 16/01496/REM to increase ridge and eaves height	40 Netton Close Plymouth PL9 8UL	Mrs Rebecca Boyde
23/01/2017	Grant Conditionally	16/01511/S73	Cattedown Regeneration Ltd	Removal of condition 5 (Further Details), variation of condition 8 (car parking provision), removal of condition 13 (electric vehicle charging point) and removal of condition 14 (reinstatement of footway) of application 14/00823/FUL	4 Neptune Park Plymouth PL4 0SJ	Mrs Katie Saunders
24/01/2017	Grant Conditionally	16/02111/TPO	Mrs Irene Andrews	Yew - reduce height by up to 3m and reduce overextended side branches to create a more balanced canopy and encourage regeneration (amendment agreed 20/12/16)	11 Pine Gardens, Beechfield Grove Mannamead Plymouth PL3 4FG	Mrs Jane Turner
24/01/2017	Grant Conditionally	16/02203/TPO	Graham Foale	Sweet Chestnut - fellSycamore - reduce crown by 2-3m	8 Blue Haze Close Derriford Plymouth PL6 7HR	Mrs Jane Turner
24/01/2017	Grant Conditionally	16/02267/TCO	Mrs Deborah Brown	Holm Oak - reduce by 6m (repollard)	9 Collingwood Villas, Collingwood Road Plymouth PL1 5NZ	Mrs Jane Turner
24/01/2017	Grant Conditionally	16/02369/TCO	Mr Patrick Fletcher	Ash - re-pollard	7A St James Place East The Hoe Plymouth PL1 3AS	Mrs Jane Turner
25/01/2017	Grant Conditionally	16/01839/FUL	Yacht Havens Ltd	Erection of 18 B1(b) (Research and Development) and B1(c) (Light Industrial) units, ancillary café, office and parking, including demolition of 3 existing buildings	Royal Marines Depot, Barton Road Plymouth PL9 9RQ	Mrs Karen Gallacher

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
25/01/2017	Grant Conditionally	16/02297/FUL	Cycle Trails Programme, National Trust	Upgrading tracks & paths and creation of junior cycle skills area	Saltram Park, Merafield Road Plymouth PL7 1UH	Mrs Liz Wells
25/01/2017	Grant Conditionally	16/02319/FUL	Mrs Sharon Stanley	Change of use from amusement arcade (Sui Generis) to aesthetic clinic (Class D1)	49 Springfield Road Plymouth PL9 8EP	Miss Amy Thompson
25/01/2017	Grant Conditionally	16/02409/TCO	Malvina Slade	Sycamore - fell	8 The Square Plymouth PL1 3JX	Mrs Jane Turner
26/01/2017	Agreed Minor Amendment	16/02277/AMD	Taylor Wimpey (Exeter)	Non-material amendment: Various amendments sought to drawing references to application 15/01858/REM and changes to approved buildings to amend parapet wall detailing, provision of rear casement windows, relocation of doors, changes to string line details, plus others.	"Sherford New Community" Land South/Southwest Of A38 Plymouth	Mr Ian Sosnowski
26/01/2017	Agreed Minor Amendment	16/02278/AMD	Taylor Wimpey (Exeter)	Non-material amendment: Various amendments sought to drawing references to application 15/00517/REM and changes to approved buildings to amend building footprints, gable details, removal of chimneys, roof details, relocation and removals of doors and windows, parapet wall detailing, provision of rear casement windows, changes to string line details, provision of terraces and balconies, plus others.	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Hays Road Plymouth	Mr Ian Sosnowski
26/01/2017	Grant Conditionally	16/02115/LBC	Mr Chris Weeks	Alteration from window to door	Building N215, Devonport Dockyard, Saltash Road Keyham Plymouth PL1 4SG	Mrs Kate Price

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
26/01/2017	Grant Conditionally	16/02218/LBC	Mr Sean Harrison	Internal timber shutters to three windows	60 Southside Street Plymouth PL1 2LA	Mrs Kate Price
26/01/2017	Grant Conditionally	16/02296/FUL	Mr Adam Lobb	Detached rear garage	19 Birch Pond Road Oreston Plymouth PL9 7PG	Mrs Liz Wells
26/01/2017	Grant Conditionally	16/02325/FUL	Mr D Jones	Rear extension	31 Russell Avenue Plymouth PL3 5RB	Mrs Alumeci Tuima
26/01/2017	Grant Conditionally	16/02344/OUT	Mr N Angle	Outline application with details of access to construct a detached single storey dwelling.	3 Hollow Hayes, Goosewell Hill Plymouth PL6 5RP	Miss Amy Thompson
26/01/2017	Grant Conditionally	16/02360/FUL	Mr & Mrs Bell	Two storey front extension	47 Reddicliff Road Plymouth PL9 9NF	Mrs Liz Wells
26/01/2017	Grant Conditionally	16/02372/FUL	Mr Oliver Elms	Removal of canopy to upper car park deck and at high level to Mayflower Street elevation and removal of sails, flagpoles and grills to main entrance.	Armada Centre, Armada Way Plymouth PL1 1LE	Mr Mike Stone
26/01/2017	Refused	16/02044/FUL	Ms J M Burgess	Retrospective application for raised decking and screening	58 Coombe Way Plymouth PL5 2HB	Miss Amy Thompson
30/01/2017	Condition Decision Split	16/01955/CDM	Taylor Wimpey Homes (Exeter)	Condition Discharge: Conditions 3, 4, 5, 6, 7 & 8 of application 15/02359/FUL	Land Off Ham Drive Plymouth	Mr Chris King



Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
30/01/2017	Grant Conditionally	16/02378/FUL	EE Ltd And Hutchison 3G UK Ltd	Retention of temporary mast and associated radio equipment housing and fencing for a period of 12 months	Land At Southway, Rockfield Avenue Plymouth PL6 6DY	Miss Amy Thompson
31/01/2017	Agreed Minor Amendment	16/02055/AMD	Bovis	Non-material minor amendment: Change to reconfigure apartment block within Parcel N to provide 3 Wheelchair units to ground floor and 9no. 2 bed apartments above for application 15/00519/REM.	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road Plymouth	Mr Ian Sosnowski
31/01/2017	Agreed Minor Amendment	16/02283/AMD	Taylor Wimpey (Exeter)	Non-material minor amendment: Various amendments sought to drawing references to application 16/00287/REM and changes to approved buildings to amend parapet wall detailing, provision of rear casement windows, provision of terraces and balconies, plus others.	"Sherford New Community" Land South/Southwest Of A38 Plymouth	Mr Ian Sosnowski
31/01/2017	Grant Conditionally	16/01781/FUL	Mr Shaun Traynor	Two storey rear extension to create 2x flats (C3).	15 Whitefield Terrace, Greenbank Road Plymouth PL4 8NH	Mr Mike Stone
31/01/2017	Grant Conditionally	16/02027/FUL	Mr Chris Gait	Conversion of existing redundant dispensary building to 12no apartments with associated parking & landscaping	The Old Dispensary, 36 Craigie Drive Plymouth PL1 3JB	Mr Chris King
31/01/2017	Grant Conditionally	16/02282/REM	Mr & Mrs Thomas	Application for reserved matters including appearance, layout & scale of 1no self-build (Plot 4) following grant of permission 15/00486/OUT	West Park Primary School, Wanstead Grove Plymouth PL5 2LU	Miss Amy Thompson
31/01/2017	Grant Conditionally	16/02376/FUL	Mr & Mrs Paul Horrell	Side extension and front porch	37 Sharrose Road Plymouth PL9 9QF	Mrs Alumeci Tuima
31/01/2017	Grant Conditionally	16/02408/FUL	Stonehouse Lawn Tennis Club	Replacement clubhouse (amendments to approved scheme 16/00025/FUL)	Stonehouse Lawn Tennis Club, Durnford Street Stonehouse Plymouth PL1 3QR	Miss Amy Thompson

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
31/01/2017	Grant Conditionally	16/02411/FUL	Mr David Scantlebury	Change of use of ground floor from Class B1 to Class C3 plus single storey extension at rear of building	9-11 Durnford Street Plymouth PL1 3QJ	Mr Chris King
31/01/2017	Grant Conditionally	16/02412/LBC	Mr David Scantlebury	Change of use of ground floor from Class B1 to Class C3 plus single storey extension at rear of building	9-11 Durnford Street Plymouth PL1 3QJ	Mr Chris King
31/01/2017	Refused	16/02269/FUL	Mr Ahmed Hussain	Two-storey extension to create 4no flats (Class C3)	1 Crownhill Road Plymouth PL6 5AG	Mr Chris Cummings
31/01/2017	Refused	16/02373/FUL	Mr & Mrs Humphrey	Side and front wrap-around extension	197 St Margarets Road Plymouth PL7 4RG	Mrs Liz Wells
01/02/2017	Granted Conditionally subject to S106	16/01973/FUL	Westward Housing Group Limited	Demolition of existing building and erection of 15no affordable dwellings with associated access, parking and associated works	Lakeside, Ernesettle Green Plymouth PL5 2ST	Mr Robert McMillan
01/02/2017	Agreed Condition Details	16/02374/CDM	Plymouth City Council	Condition Discharge: Condition 3 of application 16/00394/LBC	City Museum & Art Gallery, Drake Circus Plymouth PL4 8AJ	Mrs Olivia Wilson
01/02/2017	Agreed Condition Details	16/02430/CDM	Plymouth City Council	Condition Discharge: Conditions 18, 19, 20, 21, 23, 24, 25, 26, 28, 29 & 30 of application 16/00394/LBC	City Museum & Art Gallery, Drake Circus Plymouth PL4 8AJ	Mrs Olivia Wilson
01/02/2017	Agreed Minor Amendment	17/00026/AMD	City Deal Team	Non-material Minor Amendment: Substitution of Approved Site Demolition Plan with new revised Site Demolition Plan to address a minor amendment to the fence lines in Area 1 West as approved in application 14/02269/OUT	South Yard (Areas 1 & 5) Devonport Dockyard Plymouth PL1 4SG	Mrs Rebecca Boyde

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
01/02/2017	Agreed Minor Amendment	17/00167/AMD	KFC (GB) Ltd	Non-material minor amendment: Removal of existing boundary wall and replace with timber knee rail and pin kerb demarcating the back edge of the highways demise for application 15/01712/FUL	KFC Wolseley Road Plymouth PL5 1UD	Mrs Rebecca Boyde
01/02/2017	Refused	16/02334/ADV	Sherford New Community Consortium	Advertisement (retrospective)	1 Hays Road Plymouth PL9 8HS	Mr Ben Wilcox
02/02/2017	Agreed Minor Amendment	17/00270/AMD	Mr Errol McKinon	Non-material Minor Amendment: Rationalisation and repositioning of external windows and doors	West Park Primary School, Wanstead Grove Plymouth PL5 2LY	Mr Chris King
02/02/2017	Condition Decision Split	15/01696/CDM	Trathen Properties	Condition Discharge: Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 & 13 of application 15/00486/OUT	West Park Primary School, Wanstead Grove Plymouth PL5 2LU	Mr Adam Williams
02/02/2017	Grant Conditionally	16/02389/FUL	Mr & Mrs Randle	Rear extension and raised patio	1 Orchardton Terrace Plymouth PL9 9HR	Mrs Liz Wells
02/02/2017	Grant Conditionally	16/02402/FUL	Wrekin Windows	Replacement windows	246 Cecil Street Plymouth PL1 5HR	Mrs Alumeci Tuima
03/02/2017	Grant Conditionally	16/02280/REM	Mr Nick Clarke	Application for reserved matters including appearance, layout and scale of 1no self-build (Plot 21) following grant of permission 15/00486/OUT	West Park Primary School, Wanstead Grove Plymouth PL5 2LU	Miss Amy Thompson
03/02/2017	Grant Conditionally	16/02305/REM	Mr Michael Ryeland	Application for reserved matter including landscaping and appearance	Land Adjacent To 1 South Down Road Plymouth PL2 3HW	Mrs Liz Wells

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
06/02/2017	Grant Conditionally	16/02352/FUL	Mr B Croft	Two storey side extension and two storey rear extension with first floor rear balcony.	19 Admiralty Road St Budeaux Plymouth PL5 1NJ	Mrs Alumeci Tuima
06/02/2017	Grant Conditionally	16/02356/FUL	Mr & Mrs Colin & Frances Noden	Front porch	14 Easterdown Close Plymouth PL9 8SS	Mr Mike Stone
06/02/2017	Grant Conditionally	16/02405/FUL	Mr M Sampson	Fence and shed (retrospective)	3 Shirburn Road Plymouth PL6 5PG	Mr Chris Cummings
07/02/2017	Granted Conditionally subject to S106	16/01856/FUL	Mr Russell Hooper	4 storey extension above existing rear ground floor and conversion to create 48 additional student bed spaces within 21 flats	Tamar House, St Andrews Cross Plymouth PL1 1DN	Mrs Karen Gallacher
07/02/2017	Grant Conditionally	16/02266/FUL	Mr Abdul Kallum	Side extension, side dormer and rear dormer	5 Lockington Avenue Plymouth PL3 5QR	Mr Chris Cummings
07/02/2017	Grant Conditionally	16/02418/FUL	Mr & Mrs Deady	First floor side extension	15 Brimhill Close Plymouth PL7 1XP	Mr Mike Stone
07/02/2017	Grant Conditionally	16/02421/FUL	Mrs J Lane	Garage conversion	18 Boulden Close Plymouth PL7 2GL	Mrs Alumeci Tuima
07/02/2017	Grant Conditionally	16/02446/FUL	Mr Nick Briffa	Two-storey side extension and rear conservatory	55 Kings Road St Budeaux Plymouth PL5 2PF	Mrs Alumeci Tuima
07/02/2017	Lawful Certificate Issued	16/02415/PRDE	Mr Keith Harrison	Rear extension	20 Thornbury Park Avenue Plymouth PL3 4NJ	Mr Chris Cummings

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
08/02/2017	Agreed Condition Details	16/02064/CDM	Miss Rebecca Millman	Condition Discharge: Conditions 3 & 4 of application 15/01520/FUL	Former Downham Special School, Horn Lane Plymouth PL9 9BR	Mrs Rebecca Boyde
08/02/2017	Condition Decision Split	16/02232/CDM	MRH Limited	Condition Discharge: Conditions 3, 4, 5, 6, 7 & 8 of application 15/00164/FUL	Landmark Filling Station, Forder Valley Road Plymouth PL6 8LE	Mrs Liz Wells
08/02/2017	Grant Conditionally	16/02388/FUL	Ms Sadie Agha	Rear extension, garage conversion and extension and rear dormer	9 Vanguard Close Plymouth PL5 3JX	Mr Chris Cummings
08/02/2017	Lawful Certificate Issued	17/00007/EXUS	Mr B Randle	Lawful development certificate for an existing use of site as part car repairs (Class B2) and bottled gas storage (Class B1/B8)	113 Cattedown Road Plymouth PL4 0PN	Mr Chris Cummings
09/02/2017	Agreed Condition Details	16/02438/CDM	Mr Stevens	Condition Discharge: Conditions 5, 11 & 13 of application 15/02232/LBC	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
09/02/2017	Agreed Condition Details	16/02439/CDM	Plympton House Ltd	Condition Discharge : conditions 6 and 11 of application 15/02229/FUL	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
09/02/2017	Agreed Condition Details	16/02443/CDM	Plympton House Ltd	Condition Discharge : Conditions 6 and 11 of application 15/02230/FUL	St Peters Convent, George Lane Plymouth PL7 2LL	Mrs Rebecca Boyde
09/02/2017	Agreed Condition Details	17/00114/CDM	Mr Andrei Koranteng	Condition Discharge: Condition 3 of application 15/00742/FUL	Land Adjacent To 5 Bayswater Road Plymouth PL1 5BU	Mrs Rebecca Boyde
09/02/2017	Agreed Minor Amendment	16/02362/AMD	Mr Bob Fish	Non-material minor amendment: Amendment to planning condition 20 from application 15/01956/FUL	North Prospect Phase 3, Wordsworth Road/Wordsworth Crescent Plymouth PL2 2NE	Mr Robert McMillan

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
10/02/2017	Grant Conditionally	16/01818/FUL	Mr Steven Hawken	Installation of entrance gates, diesel and water tanks and ground level alterations (retrospective)	Land At Ridge Road Plymouth PL7 1UE	Miss Amy Thompson
10/02/2017	Grant Conditionally	16/01898/FUL	Mr & Mrs Douglas	Erection of dwelling adjacent to No. 107	107 Cunningham Road Plymouth PL5 4PU	Miss Amy Thompson
10/02/2017	Grant Conditionally	16/02119/LBC	Mr R Elliott	Roof repairs and new rooflights at rear	9 The Crescent Plymouth PL1 3AB	Mrs Kate Price
10/02/2017	Grant Conditionally	16/02136/FUL	Mr David Trathen	Change of use to pay & display car park	Land At Junction Of Dale Road & East Park Avenue Plymouth PL4 6PZ	Mrs Liz Wells
10/02/2017	Grant Conditionally	16/02148/FUL	Mr Vinecombe	Erection of 1no detached dwelling and 2no detached garages	126 Bellingham Crescent Plymouth PL7 2QP	Miss Amy Thompson
13/02/2017	Agreed Condition Details	16/02304/CDM	Unit Build	Condition Discharge: Conditions 3 & 4 of application 16/01560/FUL	Plymouth International Medical & Technology Park, Near William Prance Road Plymouth PL6 5WR	Mrs Karen Gallacher
13/02/2017	Condition Decision Split	15/01305/CDM	Mr E Kamaie	Discharge conditions 3, 4 & 5 of planning applictaion number 14/02111/FUL	H M Revenue & Customs, Customs House The Parade Plymouth PL1 2JP	Mrs Karen Gallacher
13/02/2017	Grant Conditionally	16/02229/FUL	Mr Martyn Cox	Demolition of existing educational buildings to facilitate the erection of a new 3 storey educational college specialising in medical and healthcare	Stoke Damerel Community College, Somerset Place Plymouth PL3 4BD	Mr Robert McMillan

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
13/02/2017	Grant Conditionally	16/02250/FUL	The Barden Corporation (UK) Ltd	Alterations and extensions to existing manufacturing facility	The Barden Corporation (UK) Ltd, Estover Road Plymbridge Road Plymouth PL6 7LH	Mr Chris King
13/02/2017	Grant Conditionally	16/02340/FUL	Mrs & Mrs Keith Vowles	Rear extension and raised patio	9 Meadow Rise Plymouth PL7 1JL	Mr Mike Stone
14/02/2017	Grant Conditionally	16/02094/S73	Plymouth City Council	Variation of condition 2 (plans) of application 16/00393/FUL for minor amendments to internal and external layout and alterations to terrace	City Museum & Art Gallery, Drake Circus Plymouth PL4 8AJ	Mrs Olivia Wilson
14/02/2017	Grant Conditionally	16/02100/LBC	Plymouth City Council	Minor internal and external amendments and alterations to approval 16/00394/LBC	City Museum & Art Gallery, Drake Circus Plymouth PL4 8AJ	Mrs Olivia Wilson
14/02/2017	Prior Approval Not Required	17/00172/31	Mr Andrew Newman	Notification of demoltion of buildings in Keyham Fuel Oil Depot.	Keyham Fuel Oil Depot Goschen Yard Plymouth	Mr Mike Stone
15/02/2017	Decision Split	16/02368/TPO	The Church Of Jesus Christ Of Latter Day Saints	5x Sycamore - raise crowns to 6m above ground level 1x Larch - fell 2x Pine - fell	Church Of Jesus Christ Of Latter Day Saints, Mannamead Road Plymouth PL3 5QJ	Mrs Jane Turner
15/02/2017	Report Issued	17/00173/ERS105		Request for EIA Screening Opinion for new office and retail development at William Prance Road	Land At William Prance Road Plymouth	Mr Alistair Wagstaff
15/02/2017	Agreed Condition Details	17/00215/CDM	Alliance Medical Ltd	Condition Discharge: Condition 3 of application 16/02054/FUL	Derriford Hospital Derriford Road Plymouth PL6 8DH	Mr Chris King

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
15/02/2017	Agreed Minor Amendment	16/02355/AMD	Mr Colin Palmer	Non-material Minor Amendment: Alterations to existing house type designs of application 16/01172/S73	119 Looseleigh Lane Plymouth PL6 5HH	Mr Robert McMillan
15/02/2017	Agreed Minor Amendment	17/00210/AMD	Mr Kevin Poole	Non-material Minor Amendment: Re-arrangement of parking spaces to improve access and turning	35-41 Ringmore Way Plymouth PL5 3QG	Mr Robert McMillan
15/02/2017	Grant Conditionally	16/02215/LBC	Mount Wise (Devon) Ltd	Works to convert building to 12 apartments	Admiralty House, Mount Wise Crescent Plymouth PL1 4HZ	Miss Katie Graham
15/02/2017	Grant Conditionally	16/02401/TPO	Mr Owain Gibby	Sycamore - reduce by 2m	7A Queens Gate Lipson Plymouth PL4 7PP	Mrs Jane Turner
15/02/2017	Grant Conditionally	16/02422/TPO	Livewell Southwest	Lime - reduce branches to clear fire escape and roof	Mount Gould Hospital, Mount Gould Road Plymouth PL4 7QD	Mrs Jane Turner
15/02/2017	Grant Conditionally	16/02435/TPO	Nash & Co. Solicitors LLP	Various tree management works to 2 Lime and 2 Horse Chestnut trees as detailed in Section 7 of the application form (NB: deadwood removal does not require consent)	Beaumont House, Beaumont Road Plymouth PL4 9BD	Mrs Jane Turner
15/02/2017	Grant Conditionally	17/00140/REM	The Abbeyfield Society	Revised Reserved Matters application seeking approval of access, appearance, layout, scale, and landscaping for 80 extra care apartments and associated facilities at Plot C2, MillbayThe outline planning application was an Environmental Impact Assessment application and an environmental statement was submitted to the LPA at that time.	Plot C2, Millbay Plymouth	Miss Katie Graham
16/02/2017	Agreed Condition Details	16/02156/CDM	Ian Brown	Condition Discharge: Conditions 5, 6, 7, 8, 9, 10, 18, 19 & 21 of application 15/00804/FUL	1 Research Way Plymouth PL6 8BX	Mr Chris King



Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
16/02/2017	Agreed Condition Details	17/00378/CDM	Alliance Medical Ltd	Condition Discharge: Condition 4 of application 16/02054/FUL	Derriford Hospital Derriford Road Plymouth PL6 8DH	Mr Chris King
16/02/2017	Grant Conditionally	16/02088/FUL	Mrs Kim Newton	Rear balcony	32 Poole Park Road Plymouth PL5 1JH	Mr Mike Stone
16/02/2017	Grant Conditionally	17/00019/FUL	Mr Garbett	Side extension	23 Jenkins Close Plymouth PL9 9TT	Mr Chris Cummings
16/02/2017	Grant Conditionally	17/00027/ADV	Magnet Ltd	2no. illuminated fascia signs and 2no. non-illuminated fascia signs	Transit Way Retail Park Plymouth PL5 3TW	Mr Chris Cummings
16/02/2017	Grant Conditionally	17/00109/FUL	Mr Brian Foster	Replace existing rear outbuildings with freestanding store	89 Wilton Street Plymouth PL1 5LU	Miss Amy Thompson
16/02/2017	Grant Conditionally	17/00123/FUL	Mr & Mrs Carruthers	Single storey side extension	2 Sefton Avenue Plymouth PL4 7HB	Mr Mike Stone
16/02/2017	Grant Conditionally	17/00125/FUL	Matalan Retail Ltd	New entrance	Matalan Transit Way Plymouth PL5 3TW	Miss Amy Thompson
16/02/2017	Lawful Certificate Issued	17/00006/EXUS	Mr Craig Duncan	Lawful development certificate for existing use of property as four bed HMO (Class C4)	First Floor Flat 161 Molesworth Road Stoke Plymouth PL3 4AJ	Mr Chris Cummings
16/02/2017	Lawful Certificate Issued	17/00201/PRDE	Mr Richard Watt	Front window	64 Ford Hill Plymouth PL2 1HN	Mr Chris Cummings

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
17/02/2017	Agreed Condition Details	16/02416/CDM	HMR Naval Base	Condition Discharge: Condition 3 of application 16/01505/LBC	6 The Terrace, Morice Yard, HMR Naval Base Plymouth PL1 4SB	Mr Mike Stone
17/02/2017	Grant Conditionally	16/02212/FUL	Mr Douglas Friend	Conversion to 12 apartments & associated works	Admiralty House, Mount Wise Crescent Plymouth PL1 4HZ	Miss Katie Graham
17/02/2017	Lawful Certificate Issued	17/00128/PRUS	Mr Nathan Sanders	Widening of existing cycle path from 1.4m to 2.5m along its existing length of approximately 700m. New asphalt surface to be applied to the whole path. Existing signage to be amended at the southern end of the path to more clearly distinguish between the pedestrian and cycle paths.	The Ride Plymouth PL9 7JA	Mr Jon Fox
20/02/2017	Agreed Condition Details	17/00117/CDM	Mr Graham Lobb	Condition Discharge: Condition 18 of application 14/02269/OUT	Devonport Dockyard, South Yard, Area 1 East Plymouth	Mrs Rebecca Boyde
20/02/2017	Agreed Condition Details	17/00120/CDM	Kentucky Fried Chicken (KFC)	Condition Discharge: Condition 3, 4, 9 & 16 of application 15/01712/FUL	St Budeaux Former Service Station Wolseley Road Plymouth PL5 1UD	Mrs Rebecca Boyde
20/02/2017	Agreed Minor Amendment	17/00338/AMD	Galliford Try Partnerships SW	Non-material minor amendment: Garden boundaries moved on north side of the site to accommodate change in level between gardens and boundary for application 15/01906/FUL	Former Southway Secondary School Land West Of Skerries Road Plymouth PL6 6EE	Mrs Rebecca Boyde
20/02/2017	Grant Conditionally	16/02129/FUL	Mr Seddon	Change of use from nightclub to place of worship with ancillary activities	34-36 Union Street Plymouth PL1 3EY	Mrs Katie Saunders
20/02/2017	Grant Conditionally	16/02248/FUL	Mr Adrian Vinkin Obe	Installation of statue	Theatre Royal, Royal Parade Plymouth PL1 2TR	Mr Mike Stone

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
20/02/2017	Grant Conditionally	16/02432/FUL	Mr James Balsdon	Two storey side extension and two storey front extension	31 St Barnabas Terrace Plymouth PL1 5NW	Mrs Alumeci Tuima
21/02/2017	Grant Conditionally	16/01377/LBC	Mr Adam Willetts	Internal & external alterations to Melville, removal of wall (Nursery Car Park) and parking in reservoir	Melville Building, Royal William Yard Plymouth PL1 3RP	Miss Katie Graham
22/02/2017	Condition Decision Split	16/02383/CDM	Eop II Prop Co I S.A.R.L	Condition Discharge: Conditions 17, 18, 26, 27 & 29 of application 16/01102/S73	Legacy Plymouth International Hotel, 270 Plymouth Road Plymouth PL6 8NH	Mr Alistair Wagstaff
22/02/2017	Grant Conditionally	16/02414/ADV	Virgin Media Ltd	Installation of projecting sign	36 New George Street Plymouth PL1 1RW	Mrs Jess Maslen
22/02/2017	Grant Conditionally	17/00164/FUL	Mr Mark Hunns	Two storey rear extension with attached decking, plus demolition of existing conservatory and outhouse	37 Whiteford Road Plymouth PL3 5LU	Mr Mike Stone
23/02/2017	Agreed Condition Details	16/01976/CDM	West Hoe Developments	Condition Discharge: Conditions 3, 4, 5, 6 & 7 for application 15/01629/FUL	Car Park Adjacent 4 Pier Street Plymouth PL1 3BY	Mrs Katie Saunders
23/02/2017	Agreed Condition Details	16/02020/CDM	Mrs Sandra Pentney	Condition Discharge: Conditions 3 & 4 of application 16/01270/FUL	Jennycliff Cafe, Jennycliff Lane Plymouth PL9 9SW	Mrs Liz Wells
23/02/2017	Agreed Condition Details	16/02290/CDM	Jon Arnold	Condition Discharge: Conditions 5 & 6 of application 12/01324/LBC	Boringdon Hall, Boringdon Hill Plymouth PL7 4DP	Mrs Katie Saunders
23/02/2017	Agreed Condition Details	17/00194/CDM	Mr Chris Jay	Condition Discharge: Condition 3 of application 15/00870/FUL	Ernesettle Industrial Estate, North Of Northolt Avenue And East Of Ernesettle Lane Plymouth PL5 2TT	Mr Simon Osborne

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
23/02/2017	Agreed Condition Details	17/00224/CDM	Mrs G Dukoff-Gordon	Condition Discharge: Conditions 4 and 5 of application 14/02409/FUL	New Kiosk Unit The Broadway Plymstock Plymouth PL9 7AW	Mrs Rebecca Boyde
23/02/2017	Condition Decision Split	17/00192/CDM	Mr John Rook	Discharge conditions 6, 7, 17, 32, and 37 from application 08/01968/OUT	Plymouth Airport Plymbridge Lane Plymouth PL6 8BA	Mr Robert McMillan
23/02/2017	Grant Conditionally	16/02377/S73	Mr Evenson	Variation of condition 13 (student use) of application 14/01228/FUL	Royal Eye Infirmary, Apsley Road Plymouth PL4 6PJ	Mrs Katie Saunders
23/02/2017	Grant Conditionally	17/00209/FUL	Mr Blackmore	Two storey side extension and rear dormer	313 Saltash Road Keyham Plymouth PL2 2DG	Mr Mike Stone
24/02/2017	Grant Conditionally	16/01651/FUL	Southside Street Ltd	Resubmission of application 16/00821/FUL to provide 3x flats	Rear Of New Meze Grill Restaurant, Pin Lane Plymouth	Miss Rebecca Black
24/02/2017	Grant Conditionally	16/02271/ADV	Student Choice Plymouth	Non-illuminated fascia sign (retrospective)	179 North Road West Plymouth PL1 5DE	Mr Chris Cummings
24/02/2017	Grant Conditionally	16/02328/FUL	Mr Andrew Taylor	Detached side garage	63 Cranfield Plymouth PL7 4PF	Mrs Alumeci Tuima
24/02/2017	Grant Conditionally	16/02347/LBC	Miss Gemma Lang	Car parking management system including signage	New Continental Hotel, Millbay Road Plymouth PL1 3LD	Mrs Jess Maslen
24/02/2017	Grant Conditionally	16/02349/ADV	Miss Gemma Lang	Car parking signage	New Continental Hotel, Millbay Road Plymouth PL1 3LD	Mrs Jess Maslen

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
24/02/2017	Grant Conditionally	16/02350/FUL	Miss Gemma Lang	Car parking management system	New Continental Hotel, Millbay Road Plymouth PL1 3LD	Mrs Jess Maslen
24/02/2017	Grant Conditionally	16/02403/FUL	Mr P Rump	Meter box installation & minor internal alterations	Crown And Column, 223 Ker Street Plymouth PL1 4EL	Mrs Jess Maslen
24/02/2017	Grant Conditionally	16/02404/LBC	Mr P Rump	Meter box installation & minor internal alterations	Crown And Column 223 Ker Street Plymouth PL1 4EL	Mrs Jess Maslen
24/02/2017	Grant Conditionally	17/00145/ADV	Bliss	Free standing totem sign	Ash House, Ashleigh Way Plymouth PL7 5JX	Mr Chris Cummings
24/02/2017	Grant Conditionally	17/00148/FUL	Mr & Mrs Moore	Demolition of part of existing rear extensions and erection of new extension	14 Elm Grove Plymouth PL7 2BW	Mrs Alumeci Tuimala
24/02/2017	Grant Conditionally	17/00188/FUL	Mr Brian Tapper	Front porch	101 Fountains Crescent Plymouth PL2 3RD	Mr Mike Stone
24/02/2017	Lawful Certificate Issued	17/00142/PRDE	Mr John Foster	Rear extension	28 The Hollows Plymouth PL9 8TX	Mr Chris Cummings
24/02/2017	Prior Approval Not Required	17/00200/31	Mr Nick Bishop	Notification of demolition of disused cricket pavilion.	Delgany Sports Ground, Powisland Drive Plymouth PL6 6AB	Mr Mike Stone

**This page is intentionally left blank**

Application Number: 16/01019/FUL  
Appeal Site: 36 Burleigh Park Road, Plymouth, PL3 4QH  
Appeal Proposal: Change of use from dwelling (Class C3) to 4-bedroom HMO (Class C4) (retrospective)  
Case Officer: Chris Cummings

Appeal Type: Written Representations  
Appeal Decision: Dismissed  
Appeal Decision Date: 18.01.2017

**Appeal Synopsis:**

Planning permission was refused for a retrospective change of use to a Class C4 house in multiple occupation (HMO) (3-6 persons sharing), as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 and CS34. It was also considered contrary to guidance contained in the Councils Development Guidelines Supplementary Planning Document First Review, the National Planning Policy Framework 2012 and Policies 30(5) and 39 of the emerging Joint Local Plan. The decision was made by Planning Committee contrary to officer recommendation.

Having reviewed the application and visited the site, the Inspector supported the Council's view that the development results in additional pressure on already severely limited on-street parking which could have a detrimental effect on the safe and efficient operation of the highway network. The Inspector noted that a four-bedroom property occupied by four unrelated adults can be reasonably expected to generate a materially greater level of parking demand than that of a single household.

The development satisfied the basic requirements for conversion to an HMO, however the Inspector noted that these benefits do not overcome the significant harm to highway safety generated by the change of use. Action is now being taken by Officers to ensure the owner restores the use back to a single-family dwelling (Class C3).

An application for costs was made by the appellant and refused by the Inspector, who noted that the Councils' decision was soundly based. The Inspector also noted that the Council did not behave unreasonably or lead the appellant to incur unnecessary expense in lodging their appeal.

Application Number: 15/01798/FUL  
Appeal Site: Former Tennis Courts, Hoe Road-Pier Street, Plymouth  
Appeal Proposal: Variation of condition 1 (plans condition) of 14/01449/FUL to allow fourth floor roof top swimming pool and associated plant buildings  
Case Officer: Karen Gallacher  
Appeal Type: Written Representations  
Appeal Decision: Allowed  
Appeal Decision Date: 22.08.2016

## Appeal Synopsis:

The application was for a rooftop swimming pool and associated buildings on a previously approved apartment block. Although recommended for approval, the application was refused at planning committee, contrary to officer recommendation, because the prominent additions to the roof would harm the character of the building and the Hoe conservation area. The inspector disagreed that the development would be harmful and found no conflict with policies CS03 or CS34 of the Core Strategy. With regard to policies 28 and 29 of the Plymouth Plan, the inspector advised that they could only be given limited weight as the plan had not reached an advanced stage. The appellant was also awarded costs.

The refusal was on grounds of design, which is subjective and for this reason officers were of the opinion that this award was unreasonable. £5,000 in costs were paid, but officers wrote to the Planning Inspectorate for clarification. Their response was as follows: " I have now completed my investigation. After considering all the evidence and visiting the site, the Inspector concluded that he did not feel the proposal would have a detrimental impact on the appearance of the surrounding area, including the Conservation Area. He allowed the planning appeal. However, you were concerned about the reasoning in the costs decision, where the inspector concluded that the reason for refusal had not been substantiated, and you seek clarification. After examining the points made in your correspondence, we consider that there is inadequate reasoning and justification for this conclusion in the costs decision. I do apologise for this omission and for any concern and inconvenience it may have caused. As you are aware, I am not able to add to or change the decision. I can only apologise once again that we have fallen short of our own standards in this instance. The Inspector will be made aware of this and we will take steps to ensure such an error does not occur again."