



#plymplanning

Oversight and Governance

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PLANNING COMMITTEE

Thursday 19 July 2018
4.00 pm
Council House, Plymouth

Members:

Councillor Stevens, Chair
Councillor Tuohy, Vice Chair
Councillors Corvid, Derrick, Johnson, Kelly, Loveridge, Morris, Neil, Nicholson, Mrs Pengelly, Rebecca Smith and Winter.

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.

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Tracey Lee
Chief Executive

Planning Committee

AGENDA

PART I – PUBLIC MEETING

1. Apologies

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

2. Declarations of Interest

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

3. Minutes (Pages 1 - 6)

The Committee will be asked to confirm the minutes of the meeting held on 28 June 2018.

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.

I.I. Colebrook House 51 Newnham Road Plymouth PL7 4AW - (Pages 7 - 40)
17/02471/FUL

Applicant: Mr David Matthews

Ward: Plympton St Mary

Recommendation: Grant Conditionally

I.2. Units 9 & 10 Sherwell House 30 North Hill Plymouth PL4 8ET (Pages 41 - 52)
- 18/00830/FUL

Applicant: Sherwell House Management Ltd

Ward: Drake

Recommendation: Refuse

I.3. White Lady Road Plymouth PL9 9GA - 17/02456/FUL (Pages 53 - 68)

Applicant: St Mary's Church Preschool

Ward: Plymstock Radford

Recommendation: Grant Conditionally

I.4. Allotment Gardens Prince Maurice Road Plymouth PL4 7LL - (Pages 69 - 110)
18/00432/FUL

Applicant: Mr Gary Stirling

Ward: Efford and Lipson

Recommendation: Grant conditionally subject to S106 delegated to Service Director
to refuse if timescales not met.

7. Planning Application Decisions Issued (Pages 111 - 122)

The Assistant Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions issued since the last meeting, 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 123 -
124)**

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>

9. Exempt Business

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

Planning Committee**Thursday 28 June 2018****PRESENT:**

Councillor Stevens, in the Chair.

Councillor Tuohy, Vice Chair.

Councillors Churchill (substitute for Councillor Loveridge), Corvid, Derrick, Johnson, Kelly, Michael Leaves (substitute for Councillor Nicholson), Morris, Neil, Mrs Pengelly, Rebecca Smith and Tuffin (substitute for Councillor Winter).

Apologies for absence: Councillors Loveridge, Nicholson and Winter.

Also in attendance: Peter Ford (Head of Development Management), Julie Parkin (Senior Lawyer), Helen Rickman (Democratic Advisor).

The meeting started at 4.00 pm and finished at 6.42 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.***12. Declarations of Interest**

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

Name	Minute Number and Item	Reason	Interest
Councillor Mrs Pengelly	Minute: 18 16 Torland Road Plymouth PL3 5TS - 18/00508/FUL	The applicant is one her neighbours and the applicant is known to her.	Personal
Councillor Kelly	Minute: 18 16 Torland Road Plymouth PL3 5TS - 18/00508/FUL	The applicant is known to him.	Personal and pecuniary.

13. MinutesAgreed the minutes of the meeting held on 31 May 2018.**14. Chair's Urgent Business**

There were no items of Chair's urgent business.

15. Questions from Members of the Public

There were no questions from members of the public.

16. **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.

17. **95 Durnford Street Plymouth PL1 3QW - 17/02444/FUL**

Dominic Robinson

Decision:

Application GRANTED conditionally subject to the following additions to Condition 4 and 5 (underlined for clarity):

Condition 4: Accommodation Management

None of the rooms hereby permitted shall be occupied until details of the arrangements by which the accommodation is to be managed has been submitted and approved in writing by the Local Planning Authority. The management plan shall include (not exhaustive list): emergency contact details; support worker management (including hours of supervision); out-of-hours management; identification and handling of relapses; emergency response procedures; and exit strategies for occupants. The Local Planning Authority, will consider the management plan in consultation with the Planning Committee Chair, Vice-Chair, opposition member and ward councillors. Thereafter, the property shall continue to be managed permanently in accordance with the approved management arrangements, unless the Local Planning Authority gives written approval to any variation of the arrangements.

Reason:

To assist in protecting the residential amenities of the area, in accordance with policies Policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007, Paragraph 17 of the National Planning Policy Framework 2012 and Policy DEV2 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

Condition 5 – Community Forum:

Details of the arrangement of the community forum meetings with the neighbours and other stakeholders shall be approved in writing by the Local Planning Authority in consultation with the chair, vice chair and opposition member prior to the occupation of the property.

The details shall include: The frequency, timing, and venue, of forum meetings, and ensuring neighbours and other stakeholders are informed of their occurrence. The forum shall continue to be operated in the agreed format at all times while the site continues to be used for the approved use unless there are subsequently any variations to the agreed forum details agreed in writing by the Local Planning Authority.

Reason:

To ensure that the facility is managed in an appropriate manner to avoid harm to the living conditions of nearby properties to comply with Policy CS22 of the adopted City of Plymouth Core Strategy Development Plan Document 2007, Paragraph 17 of the National Planning Policy Framework 2012 and Policy DEV2 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034).

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

(The Committee heard representations against this application)

18. **I6 Torland Road Plymouth PL3 5TS - I8/00508/FUL**

Mr Michael Michaelides

Decision: REFUSED

The proposed development is considered to create an unacceptable impact on the amenity and privacy of neighbouring properties, in particular 14 Torland Road, contrary to the Plymouth Local Development Framework (2006 - 2021) 2007 policy CS34 and Paragraph 17 of the Nation Planning Policy Framework.

(A Planning Committee site visit was held on 27 June 2018 in respect of this application)

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

(Councillors Mrs Pengelly and Kelly were not in attendance for this item due to declaring an interest).

19. **Colebrook House 51 Newnham Road Plymouth PL7 4AW - I7/02471/FUL**

Mr David Matthews

Decision:

Application DEFERRED for further discussions on the feasibility of incorporating Colebrook House within the development of the site.

(A Planning Committee site visit was held on 27 June 2018 in respect of this application)

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

(The Committee heard from the agent speaking in support of the application)

(Councillor Churchill's proposal to defer the application, seconded by Councillor Mrs Pengelly, was put to the vote and declared carried)

20. **Planning Application Decisions Issued**

The Committee noted the report from the Service Assistant Director for Strategic Planning and Infrastructure on decisions issued since the last Committee.

21. **Appeal Decisions**

There were no appeal decisions for consideration.

22. **Exempt Business**

There were no items of exempt business.

Schedule of voting

*** Please note ***

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

PLANNING COMMITTEE – 28 June 2018

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared
6.1	Minute 17 95 Durnford Street, Plymouth, PL1 3QW – 17/02444/FUL	Councillors Churchill, Kelly, Michael Leaves, Mrs Johnson, Mrs Pengelly, Rebecca Smith, Corvid, Derrick, Morris, Stevens and Tuohy.	Councillors Neil and Tuffin		
6.2	Minute 18 16 Torland Road, Plymouth, PL3 5TS – 18/00508/FUL	Councillors Corvid, Morris, Neil, Tuffin and Tuohy.	Councillors Churchill, Michael Leaves, Mrs Johnson, Rebecca Smith, Derrick and Stevens.		Councillors Kelly and Mrs Pengelly.
6.3	Minute 19 Colebrook House, 51 Newnham Road, Plymouth, PL7 4AW – 17/02471/FUL Vote on proposal to defer	Councillors Tuohy, Churchill, Mrs Johnson, Kelly, Michael Leaves, Mrs Pengelly and Rebecca Smith.	Councillors Morris, Stevens, Tuffin, Corvid, Derrick and Neil.		

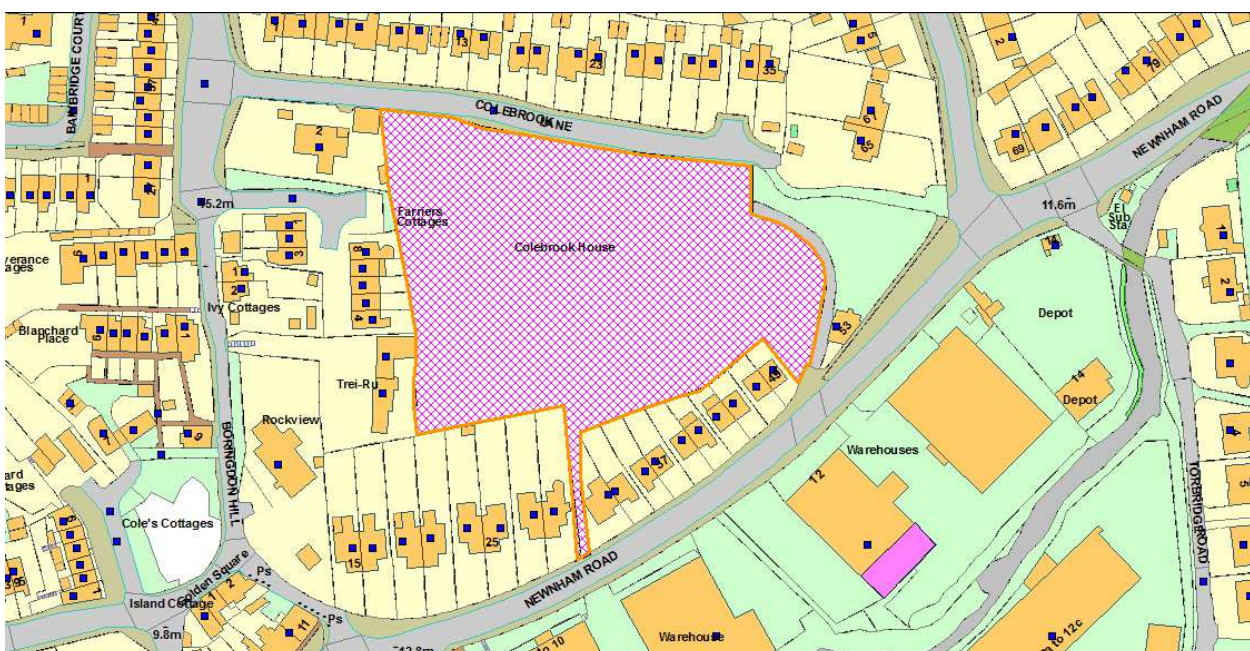
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PLANNING APPLICATION OFFICERS REPORT



Application Number	17/02471/FUL	Item	01
Date Valid	10.01.2018	Ward	PLYMPTON ST MARY

Site Address	Colebrook House 51 Newnham Road Plymouth PL7 4AW		
Proposal	Demolition of existing buildings and erection of 14 dwellings and associated works		
Applicant	Mr David Matthews		
Application Type	Full Application		
Target Date	11.04.2018	Committee Date	19.07.2018
Extended Target Date	25.07.2018		
Decision Category	More than 15 Public Comments		
Case Officer	Mr Chris King		
Recommendation	Grant Conditionally		



1. Update following Deferment

Members will recall that this planning application was deferred for further discussions on the feasibility of incorporating Colebrook House within the development of the site.

Officers have since met with the applicant to discuss the matters raised at committee and can provide the following update. Cllr Patrick Nicholson was in attendance and assisted officers with the negotiations.

The discussion focused primarily on the retention of the house along with the possibility of including the land to the east of the site that has been partitioned and excluded from the planning application red line boundary.

Firstly, the applicant has contacted the landowners representative who has advised officers that their 'instructions have not changed and that due to legal and ownership issues this land cannot and will not be included inside the red line of the planning application'.

Secondly, and in addition to this, the Council has been advised that neither the landowners nor the applicant are 'prepared to withdraw the application nor consider revising the application to consider keeping the house'. They have reiterated that 'it is simply not viable' and do not wish to pursue this matter as part of the planning application.

In addition to the above, the circumstances of the Code of Practice were discussed. Members will recall that the applicant provided a letter to officers outlining that they would seek to engage with the landowners to explore the practicalities of using the existing access way from Newnham Road to construct the development should permission be granted. This matter was discussed at the meeting with officers and the commitment to explore this was reiterated, as follows:-

'The landowners, subject to internal and legal discussions with Burrington Estates and the other owners, as well as PCC highways approval, and health and safety sign off, would be prepared to discuss using the driveway for some construction access.'

Finally, at the meeting officers requested that a Grampian condition be imposed on the current planning application, seeking works to the Gatehouse and its grounds. It is clear that the site is of local importance and is highly regarded with many local residents. A proposal was suggested by officers that the landowners undertake a package of works to improve the appearance of the premise as well as enhance the grounds. It was agreed that this would be of public benefit in terms of amenity, reducing anti-social behaviour and historic preservation. Officers are also of the view that this would further enhance the development that is being proposed.

The landowners' representative and the applicant have agreed to this in principle, subject to suitable wording that meets the necessary planning condition tests outlined in the NPPF. A condition (Condition 15) has been applied in the meantime and any amendments (if required) will be dealt with through an addendum report.

The representative caveated the agreement to this condition on the understanding that Planning Committee would "determine [the application] one way or another on the 19th and that any further deferment was not palatable.

Officers consider that all reasonable attempts have been made to address the matters raised at the last Planning Committee. Therefore, and with the addition of the Grampian condition, the planning application is considered acceptable as proposed and remains recommended for conditional approval.

2. Description of Site

The application site measures 0.9ha and is located in the Colebrook part of Plympton, to the east of the City. The application site comprises Colebrook House and its curtilage garden, dating mid-19th Century.

Located in a predominately residential area, the site is bound by a mix of 20th Century dwellings (of varying styles and sizes), most of which are found along the southern and western boundaries. The northern boundary is with Colebrook lane, but is separated by an existing stone wall.

The principle access to the site is via an existing lane (single width) that connects the site to Newnham Road to the south east. However, this access does not form part of the application site boundary, preserved solely for access to the gate house, also outside of the application boundary. An additional access point links the south of the site to Newnham Lane which is included in the application site.

Along with the existing dwelling, numerous old, dilapidated outbuildings/glasshouses remain. The garden has been maintained reasonably well and contains a number of protected Trees (TPOs) along with a wide range of typical garden shrubs, bushes and hedges. The site slopes from north (Colebrook lane) to south (Newnham Road).

3. Proposal Description

Demolition of existing buildings and erection of 14 Open Market dwellings, each detached and with generous frontage and private amenity space and off street parking. High quality landscaping proposals, including a private resident's open spaces is also included.

4. Pre-application Enquiry

A pre-application enquiry (17/01795/MAJ) was submitted in 2017 seeking guidance from the Local Planning Authority as to whether the principle of the proposed development of this site would be acceptable. The pre-application also sought guidance on various matters such as highway, ecology, heritage and drainage. The Local Planning Authority confirmed that the principle of 14 executive dwellings was acceptable subject to the submission of suitable information, designs and layout.

5. Relevant Planning History

None

6. Consultation Responses

Environment Agency (EA) – No objections in principle to this application however the EA recommends that it is not determined until the Lead Local Flood Authority has indicated whether they are satisfied with the design and calculations of the proposed surface water drainage scheme.

Historic Environment Officer – Disappointed with the loss of the existing dwelling however recognises that there is no policy requirement to retain it. Does recognise the potential redevelopment of the site.

Lead Local Flood Authority – No objections subject to conditions

Local Highway Authority – No Objections

Low Carbon Team – No Objections subject to conditions

Natural Infrastructure Team – No Objections Subject to conditions

Plympton St Mary Neighborhood Forum – No Comments received

Police Architectural Liaison Officer – No Objections subject to conditions

Public Protection Service – No Objections subject to conditions

Tree Officer – No Objections subject to conditions

7. Representations

The Local Planning Authority received 45 letters of representation during the initial 21 day consultation period. Of these 45 letters, all object to proposal either in full or in part however none specifically support the proposed development. The 45 letters are summarised as follows, outlining the key issues amongst the local community:

Loss of Heritage Assets

* Insufficient justification for the loss of Colebrook House

- * Will be detrimental to the historic character if the area if Colebrook House is knocked down
- * Plympton has few heritage assets, such as this dwelling and so it should be preserved for the future
- * Building should be saved and converted into flats for local people
- * Loss of historic limestone wall along Colebrook Lane

Impact on Local Highways and Parking

- * Access should be from Newnham Road, utilising the existing driveway
- * Will compound parking and traffic matters in Colebrook Road
- * The roads in the area are already at capacity
- * Junction with Borringdon Hill is dangerous
- * Will prevent existing residents from parking on the highway
- * Increased traffic will result in a loss of amenity, both during the day and at night with headlights shining into existing dwellings at the junction
- * Construction traffic would be detrimental to the area
- * The existing access from Newnham Road should be expanded to take all the traffic.
- * Colebrook is already heavily congested
- * Mitigation though S106 is required to deal with traffic issues
- * Unsafe for pedestrians

Impact towards Ecology and Biodiversity

- * Loss of trees has already taken place which has impacted the area
- * Impact on protected species – birds, bats etc.
- * Loss of natural habitat for wildlife
- * Wildlife needs to be mitigated for through the development process

Design and Residential Amenity Concerns

- * Houses are too big for the local area – out of character
- * Will affect the quiet character of the area
- * Loss of amenity to all surrounding dwellings
- * Too close to dwellings in Newnham Road
- * Site should not have been partitioned leaving part of the site outside of the redline
- * Will open the door for more dwellings in the future
- * Loss of peace and privacy

- * Loss of outlook for numerous dwellings

General Comments

- * Colebrook does not need more dwellings
- * Flooding is an issue in the area
- * Development of 14 bedroomed detached houses is by its nature 'exclusive' and so does not fit with the mixed nature of housing required in this area

Following the end of the initial consultation period, numerous design issues were highlighted to the applicant that required amendment to overcome officer objection. In addition, a summary of the letters of objection was provided to the applicant for consideration. The Local Planning Authority received a revised package of information to overcome the design matters raised by technical consultees and to address, where possible, the concerns of the local community. The application was therefore re-advertised / re-consulted upon for a further 21 days (site notice / press advert / letters to residents and ward Cllrs)

During this additional 21 day consultation period the Local Planning Authority received a further 19 Letters. Officers have reviewed the letters that have been submitted; however no new issues have been raised, with numerous letters reinforcing previous concerns. Additionally, however, some of the letters have questioned the accuracy of the supporting information in relation to the demolition of Colebrook House.

Since the end of the second consultation period a further 7 letters of representation have been received. These additional letters make the following comments:

- * Neither the developer or the officers have adequately considered the local high issues which are currently dangerous
- * Junctions are unsafe with too much traffic
- * Colebrook Lane cannot cope with the additional traffic
- * Drainage issues on the area are not being resolved although no new comments have been made.

8. 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 of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is 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, particularly if there are no substantive unresolved objections. 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 (First Review) 2013

5 Year Housing Land Supply

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

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

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

For the reasons set out in the Authority's Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

It should be noted, however, that the Local Planning Authority is at an advanced stage in the preparation of the Plymouth and South West Devon Joint Local Plan. The pre-submission version of the JLP has been formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council and has since been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.

Nonetheless, the council's current position on this matter is that the pre submission draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representation which are to be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

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

- o Available to develop now

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

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

For decision-taking this means:

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

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as set out in the adopted Core Strategy, the city's housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.

Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan

9. Analysis

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

2. The principle issues in relation to this application are considered to be the Loss of Existing Dwelling and Heritage assets, Highways and Parking matters, Ecology and Biodiversity (including trees), Flooding and Drainage considerations, Design and Layout considerations, Residential Amenity, Contamination, Sustainable Energy and Secure by Design principles.

3. Therefore this planning application turns upon policies CS01 (Development of Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS15 (Overall Housing Provision); CS16 (Spatial Distribution of Housing Sites); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.

4. Additionally, this planning application turns upon policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT3 (Provision for new homes); 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); DEV20 (Place shaping and the quality of the built environment); DEV21 (Conserving the historic environment); DEV22 (Development affecting the historic environment); DEV28 (Protecting and enhancing biodiversity and geological conservation); DEV29 (Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)); DEV30 (Trees, woodlands and hedgerows); DEV31 (Specific provisions relating to transport); DEV34 (Delivering low carbon development) and DEV37 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

Principle of Development – Loss of Existing Dwelling

5. Colebrook House is an unusual survivor in this part of Plymouth, due to being hidden away and accessed via a private driveway adjacent to the gate lodge. The detached house built in the 1850's stands within a large, secluded walled garden containing a number of outbuildings and garden structures, including several glasshouses of which some date from the 19th century. Although the garden is now very overgrown, it is still possible to discern elements of its formal layout. There are a number of mature trees across the entire site, protected through a Tree Protection Order.

6. Officers note that the site in terms of its scale is not representative of the local pattern of development, and there is no one defined building character, but a mix of building styles and layouts that contributes to the areas eclectic identity and is reflection of the growth of Plympton over the last 60 years or so.

7. Retaining and enhancing the character of an area is a core theme of the adopted Core Strategy and the approved Joint Local Plan, as well as the NPPF. In this case the Local Planning Authority recognises that the application site contributes to the character of the area, however the site is not within a conservation area and the property itself is not Listed.

8. Colebrook House was considered for listing by Historic England in March 2017 and the decision was taken not to list due to the extensive alterations undertaken in the latter part of the 20th Century. Additionally, should the applicant so choose, they could demolish the

building under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

9. Officers have sought to negotiate the retention of the dwelling and have been provided reasonable justification as to why the premises cannot be saved, both financially and practically. Whilst it would be clearly preferable that the existing dwelling be retained, as is the wish of the local community, it is the view of officers that this cannot be enforced given the status of the premises and the legislative powers at the disposal of the applicant. As such the principle of the demolition of Colebrook House to facilitate this development is acceptable, and in officers' view the benefits of 14 new dwellings outweighs the harm of its loss.

Principle of Development – Garden Development / Character

10. Paragraph 53 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The Local Planning Authority has created policies to assess such matters. It is important to prevent inappropriate and harmful backland development and to protect gardens that significantly contribute to the established character of the area.

11. The application site is large measuring 0.9ha in area and is occupied by one large dwelling. The proposal is to provide 14 'executive' dwellings that reflect the character of the site. This particular point was discussed during the pre-application process and given initial support by officer's.

12. Officers recognise that the proposed level of housing is just below the trigger of 15 units where S106 contributions would be required. However, the site has numerous constraints, primarily TPOs and access which significantly impacts a feasible layout and has reduced the amount of 'executive' dwellings that can be provided. Had a different housing model been proposed then more units could possibly be accommodated however that is not what the application proposed in this case.

13. The Joint Local Plan seeks to promote the increase of large and/or executive housing and in this case it is considered that the most efficient use of the site has been found. This has been discussed with the Council's Housing Delivery Team, who agrees that the level of housing / density is appropriate in this location, reflecting the past to some degree. A low density development is proposed and is considered an appropriate form of development by officers, thus according with policies CS15, CS16 and DEV7.

14. Furthermore, Policy DEV10(6) of the approved Joint Local Plan 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'.

15. As noted the application site is very large and is occupied by one large dwelling that is for the most part obscured from the street scene by the existing northern boundary wall. By virtue of the significant modifications to Colebrook House over time (as highlighted in the submitted Heritage Statement), and having assessed the street scene officers are of the view that it is in fact the Limestone wall that provides the predominant character feature of the street, not Colebrook House itself, and this is being enhanced.

16. Therefore and on balance, officers are of the view that the dwellings located in the northern part of the application site (plots 1, 11 and 14), whilst visible, will not adversely impact character of the street scene. They will be predominantly obscured by the retention of a stone wall that is being retained in addition to the section being proposed east of the new access. Furthermore, the rest of the dwellings further into the site (south of plots 1, 11 and 14) will generally be out of public view due to the topography of the site, the obscurity created by plots 1, 11 and 14, the existing stone wall and trees that are being retained. The loss of outlook for residents located on the northern side of Colebrook Lane looking south into the site is not considered harmful and given that the site is not within a conservation area the character of the area or street scene will not be adversely harmed.

17. The relationship of the proposed dwellings to existing properties along Newnham Road to the south is now considered acceptable following some design modifications with views and relationships preserved through strong boundary treatment that will mature overtime. The relationship with dwellings to the west of the site is considered acceptable due to the significant separation distances and boundary treatment that is proposed. The boundary treatment will be conditioned to ensure this is maintained in perpetuity so as to retain the character of the area and not advisory impact the surroundings that existing residents have come to enjoy.

18. Backland development and the development of existing residential gardens must be considered carefully against both local and national policy. In this case officers have balanced the harm (or perceived harm) that the development could cause to the character and amenity of the area against the weight given by the NPPF to sustainable development and housing supply. Para 14 of the NPPF states that 'there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking' and 'for decision-taking this means... approving development proposals that accord with the development plan without delay'. As the council cannot demonstrate a 5 year housing land supply para 49 of the NPPF is relevant. It states 'housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be

considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites’.

19. Having considered the key points outlined above the Local Planning Authority considers that the principle of this development is acceptable. In officers’ view it will not adversely harm the character or amenity of the area despite the loss of the existing dwelling, proposing an efficient use of what has become an unattractive parcel of land within a well-established residential area. The development therefore accords with policies CS01, CS02, CS15 and CS34 of the LDF Core Strategy, policies DEV1, DEV7, DEV10 and DEV20 of the Joint Local Plan the paragraph 14, 17, 49 and 53 of the NPPF for providing sustainable development of an appropriate scale in a suitable location.

Design and Appearance

20. The Design and Access Statement (DAS) describes the proposed development as traditional in appearance, which officer agree with. The DAS adds that the design ‘is a reflection of the design concepts of the redundant Colebrook House’ and this approach is supported by officers.

21. With respect to materials, the development proposes *“the use of grey stone on lower levels and hung slate to upper levels mixed with white render is in keeping with the House, as well as other nearby precedents. Windows are white UPVC, again in an appealing traditional style. Their large sizes not only allow plenty of natural light into the homes but also have appealing proportions which give interest to the facades. A render band further enhances these proportions by distinguishing between ground and first floor levels. A variation in materials throughout the scheme has been used to produce an appealing streetscape of interesting and attractive buildings. Pitched, slate roofs are used throughout for a quality feel, which are hipped in areas to reduce their apparent mass to neighbouring properties”*.

22. It is the view of officers that the proposed materials are of a high standard that would enhance the character of the area, going some way to compensate for the loss of the existing Colebrook House. The design of the dwellings therefore is considered to accord with existing and emerging policies; however a condition requiring samples of materials will be required to ensure a high quality finish throughout.

Local Highway Authority - Access

23. The planning application site boundary excludes the existing access road in the east of the site, which links to Newnham Road. Therefore to serve the dwellings a new access is proposed into Colebrook Lane, which involves the demolition of part of the boundary wall.

24. This particular aspect of the development has been cause for much concern amongst local residents, many suggesting that this new access will cause an unacceptable level traffic in the area, will further exacerbate the parking issues in the area and result in loss of amenity of residents. Many residents also commented on the fact that the existing access was not being used which would prevent the requirement of the new access.

25. As is noted in the Highway Officer's consultation report, the Local Highway Authority has indicated that the existing access would not be a sufficient access point to serve the development. Firstly, the lane is too narrow to accommodate two-way traffic and in order to widen it then significant works would be required which would adversely impact numerous TPO trees. It would also require significant disruption of the gate piers that serve the gate house. Secondly, the actual junction itself would be unsafe with a poor angle of visibility that would promote unsafe highway conditions.

26. Finally, and perhaps the most pertinent point is that this existing access is not within the ownership of the applicant and is not within the red line application boundary. Therefore it cannot be used to serve development. Furthermore, officers are of the view that even if this access lane was within the red line boundary then it would not be a supportable means of access.

27. The proposed new access will require part demolition of the northern boundary wall. A suitable access with appropriate visibility splays will be provided to ensure safe means of access and to reduce conflict with existing users. The impact of the access is not likely to cause significant harm or prejudice existing road users. The Highways Authority does not view that increased levels of traffic as harmful to the area as a result of the development. In addition, given that the development has more than sufficient off street parking to serve the development, a ratio of 3.2 spaces per dwelling, this will not be an on street parking issue in surrounding streets from new residents or visitors. The impact on vehicles that currently park on street along Colebrook Lane is not likely to be severe, and given that these are not designated parking spaces, officers consider there would not be a loss.

28. An additional pedestrian access is proposed in the south of the site, linking the development to Newnham road and making public amenities in Colebrook more accessible. For example, the closest bus stop to the site is under 150m with other also with close proximity, the closest convenience store is also with a couple of hundred metres and the closest primary school is with 1km. The development is therefore considered a highly sustainable location by officers and will promote the use of sustainable transport modes.

Local Highway Authority - Layout

29. Following further amendments of the proposed housing scheme, the Local Highway Authority has made the following comments with respect to the layouts of the development.

The layouts being commented on have been formally advertised as part of the second consultation process outlined in section 6 of this committee report.

30. The further amendments include minor alterations to the street layout, and further consideration of sustainable drainage. The street layout shown on the amended site layout plan drawing numbered 17125-SK02B, shows a short block-paved section of carriageway, and a 1200mm wide discontinuous clearance margin, which although notated as a footway is insufficient for that purpose. The proposed street layout remains substandard by current adoptable standards; it lacks sufficient shared surface identity, and in places lacks sufficient clearance margins/defensible space between the carriageway and the private gardens gardens/parking spaces. The constrained street layout would provide poor provision for pedestrians, and also for service providers, and utilities. There would also be undesirable surface water soakaways situated below the road carriageway itself.

31. Although the proposed street layout fails to meet current standards making it unsuitable for adoption as a public street, as a private street it would facilitate the basic movement and servicing functions, such as deliveries and waste removal by a bin lorry. The deficiencies would altogether make the street unsuitable for adoption as a public street, and it would need to remain a private street in perpetuity. The applicant has indicated that it is their intention to retain this as a private street and its management will be through a private management company.

32. As such, the street would be subject to an Advanced Payment Code demand for the full cost of the construction of the street, prior to being exempted in accordance with the requirements. Incidentally, in the longer term the soakaways would at some point in time be likely to require replacement, with associated costs falling on the owners/occupiers of the dwellings and the private road/street. The applicant is aware of this and will be dealt with by the management company.

33. In summary, however, the Local Highway Authority has confirmed that it would not on balance object in principle to planning permission being granted in accordance with the submitted street layout, providing it can be demonstrated that the development would be properly drained by a satisfactory surface water drainage system, and that it would remain a private street in perpetuity, to be managed and maintained by a Management Company. On balance and subject to conditions, officers consider that the development will accord with policy CS28 and CS34 of the Core Strategy and Policy DEV31 of the Joint Local Plan.

Flooding and Drainage

34. This brownfield site is located in Flood Zone 1, which the Environment Agency defines as being at a low risk of fluvial or tidal flooding. Surface water flood risk mapping provided by the Environment Agency indicates the site is at a low risk of surface water flooding from a 1% AEP (1 in 100 year return period) flood event.

35. Unmanaged surface water from this site can increase the risk of surface water flooding of Newnham Road including residential and commercial properties. The site is located in a Critical Drainage Area (red) where the Environment Agency considers the existing drainage to be at or close to capacity.

36. Public sewer records indicate that there are no South West Water (SWW) surface water sewers within the site. There are two 150mm diameter surface water sewers in Colebrook Lane to the north of the site flowing to the east and the west. There is one 225mm diameter surface water sewer in Newnham Lane to the south of the site discharging towards the east.

37. A ground Investigation Report has been submitted where infiltration tests have been completed in 8 test pits. Results have been submitted for three test pits. One site located in made ground produced a rate of 2.56×10^{-5} m/s with one test, non-compliant with BRE365. Test sites located in Upper Devonian Slate produced infiltration rates between 1.33×10^{-5} m/s and 5.04×10^{-5} m/s. These tests were completed in accordance with British Standard BRE365.

38. The Ground Investigation Report also states that, "Soakaways are suitable if located in natural soils. Sloping ground below the south of the site could result in slope instability or unintended break out of water at the ground surface". Correspondence from SWW has been submitted that includes standing advice. The letter states that, "Surface water discharge to the public sewer network is not an acceptable method of disposal".

39. A Flood Risk Assessment (FRA) has been submitted that describes existing ground levels as between 23.0mAOD to 13.5mAOD, with a gradient of approximately 1 in 15. The FRA states that groundwater was encountered at a depth of 5.0mAOD in a water abstraction well, which would imply the water table is perched. The FRA also states that, "groundwater is highly vulnerable to pollution".

40. The site is 0.91ha, and the FRA states that the existing site comprises 0.077ha impermeable surface and 0.84 permeable surface. Following the proposed development, the site would be 0.34ha impermeable and 0.57ha permeable.

41. The proposed surface water drainage strategy has been revised to discharge surface water run off to individual property soakaways, with highway run off discharged to two soakaways located beneath the highway. The individual property soakaways are proposed to be 1.2m in diameter and 1.5m deep. The high soakaways are proposed to be 3m x 10.5m x 0.8m deep. While one highway soakaway is located in the middle of the site, the second is located approximately 30m from an existing property.

42. A plan showing surface water run off exceedance flows has now been submitted and following negotiation with the developer an infiltration trench has been proposed along the southern boundary of the site to collect surface water and prevent flows into adjacent properties. However, the reports provided by the applicant have continually stated that there is potential for re-emergence. As such, and in consultation with the lead Local Flood Authority a pre-commencement condition will be imposed that requires a geotechnical engineer to verify that proposed system will not result in re-emergence. In the event that re-emergence may still occur then no development will be able to commence until a suitable alternative system has been agreed to the satisfaction of the Lead Local Flood Authority. Officers are satisfied that suitable measure have been put in place to prevent unacceptable on or off site flooding so as to comply with Policy CS22 of the Core Strategy and Policy DEV37 of the Joint Local Plan.

Residential Amenity

43. The application proposes 14 executive dwellings, all of which exceed the internal spaces standards set in the Nationally Described Space Standards (NDSS). Each dwelling will have a minimum of 4 bedrooms and multiple bathrooms and living spaces. All dwellings have private gardens that exceed the requirements of the Development Guidelines SPD, and are afforded high quality boundary treatment to ensure they can be used properly. In addition, an area of public open space is located in the north-west corner of the site. This will be maintained by a management company and will further enhance the environment. The low density layout of the site, coupled with the orientations of the proposed dwellings has resulted in good relationships ensuring that high levels of amenity, privacy and outlook are afforded to all residents.

44. Many of the consultation responses have suggested the development will result in loss of amenity, be it through traffic increase, noise, privacy and outlook. As has been explained in this report, the impact of the traffic generation is not considered by officers to be significant so as to adversely impact amenity. Outlook and privacy has been considered for all existing adjacent dwellings, and for the most part the scheme when it was first submitted was acceptable. The exception being the relationships of plots 3, 4 and 7 with the rear elevations (north facing) of a couple of dwellings along Newnham Road.

45. This matter was raised with the applicant who has modified the position and rear design of these two plots to improve the relationship with the dwellings in Newnham Road. Plots 3 and 4 shall be orientated differently and moved further north within the site creating oblique angles of view. Window positions and the use of obscure glazing has further assisted with this issue plots 3, 4 and 7, as well as plot 8. Additionally, the rear elevation (south) of the plot 4 now appears single storey. Coupled with the improved boundary treatment that officers have secured this should adequately protect inter-visibility even though the distances fall approximately 5m (plot 4) and 2m (plot 7) below the standards set out in the Development Guidelines SPD.

46. The separation distances between all the other proposed dwellings and all surrounding existing properties are now considered acceptable by officers, with all cases other than those assess above exceeding the Development Guidelines SPD requirement of window to window distance of 21m, which on balance is considered acceptable by officers. This means that privacy and outlook is retained and in officers view there will be no significant overlooking issues. These distances, coupled with the topography the site and orientation of the dwellings will protect light levels with no overshadowing expected as a result of the development.

47. A number of residents have raised concerns over the construction phase and the disruption this could cause. Officers are aware of the sensitivity of the site, therefore the applicant will be required to submit a bespoke code of practice to ensure the demolition and construction phase does not adversely impact the amenity of the local area.

48. In officers' view the development has sought ways to protect the amenity of existing residents and equally, has provide a high quality environment that will afford the future residents with a high standard of living. The development will therefore accord with policies CS01, CS15 and CS34 of the Core Strategy and Polices DEV1, DEV10 and DEV20 of the Joint Local Plan.

Landscape, Visual Impact and Biodiversity

49. Having reviewed the submitted information during the initial 21 day consultation period, the Natural Infrastructure Team objected to the application for the following reasons:-

- a. There is insufficient information to ensure the development will not have an impact on protected species;
- b. The information submitted does not demonstrate the application complies with JLP policies DEV 28 or DEV 24.

50. The Local Planning Authority advised the applicant of this position and requested that new information was submitted. The applicant submitted revised information in relation to ecology, biodiversity and trees, and has been reviewed further by the Natural Infrastructure Team within the second consultation process.

51. The Natural Infrastructure Team has reviewed the new information and they no longer have in-principle issues with respect to the Natural Infrastructure matters raised throughout the application process. Therefore Officers are satisfied that imposing a number of conditions relating ecology, biodiversity and landscaping is a suitable and reusable means of progressing this development whilst ensuring the scheme is policy compliant. Subject to the condition being imposed, the development will accord with polices CS18 and CS19 of the Core Strategy, Polices DEV24 and DEV28 of the Joint Local Plan

Trees and Woodlands

52. The site contains numerous trees that are protected by Tree Preservation Orders (TPOs). In officers' view the layout of the development has been sensitively design to minimise the impact towards these trees. The Council's Tree officer has reviewed the scheme and not raised any objections, but has suggested a Tree Protection Condition is applied with specific reference to the Tree Protection Plan and also a condition to ensure all proposed soakaways are located outside the root protection areas.

Sustainable Resource Use - Energy

53. Information has been provided within the Design and Access statement to show that the scheme will aim to meet the requirements of Policy CS20 of the Core Strategy and DEV34 of the Joint Local Plan. Further information on the location and extent of the measures shown in the documents reflects this or the total level of kWp solar (or heat pumps solution) needed to achieve the savings. The Low Carbon Team is satisfied that this can be dealt with by condition.

Land Contamination

54. The Public Protection Service (PPS) has reviewed the submitted 'Desk Study and Ground Investigation' for the planning application. PPS agree with the conclusions submitted and the proposed remediation strategy. The applicant needs to decide on which option is to be utilised, and evidence of this should be submitted by way of planning condition. The development will however accord with Policies CS21 and CS34 of the Core Strategy and Policies DEV1 and DEV2 of the Joint Local Plan.

10. 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.

11. Local Finance Considerations

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). CIL is non-negotiable and under the Councils current CIL Charging Schedule the rate for this development is £30sqm + indexing.

12. Planning Obligations

Planning obligations not required due to the nature and size of proposal.

13. Equalities and Diversities

All units have the benefit of conforming to the old Lifetime Homes standard, now replaced by Part M4(2) of the Building regulations (Accessible and Adaptable Dwellings). This ensures that the homes can remain lived in throughout the respective owner's lifetime, allowing for disability access and other potential requirements such as downstairs living.

14. Conclusions and Reasons for Decision

This planning application, in the view of officers promotes the sustainable development of a brownfield site that can deliver 14 high quality dwellings that contribute to the overall housing provision within the city. Nonetheless, it is noted the Council cannot currently demonstrate a 5 year housing land supply.

The existing dwelling is neither listed or in a conservation area and can therefore be demolished under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. The building has been heavily modified over the years, is in a poor state of repair (deemed dangerous) and has been rejected by Historic England for Listing in recent years. It is therefore not a heritage asset and it is the view of officers that the erection of 14 high quality new family dwellings significantly outweighs its loss.

The proposed access from Colebrook Lane promotes a safe and feasible entry point into the development and in the view of officers will not give rise to significant highway impacts that would demonstrably harm the local highway network. There would be no loss of parking as a result of this scheme given that no existing allocated parking spaces are being removed.

Significant measures have been put in place, and further measures will be secured by condition to ensure that the site promotes a high quality, biodiversity rich site. The development adequately retains and safeguards protected trees and will provide, by way of suitable verification, that surface water drainage will be managed effectively.

In addition, the development layout minimises the impact on neighbouring amenity and through amendments has created a development that adequately respects environmental amenity features for all existing and future residents.

Therefore, and having reviewed all the relevant material considerations, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and

officers have concluded that on balance the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 10.01.2018
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/Demise Plan 2015-001 Rev E received 20/12/17
- Site Location Drainage Route 2015-002 Rev D received 20/12/17
- Topographical Survey With Site Boundary Line 2015-003 Rev A received 20/12/17
- Existing Site Plan 2015-004 Rev A received 20/12/17
- Existing Site Sections 2015-005 Rev A received 20/12/17
- Tree Constraints Plan 04968 TPP Rev A received 20/12/17
- Swept Path Analysis & Visibility Splays 17125/PL100 Rev C received 25/05/18
- Schematic Drainage Strategy Plan 17125 / PL111 Rev F received 14/06/18
- Flood Routing Plan 17125 / 161 Rev D received 14/06/18
- Trench Soakaway Construction Detail 17125/310 - received 14/06/18
- Proposed Indicative Site Sections 2015-007 Rev E received 07/06/18
- Indicative Street Elevations 2015-008 Rev D received 07/06/18
- Indicative Street Perspectives 2015-017 Rev C received 07/06/18
- Boundary Treatment Plan 2015-018 Rev E received 07/06/18
- Surface Finishes Plan 2015-019 Rev D received 07/06/18
- Proposed Roof Plan 2015-020 Rev D received 07/06/18
- Proposed Site Plan 2015-006 Rev I received 07/06/18
- Softworks Strategy Plan 506/01 Rev C received 11/04/18
- Planting Strategy Plan 506/02 Rev C received 11/04/18
- Type A1 Floor Plans and Elevations 2015-009 Rev D received 18/06/18

Type A2 Floor Plans and Elevations 2015-010 Rev C received 18/06/18
Type A3 Floor Plans and Elevations 2015-011 Rev C received 18/06/18
Type B1 Floor Plans and Elevations 2015-012 Rev C received 18/06/18
Type B2 Floor Plans and Elevations 2015-013 Rev B received 18/06/18
Type C1 Floor Plans and Elevations 2015-014 Rev E received 18/06/18
Type C2 Floor Plans and Elevations 2015-015 Rev D received 18/06/18
Type D Floor Plans and Elevations 2015-016 Rev C received 18/06/18
General Layout Arrangement 17125/SK02B Rev B received 11/06/18
External Levels & Features 17125/PL101 Rev D received 11/06/18

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: GEOTECHNICAL VERIFICATION - DRAINAGE**

PRE-COMMENCEMENT

Other than providing site welfare, no development shall take place until a suitably qualified geotechnical engineer or engineering geologist has reviewed the proposed surface water drainage design and associated mitigation and produced a report to confirm and verify that the proposed drainage works will prevent on or offsite flooding by way of water re-emergence or other means as is noted in the submitted documents and has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in strict accordance with the approved Flood Risk Assessment (Ref: 17125 FRA)

any supplementary information following the verification assessment, and prior to the occupation of any dwelling hereby approved.

In the event that the Geotechnical Verification Report is unable to demonstrate to the Local Planning Authority's satisfaction that re-emergence will not occur then a revised drainage strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Any approved works shall be implemented in strict accordance with the approved details, and shall be completed prior to the occupation of any dwelling hereby approved.

Reason:

To ensure that satisfactory drainage works are provided in accordance with Policy CS22 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 development does not result in any unacceptable on or off site flooding as a result of unsuitable drainage proposals.

4 **CONDITION: CODE OF PRACTICE**

PRE-COMMENCEMENT

Prior to the commencement of the development hereby approved, a detailed management plan for the demolition and construction phase (including contractor's access and delivery arrangements) of the development shall be submitted to and approved in writing by the Local Planning Authority, and in consultation with Chair and Vice-Chair of the Planning Committee and Plympton St Marys Ward Councillors. 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 DEV31 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 all aspects of the environment are adequately protected during the demolition and construction phase, and that the needs of local residents are adequately considered in the preparation of any plans.

5 **CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

PRE-COMMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority, and in consultation with Chair and Vice-Chair of the Planning Committee and Plympton St Marys Ward Councillors. The CEMP (Biodiversity) shall accord with the approved Ecological Mitigation and Enhancement Strategy (October 2017, Ref: 0504-CT-EA). The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34, Joint Local Plan Policies SPT11 & DEV28 and Government advice contained in the NPPF paragraphs 109, 118.

Justification:

To ensure the environment is adequately protected during the construction of this development

6 **CONDITION: CONTAMINATED LAND**

PRE-COMMENCEMENT

Unless otherwise agreed by the Local Planning Authority, development must not commence until this condition has been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 3 has been complied with in relation to that contamination.

1. Submission of Remediation Scheme

This department will agree to the recommendations made within the submitted report as detail of a remediation scheme. Should the developer desire to alter this submitted scheme they will need to submit alternative recommendations in writing to the Local Planning Authority for written approval.

2. 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.

3. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Further investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared. Any further proposals for remediation

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, DEV1 and DEV2 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 site is safe for future habitation and that no adverse health impacts occur as a result of the development

7 CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN

PRE-COMMENCEMENT

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the development proceeding past the DPC stage. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- e) Preparation of a work schedule.
- f) Body or organisation responsible for implementation of the plan.
- g) Monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies CS01, CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policies SPT11 and DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

8 CONDITION: SUSTAINABILITY

PRE-DAMP PROOF COURSE (DPC)

Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall not proceed past DPC level until the applicant has provided to the Local Planning Authority a report for approval identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

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

9 CONDITION: BIODIVERSITY- LIGHTING SCHEME

PRE-DAMP PROOF COURSE (DPC)

The development shall not proceed past DPC level until a sensitive lighting scheme has been submitted and approved in writing by the LPA. The scheme shall ensure that the boundary features around the site especially to the east of the site remain dark and unlit at night. Any external lighting required should be directed away from the boundaries with light levels as low as guidelines permit. Where lighting is required, in order to minimise the impact of lighting on bats, accessories such as hoods, cowls, shields or louvers must be used on all external lighting to ensure these features are not lit beyond 0.5 lux. In areas where lighting must be installed timers should be used to reduce the hours lit.

N.B. The use of low or high pressure sodium lamps instead of mercury or metal halide lamps is preferred due to the UV filtration characteristics or modern lighting solutions such as LED, highly directional, and/or light on demand.

Reason:

To minimise disturbance to bats, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and in accordance with Policy CCS19 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 109 and 118 of the National Planning Policy Framework 2012.

10 **CONDITION: EXTERNAL MATERIALS**

PRE-DAMP PROOF COURSE (DPC)

No development shall proceed past DPC level until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy 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: SECURED BY DESIGN SILVER AWARD**

PRE-OCCUPATION

Prior to the occupation the building hereby approved the applicant, developer or their successor shall demonstrate to the Local Planning Authority in writing that, as a minimum, the Secured by Design Silver Award (formally known as Part 2 of the Secure by Design Award) has been achieved. This shall include ensuring that all gates to private pathways and ones giving access to side and rear gardens, shall have locks with key access.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policy CS32 of the Plymouth Local Development framework Core Strategy (2006-2021) 2007, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 58 of the National Planning Policy Framework 2012.

12 **CONDITION: CAR PARKING PROVISION**

PRE-OCCUPATION

No dwelling hereby approved shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

13 **CONDITION: LANDSCAPE WORKS IMPLEMENTATION**

PRE-OCCUPATION

Landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, ground preparation, tree pit details, hardworks plans including all hard landscap finishes (surfaces, steps and boundaries) and boundary treatment details. All 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. The planting plans will have to accord with the approved Ecological Mitigation and Enhancement Strategy (October 2017, Ref: 0504-CT-EA) and incorporate night scented plants.

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, Polices DEV10 and DEV24 of the Plymouth and South West Devon Joint Local Plant and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

14 **CONDITION: BOUNDARY TREATMENT**

PRE-OCCUPATION

No unit of accommodation hereby approved shall be occupied until all boundary treatment shown on the approved plans has been installed and has been confirmed as satisfactory, in writing, by the Local Planning Authority.

All boundary treatment shall be adequately retained and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority

Reason:

To ensure that the agreed boundary treatment is suitably installed and adequately performs its amenity role 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 paragraph 17 of the National Planning Policy Framework 2012.

15 (CONDITION: GATE HOUSE MAINTANANCE (GRAMPIAN))

(PRE-OCCUPATION)

No dwelling hereby approved shall be occupied until a schedule of works pursuant to the adjoining Gatehouse and associated grounds has been submitted to and approved in writing by the Local Planning Authority. The works shall include, but not be limited to:

- o Repair and/or redecoration of gate piers and gate**
- o External repair and/or redecoration of Gatehouse**
- o Tree Works**
- o Boundary Treatment Improvements**

The agreed works shall be implemented prior to the occupation of the 8th dwelling and completed before the occupation of all the dwellings.

Reason:

To preserve and enhance local heritage and in the interests of public amenity so as to accord with Policies CS01, CS03 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007, Policies SPT1, DEV1, DEV20 and DEV21 of the Plymouth and South West Devon Joint Local Plan and guidance contained within the National Planning Policy Framework 2012.

16 **CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED**

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans 04968 TPP Rev A 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, Policy DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

17 **CONDITION: TREE PROTECTION**

Unless otherwise agreed in writing by the Local Planning Authority, no soakaway shall be constructed within the Tree Protection Area of any of the retained trees.

Reason:

In the interests of the retention and protection of the retained trees on-site in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

Informatives

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

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

2 INFORMATIVE: CONDITIONAL APPROVAL WITH NEGOTIATION

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

3 INFORMATIVE: 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: NESTING SEASON

It is an offence under the Wildlife and Countryside Act 1981 to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting. The months to avoid are between March and August.

5 INFORMATIVE: TREE SURGERY

All works to trees should be carried out in accordance with the relevant recommendations of BS 3998:2010 (Recommendations for Tree Work).

6 INFORMATIVE: PUBLIC HIGHWAY APPROVAL

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

7 INFORMATIVE: STREET

Should the development be realised in its current form then the access road/street serving the development would be a private street in perpetuity and subject to the Advanced Payment Code. The responsibility for the future maintenance and management of the private street, including the surface water drainage system and the future replacement of the soakaways serving the development, would lie with the owners of the properties, and the street should be managed and maintained by a Management Company.

8 **INFORMATIVE: SUPPORTING DOCUMENTS**

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

Access Summary

Arboricultural Impact Assessment Report - 04968 AIA Rev A 2

Cellular Storage Infiltration

Cost Report for Refurbishment - 16 March 2018

Design and Access Statement

Desk Study & Ground Investigation - CBH-HYD-XX-DS-RP-G-1000

Drainage Review Letter - C06685/001/CJW

Ecological Appraisal (EA) & Ecological Mitigation & Enhancement Strategy (EMES) 0504-Ct-Ea Rev1

Flood Risk Assessment - 17125_ FRA

Heritage Appraisal - HS18.06

Highway Soakaway Management and Maintenance

Hydrogeological Assessment for Drainage Strategy - CBH-HYD-XX-DS-RP-GE-2001-S2-P4

Letter from Current Owner

Letter from Stratton Creder Commercial

Lined Soakaways

Pervious Paving

Plot Soakaway Calculations

Structural Inspection Report - NMD/tae/17.577

Tree Survey - 04968

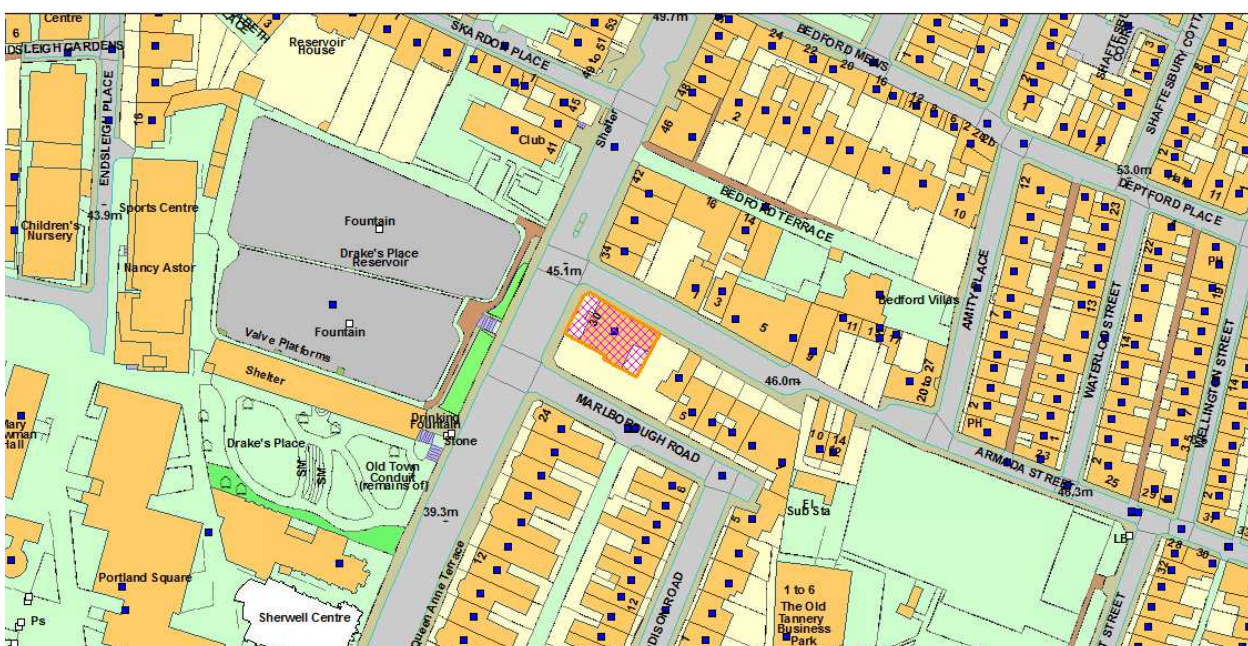
PLANNING APPLICATION OFFICERS REPORT



PLYMOUTH
CITY COUNCIL

Application Number	18/00830/FUL	Item	02
Date Valid	30.05.2018	Ward	DRAKE

Site Address	Units 9 & 10 Sherwell House 30 North Hill Plymouth PL4 8ET		
Proposal	Retrospective continuous C4 Use (Houses of Multiple Occupation) for apartments 9 and 10		
Applicant	Sherwell House Management Ltd		
Application Type	Full Application		
Target Date	25.07.2018	Committee Date	19.07.2018
Extended Target Date	N/A		
Decision Category	Service Director of SPI		
Case Officer	Mr Chris King		
Recommendation	Refuse		



This planning application has been referred to Planning Committee by the Service Director for Strategic Planning and Infrastructure because there are public interest reasons for the matter to be determined by the Committee

1. Description of Site

The application site is situated just north of the City Centre along North Hill and is close the university of Plymouth campus and the recently refurbished Drakes Place and reservoir. North Hill forms part of the A386, a principle thoroughfare from the City Centre leading north towards Mutley Plain district centre. Sherwell House has frontages with Armada Street to the North, North Hill to the west and Marlborough Road to the south. The site is relatively level, but sits approximately 1 storey above Marlborough Rd due to the north to south slope of North Hill.

Sherwell House itself dates back to 1874 as a temporary girl's school. From 1893 to 1894 it is shown to have been redeveloped with the historic Sherwell House and grounds having been demolished and rebuilt within the application area possibly as a purpose built language school and substantial private residence including a coach house. Over the last two decades the Sherwell House has been used as an office for a variety of firms, and in more recent times the building and coach house has been converted into eleven 1, 2, 3 and 4 bedroom residential flats (Use Class C3) under permitted development.

The area is characterised as a mixed use area including professional offices shops, restaurants, bars and takeaways however the predominate use in the area is residential including C3 Dwellings and C4/Sui Generis Houses of Multiple Occupations and student flats.

2. Proposal Description

Retrospective continuous C4 Use (Houses of Multiple Occupation) for apartments 9 and 10

3. Pre-application Enquiry

None

4. Relevant Planning History

17/01873/FUL - Change of use of units 4, 8 & 10 from dwellings (Class C3) to house of multiple occupation (HMO) (Class C4) - Withdrawn

17/00760/FUL - Erection of building containing 7 Houses of Multiple Occupation (HMOs) (Class C4 and Sui Generis) and 7 flats (Class C3) and associated bike & bin storage (demolition of existing coach house) - Permitted with S106 Agreement

15/01881/GPD - Change of use from B1 office to C3 residential (11 dwellings) - Prior approval not required

05/00798/FUL - Change of use to language school (Class D1) - Permitted

04/02294/FUL - Change of use of ground and first floor of main building and ground floor of annexe to child nursery (Use Class D1) - Refused

5. Consultation Responses

Local Highway Authority - No Objections

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 an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is 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, particularly if there are no substantive unresolved objections. 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 2013

5 Year Housing Land Supply

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

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

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

For the reasons set out in the Authority's Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22

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

It should be noted, however, that the Local Planning Authority is at an advanced stage in the preparation of the Plymouth and South West Devon Joint Local Plan. The pre-submission version of the JLP has been formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council and has since been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.

Nonetheless, the council's current position on this matter is that the pre submission draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representation which are to be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

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

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

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

For decision-taking this means:

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

- specific policies in this Framework indicate development should be restricted"

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as set out in the adopted Core Strategy, the city's housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.

8. Analysis

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

2. The principle issues relating to this planning application are considered to be impact on community balance, suitability of the accommodation and local highways. The development has therefore been considered against Policies CS01 (Development of Sustainable Linked Communities); CS15 (Overall Housing Provision); CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.

3. The proposal also turns upon Policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities), DEV10 (Delivering high quality housing); DEV11 (Houses in Multiple Occupation in the Plymouth Article 4 Direction Area); DEV20 (Place shaping and the quality of the built environment) and DEV31 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

Principle of Development

4. HMO's can make a valuable contribution to Plymouth's private rented housing stock, however, HMO's can also have a detrimental impact on residential character and community cohesion and high concentrations can result in harmful impacts including:

- * Imbalanced and unsustainable communities;
- * Pressure upon local community facilities;
- * Negative impacts on the physical environment and streetscape;
- * Anti-social behaviour, increased levels of crime, noise and disturbance;
- * Issues with parking provision and traffic congestion;
- * Community tensions and lack of cohesion.

5. For these reasons, in 2012, the Council enforced an Article 4 Direction across centrally located neighbourhoods in Plymouth.

6. The Direction sought to address concerns about the over-concentration of HMOs and removed permitted development rights to change a dwelling house into a HMO; such changes of use have since required planning permission.

7. The adopted policy position regarding HMOs is set out within the Development Guidelines Supplementary Planning Document First Review (2013) however, a more up to date draft policy is included within the Joint Local Plan (2017) (JLP), which is currently being examined by an independent planning inspector. When planning applications are being considered, regard should be had to existing and new emerging planning policies. The following information is provided to assist with the assessment of planning applications against the requirements of the emerging JLP.

8. The proposal seeks retrospective permission for C4 use (HMO) for apartments 9 and 10. The proposed site is located within the designated Article 4 Direction Area and is considered to be inconsistent with the Local Planning Authorities Joint Local Plan, in particular Policy DEV11 'Houses in Multiple Occupation in the Plymouth Article 4 Direction Area' and SPT2 Sustainable linked neighbourhoods and sustainable rural communities'.

9. The property is located within an area covered by an Article 4 Direction which requires an application for planning permission for a change of use from a C3 dwelling to an HMO of 3 to 6 occupants (Use Class C4). Applying the current methodology for assessing concentration of HMOs, officers can confirm that 56.5% of the dwellings within 100 metres of the application site are existing HMOs. Paragraph 2.5.14 of the Development Guidelines SPD sets a recommended threshold of 25% HMO's within 100 metres of the application site.

10. In addition to the current methodology, the Council has developed a more up to date system in support of Policy DEV11 of the Joint Local Plan. Criterion one of Policy DEV11 states that the Local Planning Authority 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 100 metres of the application site'.

11. 2017 Council data confirms that there are 140 dwellings (existing and planned) within 100 metre radius of 30 North Hill of which 96 of these are HMOs. This would equate to 68.6%. This data has been informed by Planning Consents data, Council Tax records and the HMO register. It is clear that the proposed development would conflict with the requirements in Policy DEV11 part 1 as the proportion of dwelling units in multiple occupations would exceed the 10% threshold set out in Policy DEV11.

12. Council records show the proposal would increase the proportion of HMOs in the area to 70%. Officers have taken account planning permission that have been granted for residential properties (known as the development pipeline) and confirms the proportion of HMOs within a 100m radius would be approximately 68% should existing planning consents be implemented (planning references 16/02274/FUL and 17/00760/FUL).

13. In accordance with the requirements of part 2 of Policy DEV11, the proposal would not sandwich a C3 dwelling unit between two HMO properties.

14. Not reflected in the statistics above, but perhaps also worth considering is the large purpose built student accommodation proposal that has recently been given planning consent (planning reference 17/02091/FUL) situated a short distance from the proposed site at 41 North Hill. This accommodation caters for the needs of Plymouth's student population and provides 66 bed spaces for co-living or independent living, which skews the overall housing offer in this part of the city. Taking this into account, officers consider that the proposal is contrary to Policy SPT2 Sustainable linked neighbourhoods and sustainable rural communities in the Joint Local Plan, whereby criterion 5 seeks to 'Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services'.

15. In addition, members will recall planning application 17/00760/FUL which proposed a large extension to Sherwell House containing 7 Houses of Multiple Occupation (HMOs) (Class C4 and Sui Generis) and 7 flats (Class C3). This application was finely balanced and took into account many factors, including the existing uses of the 11 units within Sherwell House itself. It is now clear that the recommendation and decision was made on the assumption that all the units were occupied as C3 Dwellings (obtained from the applicants own supporting documents). Whilst the decision is irreversible, had the information shown that HMOs were within Sherwell House itself already then a different officer recommendation may have been made to members.

16. Therefore the principle of this proposal is considered unacceptable by officers and would have a harmful impact upon the housing profile within the area.

Standard of Accommodation

17. The proposal does not propose any internal or external modifications to facilitate the use, however it is noted that the size of the two units are substandard for the purpose of being a HMO. Core Strategy policy CS15 states that houses of less than 115m² gross floor areas are not suited for conversion to HMOs or flats. Policy DEV10(8) states that 'Houses in Multiple Occupation will only be permitted where the proposal:

- i. Provides adequate communal space for residents including sufficient space to accommodate cooking, dining, bathroom and toilet facilities.
- ii. Provides a good standard of accommodation and living.'

18. The conversion of Sherwell House from B1 Office to C3 Residential was undertaken through the Prior Approval process, under Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015. This process permits the conversion B1 Office to C3 Residential without requiring full planning permission. This process however, does not require and assessment of the size of the proposed dwellings.

19. Planning permission is required for the proposed change of use; therefore it is the role of officers to consider if the two units are of a suitable size for their proposed use. Officers can advise that both flats (unit 9 and unit 10) are 75m² in area, significantly under the requirements of policy CS15. This also falls below the requirements of a 4 bed flat set out in the Nationally Described Space Standards which requires a minimum of 90m² therefore a good standard of living cannot be assured and is contrary to the requirements of Policy DEV10 point 5.

20. Officers have taken the view that both flats are of an insufficient size to adequately accommodate 4 persons the proposal is therefore in conflict with Policies CS15 and CS34 of the Core Strategy, para 2.5.23 of the Development Guidelines SPD and Policy DEV10 of the Joint Local Plan.

21. Notwithstanding the above, it is the view of officers that these units may be better suited if converted into 2no 2 bed flats that offer a higher standard of living and amenity.

Marketing information

22. The applicant has provided marketing information relating to these properties. The marketing information suggests that there is no demand in this location to rent these properties as family dwellings, which given the size, layout and advertisement boards marketing student accommodation (omitted from the images submitted by the applicant), officers do not contest. It is important to acknowledge that the Town and Country Planning (Use Classes) Order 1987 (as amended) Class C3 Dwellinghouse is not just for use by a family, but numerous other sections of the community, for example:

- * A single person
- * Two unrelated persons

23. Subject to internal alterations, these two apartments could be altered in layout creating 2no 2bedroom apartments with increased living areas. This would clearly be a more attractive place to live, and would be more in keeping with the housing stock within Sherwell House.

Officers have looked at other properties on the market of a similar standard within a comparable distance to the city centre and are of the view that a 2 bed apartment could potentially yield a similar return, whether let to students, young professionals or any other group as permitted under Class C3.

24. Notwithstanding the issues identified with the planning application, the evidence is not robust enough to persuade officers to accept the proposed change of use.

Local Highway Authority

25. The Local Highway Authority does not wish to raise any objections to this application from a highway viewpoint. It should also be noted that the building will continue to be excluded from the Controlled Parking Zone that is in operation within the area. Sufficient cycle storage is already provided on site.

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 to consider

11. Planning Obligations

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

None to consider

13. Conclusions and Reasons for Decisions

The proposed retrospective change of use of these two apartments would result in an overconcentration of HMOs within 100m of the application site which will create an unbalanced community. Furthermore, the apartments are not considered sufficient in size to provide an adequate standard of living and amenity for the future occupiers. Therefore, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act

2004, officers have concluded that the proposal does not accord with policy and national guidance and is therefore recommended for Refusal.

14. Recommendation

In respect of the application dated 30.05.2018

it is recommended to Refuse

15. Conditions / Reasons

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

1 **CONDITION: APPROVED PLANS**

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 **REFUSAL: OVERCONCENTRATION OF HMOS**

The property is situated in a location that has a high concentration of residential properties that are in multiple occupation compared to those in use as single dwellinghouses. The Council therefore considers that the use of this single dwellinghouse as a C4 House in Multiple Occupation would be harmful to the balance and sustainability of community contrary to Policies CS01 and CS15 of the adopted City of Plymouth Location Development Framework Core Strategy (2006-2021) 2007, Paragraphs 2.5.9 - 2.5.19 of the Development Guidelines Supplementary Planning Document, Policies SPT2 and DEV11 of the emerging Plymouth and South West Devon Joint Local Plan and Paragraph 50 of the National Planning Policy Framework.

3 **REFUSAL: SUBSTANDARD ACCOMMODATION**

The Local Planning Authority considers that apartments 9 and 10, by virtue of their existing size and layout, do not provide sufficient internal living space for the purposes of being a House of Multiple Occupation (Class C4) as proposed. The proposal is therefore contrary to

Policies CS15 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2006-2021), Policy DEV10 of the emerging Plymouth and South West Devon Joint Local Plan (2014-2034), Paragraphs 2.5.23 to 2.5.25 of the Development Guidelines Supplementary Planning Document First Review 2013, the Technical Housing Standards - Nationally Described Space Standard, DCLG, March 2015 and guidance contained within 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 REFUSAL (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 works in a positive and pro-active way with Applicants and looks for solutions to enable the grant of planning permission. This includes the offer of pre-application discussions to resolve issues of concern to the Council prior to formal submission of a planning application. However in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.

3 INFORMATIVE: SUPPORTING DOCUMENTS

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

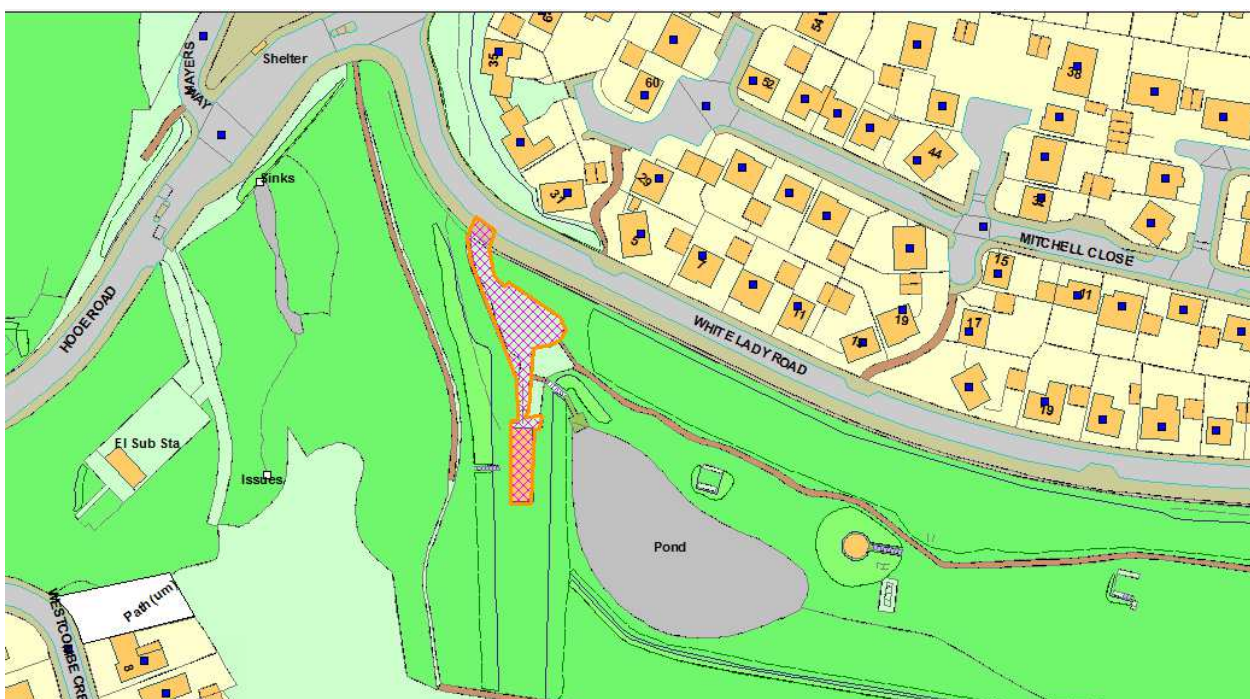
- Bryce Properties: Listing Information
- Lang Town and Country Letter
- Management Plan
- Simply Property Plymouth Letter
- Supporting Statement
- Transport Statement

PLANNING APPLICATION OFFICERS REPORT



Application Number	17/02456/FUL	Item	03
Date Valid	14.02.2018	Ward	PLYMSTOCK RADFORD

Site Address	White Lady Road Plymouth PL9 9GA		
Proposal	Proposed change of primary use of the Bird Hide building to an "Outdoor Preschool and After School Club" (Class D1)		
Applicant	St Mary's Church Preschool		
Application Type	Full Application		
Target Date	11.04.2018	Committee Date	19.07.2018
Extended Target Date	26.07.2018		
Decision Category	Member referral		
Case Officer	Mr Jon Fox		
Recommendation	Grant Conditionally		



This planning application has been referred to Planning Committee by Cllr Michael Leaves.

1. Description of Site

The site comprises an old, single-storey concrete building, which has been left over from the former use of the wider site as an oil fuel depot, and which is now a housing estate. The building is used as a 'bird hide' and is a meeting place for the 'Friends of Radford Wood'. The building is situated to the south of the access road into the housing estate and is served by a gravel drive and circular parking area. Other surrounding land comprises a site of local importance for nature conservation (SLINC), beyond which lies the Reddicliff housing estate.

2. Proposal Description

Proposed change of primary use of the Bird Hide building to an "Outdoor Preschool and After School Club" (Class D1).

3. Pre-application Enquiry

None.

4. Relevant Planning History

01/01225/REM - Erection of 63 two-storey and three-storey dwellings and garages and associated works.

99/01302/OUT - Outline application to develop land with residential units (approx.120), with details of means of access, and creation of areas of open space; includes partial demolition and regrading of redundant fuel tanks the provision of a spine road.

5. Consultation Responses

Local Highway Authority (LHA)

The LHA objected initially on the grounds that the vehicular and pedestrian accesses from White lady Road were considered sub-standard and that consequently staff and visitors would be forced to park on the road. Subsequently the applicant's agent submitted a travel plan, which promotes the use of a Council car park, on the opposite side of Radford Park Road, and which also demonstrates that the parking area on the site is capable of being accessed by car from White Lady Road. Crucially the number of children using the proposed pre-school is limited to 18, which is not considered to generate a level of traffic and parking that would cause significant issues on the highway, even if a number of parents were to park on White lady Road rather than parking on site or at the Council car park off Radford Park Road.

Natural Infrastructure (NI) Team

The NI team recommends conditions if the application is recommended for approval. However, they have concerns about proposed high, close-boarded fence being in conflict with the green space functioning of the site as it adversely impacts on the visual amenity of the green space and it reduces the visual relationship between the building and its natural environment, which forms the key reason for the suggested change of use.

Public Protection Service

The Public Protection Service recommends that a condition is applied to ensure that any unexpected contamination found during development is reported and that any appropriate investigation and remediation is carried out.

Early Years Team

The Early Years Welfare Team advised the applicants previously that the building wasn't ideal. The Team wouldn't endorse this application as there's already an abundance of high quality and sufficient childcare within close proximity. The Team are happy to support St Mary's Church Preschool to find alternative premises in Plympton, as they are aware that St Mary's Church may terminate their current lease, leaving the pre-school without a suitable venue.

Police Architectural Liaison Officer

The Devon and Cornwall Police support the granting of planning permission for this application.

Economic Development

ED has no objection to the proposal.

Public Rights of Way Officer

No rights of way are affected so the Rights of Way Officer has no comments to make on this application.

Ministry of Defence Safeguarding

The MOD has no safeguarding objection to this proposal.

6. Representations

209 public comments were received, 73 of which were received during and following the second publicity period for the submitted travel plan. The issues raised are as follows:

These comments can be divided into matters that are material to the application and those which are not.

Material Planning Considerations:

1. Traffic, parking, highway safety on White Lady Road and Radford Park Road, unsustainable location (including impact on children having to travel from Plympton and it not being sustainable to travel from Plympton). The main theme being that vehicles parked on the nearby section of White Lady Road results in a narrow carriageway width that forces drivers into a 'give-and-take' situation, i.e. drivers entering the estate would have to wait for drivers leaving the estate and vice versa. This situation is exacerbated by the bend in the road, which means that opposing drivers cannot see each other before committing themselves to driving along the narrow section of road. Highway improvements would be required
2. Rough & unmade access tracks that bend and fall away quite steeply over uneven ground.
3. Emergency vehicles would be blocked.
4. The submitted travel plan will not have the effect of making parents use the Council car park, nor for them to use alternative means of transport; it is not enforceable.
5. Impact on nature reserve, wildlife and rare/protected species including 'Deptford Pinks'.
6. Proposals would deny/restrict access for local people to the building, the nature reserve, right of way and community orchard. Loss of valuable community facility.
7. Water hazard to children.
8. Contaminated site that is also prone to flooding.
9. Noise, light, air and litter pollution.
10. No demand for pre-school locally.
11. Visual impact of proposed fence and cars.
12. Lack of waste disposal arrangements. Where would bins be stored?
13. Contrary to original planning permission and Section 106 agreement.
14. Contrary to local deeds and will lead to other changes of use (setting a precedent)
15. Safeguarding issues for children.
16. The double gates would have to be open all the time, making it unsafe for children and dogs.
17. Loss of greenspace/value of greenspace.
18. The proposals provide no economic benefit.
19. Building is unsuitable for the proposed use.
20. Public Rights of Way affected.

Non material considerations

1. Negative impact on local pre-schools.
2. PCC want the £2000 per year revenue from the lease.
3. Loss of property value.
4. Loss of view.

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 of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is 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, particularly if there are no substantive unresolved objections. 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) and the Development Guidelines Supplementary Planning Document.

8. Analysis

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

8.1. The principle of development

The old 'bird hide' building was identified in the Section 106 agreement attached to planning application 99/1302/OUT, which was registered on 18th October 1999, and which gave approval for the construction of the White Lady Road housing estate. The Section 106 agreement says that the bird-hide (referred to as the TEL building) should be refurbished 'to enable its proposed use as an educational resource.' There is also specific reference to the requirement for refurbishment works, including providing benches and trestle tables for up to 40 children and their teacher. It therefore appears that the intention was to use the bird-hide relatively intensively in accordance with those aspirations. The agreement also states that the existing hardstanding shall be cleared and extended to provide parking spaces for two cars and three minibuses. The Section 106 agreement does not appear to be prescriptive about who should benefit from the 'educational resource'.

8.1.1. The location of the building, close to the site of local importance for nature conservation (SLINC) lends itself to a use where children can experience nature. The building is also used by other interest groups, such as the Friends of Radford Woods.

8.1.2. Various issues have been raised as to the suitability of the building as a pre-school; including its internal condition, the hazard presented to children by the existing pond, and the constantly open gates being unsafe for children and dogs that use the area on and around the site. However, these issues may be causes for concern to other relevant bodies/authorities but are not considered material to the planning considerations. Objections were raised also regarding access being denied for other users.

8.1.3. Other relevant considerations include the impact of the proposed use, i.e. the activity of children and noise, on the surrounding nature conservation area, and protected species such as 'Deptford Pinks'. In these respects the NI Team has not raised objections regarding the impact of the use on the nature reserve. They do raise concerns about the visual impact of the proposed fence, at the forefront of the site; however, the fence has been altered to a 'hit-

and-miss' design (made with vertical boards mounted alternately to the front and back of the panel for a 'hit and miss' effect - instead of the close-boarded kind proposed originally) and, although still in the order of 1800mm high, is not considered to be a strong enough reason to refuse the planning application.

8.2. Amenity

The impact of the use, on the amenities of neighbours, is a concern for residents. However, the Public Protection Service has not raised an objection and the relatively low number of children attending the pre-school (a maximum of 18 children) is not considered to generate a level of noise and disturbance that would be harmful to amenity or be of a nature that is out of place in a residential area.

8.2.1. Light pollution from the proposed use would be evident in the winter months, although the hours of use of the building, which are 0800 to 1800 hours, would not be a cause for concern in this respect.

8.2.2. With regard to internal and external space standards, the Department for Education's 'Statutory framework for the early years foundation stage' states that:

'Providers must ensure that their premises, including overall floor space and outdoor spaces, are fit for purpose and suitable for the age of children cared for and the activities provided on the premises. Providers must comply with requirements of health and safety legislation (including fire safety and hygiene requirements)'. And also that providers must meet the following indoor space requirements:

- Children under two years: 3.5 m² per child
- Two year olds: 2.5 m² per child
- Children aged three to five years: 2.3 m² per child

On this basis, even if the 18 children all required the maximum 3.5m² of space this would require 63m² overall, whereas the floor area of the building is approximately 100m².

8.2.3. The Dept. for Education document also states that:

'Providers must provide access to an outdoor play area or, if that is not possible, ensure that outdoor activities are planned and taken on a daily basis (unless circumstances make this inappropriate, for example unsafe weather conditions). Providers must follow their legal responsibilities under the Equality Act 2010 (for example, the provisions on reasonable adjustments)'. In this case there is outside space at the front of the building and the proposals include access to the surrounding nature conservation area.

8.2.4. Overall, the intensification of use of the site, which would undoubtedly result, is not considered to be harmful to amenity or the existing character of the area, which includes its natural and built surroundings. The traffic impacts of the proposals are considered separately, below.

8.3. Highway Issues

Arguably the most controversial aspect of the proposals is the generation of vehicular traffic, and the associated parking demand, and how this impacts on highway safety and the free movement of vehicles into and out of the estate served by White Lady Road.

8.3.1. These objections appear to centre round the perceived congestion on the initial section of White Lady Road, as it leads into the estate from Radford Park Road. The road layout at this point includes a bend in the road that limits forward visibility in both directions. While the road is wide enough to accommodate two-way traffic, this is cut down to single width where cars are parked on the left side of the road entering the estate. This leads to a situation where drivers have to proceed on a 'give-and-take' basis, i.e. stopping to allow oncoming drivers to pass on the single width sections of the road. Residents state that this situation is exacerbated by the bend in the road, which results in drivers proceeding 'blind' onto the single width section only to be confronted by a vehicle coming the other way.

8.3.2. The key consideration for officers is whether the proposed use of the 'bird hide' building as a pre-school would worsen this situation, in terms of the free flow of traffic and highway safety. Officers have serious concerns about the ability of staff and visitors to park on the site, thereby avoiding additional parking on the particular section of White Lady Road referred to above. These concerns centred on the existing condition of the accessway and pedestrian path, both of which are unsurfaced and steep. However, the applicant cannot afford to improve the accesses. As an alternative the applicant's agent submitted a travel plan, which promotes the use of an existing Council car park on the opposite of Radford Park Road. The agent was also able to demonstrate that the vehicular accessway is useable, which means that staff and visitors could park on the site. In reality it is likely that, while staff would consider using the on-site car park, some parents are likely to use more convenient methods. Residents claim that parents will inevitably park on the affected part of White Lady Road rather than use the more distant Council car park. To an extent this is likely to be the case. However, the LHA recommend conditions, including a condition on the operation of the travel plan, which should seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. The condition also relates to measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. Due to the strong concerns expressed by local residents officers consider that this travel plan is monitored by local residents through their local councilors and the travel plan condition has been worded to reflect this.

8.3.3. Notwithstanding the travel plan, the perceived tendency for parents to park on White Lady Road needs to be assessed in terms how it might exacerbate the give-and-take use of that part of the road. In this respect it is the LHA's view that the number of children attending the site is below the point where traffic and parking demand would significantly worsen the existing situation. The worst case scenario would be where 18 children turn up to the site just as 18 children are leaving. However, this is unlikely, given the staggered nature of sessions, set out in the revised Operational Plan, which are as follows:

Morning Session: 0915 – 1130

Lunch Club: 1145 – 1230

Afternoon Session: 1245 – 1500

Early Birds Breakfast Club: 0800 – 0900

After School Club: 1515 - 1800

8.3.4. Officers consider that the proposals are not introducing a significant parking problem and overall it is not considered that the level of use would lead to conditions that would prejudice highway safety or significantly increase interruptions to the free flow of traffic on either White Lady Road or Radford Park Road. Subject to conditions it is therefore considered that the use does not conflict with policy CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 or policy DEV31 of the JLP.

8.4. Other Impacts

Objections have been raised on the grounds that the proposed facility is not needed in the area and that it would prejudice the viability of child care providers locally. The use is also considered to be unsustainable on the grounds that parents in Plympton would need to travel from that area of the city to the site.

8.4.1. With regard to the need for a new facility, the applicants state that they are seeking to provide a 'forest' type school, which promotes interaction with nature, and that there is a need for this kind of facility in the area. The applicants also state that they are expanding and not relocating, which means that the proposed facility seeks to target the local population rather than forcing existing parents and children to travel out from Plympton. In any event the issue of competition is not a planning consideration. Need could be a planning consideration. In this case it has also been argued that there is no need for the proposed facility in this area. However, there are no other significant policy objections to the

proposed use, which is when the issue of need usually comes into play. The sustainability of the site is material to the case, but even if parents did travel from Plympton the numbers involved are not considered significant in terms of car use.

8.4.2. Residents have expressed concerns about the provision of waste disposal facilities. In the circumstances it is considered that an appropriate condition would be sufficient to ensure that adequate facilities are provided on site.

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

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 not required due to the nature and size of the proposal.

12. Equalities and Diversities

The proposals promote access to nature for children, which is positive from an equalities point of view. The applicant's statement also says that they will provide children with innovative experiences by adopting principles from the 'Forest School Approach.' This will support all children, including children with special educational needs and disabilities; children with life limiting conditions; children whom English is not the dominant language in their home; children who have been abused or maltreated.

13. Conclusions

In this case it is recognized that there are significant concerns and objections based on the issue of congestion and highway safety on White lady Road. There are also many other issues raised by residents including the impact on the nature conservation area. However, these issues are considered to be adequately addressed in the application, including the restriction on numbers and the submitted travel plan. On balance therefore it is recommended that conditional approval be granted for the proposals.

In coming to this conclusion 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 policies CS01 (sustainable linked communities), CS14 (new education facilities), CS19 (nature conservation), CS22 (pollution), CS28 (transport considerations) and CS34 (planning application considerations) of the Core Strategy of Plymouth's Local Development Framework 2007, policies SPT2 (sustainable linked communities), DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise and land), DEV28 (Protecting and enhancing biodiversity and geological conservation) and DEV31 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan and national guidance.

14. Recommendation

In respect of the application dated 14.02.2018
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 Plan RAD BPC XX XX DR A 000 001 - received 12/01/18

Existing and Proposed Floor Plans RAD BPC XX XX DR A 021 0001 - received 12/01/18

Block Plan RAD BPC XX XX DR A 061 001 - received 12/01/18

Proposed Fence - Visualisations 24052018 - received 24/05/18

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: PARKING PROVISION

PRE-OCCUPATION

The parking and turning area shown on the approved plans shall be made available before the consented use is implemented, and thereafter that space shall not be used for any purpose other than the parking and turning of vehicles.

Reason:

To enable vehicles used by staff 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 emerging Plymouth & Southwest Devon Joint Local Plan 2014 - 2034 and paragraph 32 of the National Planning Policy Framework 2012.

4 CONDITION: TRAVEL PLAN

PRE-OCCUPATION

The use hereby permitted shall be carried out in accordance with the approved Travel Plan, which seeks to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises and includes measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. In addition, and prior to the approved use being implemented, the developer shall provide for approval the information pack referred to in the Travel Plan. From the date of the commencement of the use the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV31 of the emerging Plymouth & Southwest Devon Joint Local Plan 2014 - 2034 and paragraph 32 of the National Planning Policy Framework 2012.

5 **CONDITION: TRAVEL PLAN MONITORING**

PRE-OCCUPATION

The use hereby permitted shall not commence until mechanisms for monitoring and reviewing the travel plan have been submitted to and approved in writing by the Local Planning Authority. These measures shall specifically refer to and include the involvement of elected ward members in the monitoring process. From the date of commencement of the use the occupier shall operate the approved monitoring of the travel plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, POLICY dev31 of the Plymouth and South West Devon Joint Local Plan and paragraphs 32 and 34 of the National Planning Policy Framework 2012.

6 **CONDITION: PROVISION OF SIGNS**

PRE-OCCUPATION

Prior to the first use of the pre-school and after school club signs shall be erected on the site that direct visitors and parents to park on site or within the Council Car Park off Radford Park Road and not to park on White Lady Road. The content, number and location of the signs shall be agreed in writing with the Local Planning Authority and the said signs shall thereafter be retained.

Reason:

To enable vehicles used by staff 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 emerging Plymouth & Southwest Devon Joint Local Plan 2014 - 2034 and paragraph 32 of the National Planning Policy Framework 2012.

7 **CONDITION: REFUSE STORAGE**

PRE-OCCUPATION

Prior to the use commencing details shall be submitted of the refuse storage facilities on site, which shall thereafter be retained in accordance with the approved details.

Reason:

In order to protect the amenity of the area, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework, policy DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraph 17 of the National Planning Policy Framework 2012.

8 **CONDITION: USE RESTRICTION**

The premises shall be used for a pre-school and after school club for no more than 18 child spaces operated in accordance with and only during the hours and conditions as set out in the application details, including the session times set out in the Operational Plan, and for no other purposes (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV31 of the emerging Plymouth & Southwest Devon Joint Local Plan 2014 - 2034 and paragraph 32 of the National Planning Policy Framework 2012.

9 **CONDITION: SCREEN FENCE**

The height and design of the proposed screen fence shall be in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the visual qualities of the area in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework, policy DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 17 and 58 of the National Planning Policy Framework 2012.

Informatives

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 proactive way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

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

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

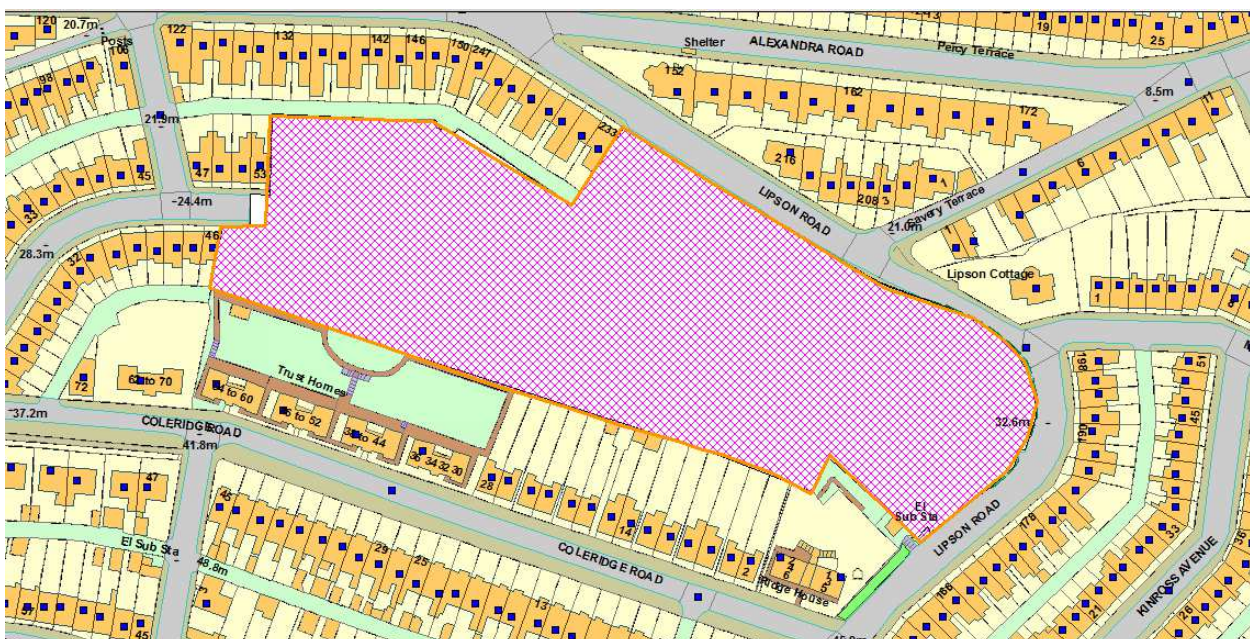
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PLANNING APPLICATION OFFICERS REPORT



Application Number	18/00432/FUL	Item	04
Date Valid	20.03.2018	Ward	EFFORD AND LIPSON

Site Address	Allotment Gardens Prince Maurice Road Plymouth PL4 7LL		
Proposal	Erection of 99 dwellings and 2 office units, provision of public open space, community gardens and associated works		
Applicant	Mr Gary Stirling		
Application Type	Full Application		
Target Date	19.06.2018	Committee Date	19.07.2018
Extended Target Date	31.07.2018		
Decision Category	Major - More than 15 Public Comments		
Case Officer	Mrs Katie Saunders		
Recommendation	Grant conditionally subject to S106 delegated to Service Director to refuse if timescales not met		



1. Description of Site

The site was formerly used for allotments but it has been unmanaged for a considerable number of years. No public access has been provided in to the site.

The land is characterised by a mixture of disturbed ground with some bare rock outcrops, established 'rough grassland', dense patches of brambles and some tree cover.

The site is surrounded by dense residential development. The surrounding area is predominantly characterised by period terraced properties with one street parking and small rear gardens. There is a steep slope from the south to the north of the site of about 1 in 4. The properties to the south in Coleridge Avenue are therefore located at a significantly higher level with dwellings to the north on Alexandra and Lipson Road situated at a lower level.

An old stone wall contains the site on to Lipson Road and includes features such as a drinking fountain. An electricity substation is positioned in the south east corner.

2. Proposal Description

Erection of 99 dwellings and 2 office units, provision of public open space, community gardens and associated works

The application has been amended from the original submission with the number of units being reduced from 105 to 99. The development is a mix of 1 and 2 bedroom flats and 2 and 3 bedroom houses. The scheme will also accommodate 2 small office units and shared communal gardens.

3. Pre-application Enquiry

17/01454/MAJ – Positive advice was provided regarding the principle of a revised application and the design quality of the scheme. However a number of items were raised where further information would be required for example flooding/drainage and ecology/biodiversity considerations. The pre-application also included a public consultation event where feedback was sought from existing residents and ward councillors.

4. Relevant Planning History

14/02352/AMD - Non-Material Minor Amendment: Minor revisions to layout to increase size of flats and substitution of house types to reduce the overall number of different house types of application 09/00134/REM – Approved

09/00134/REM - Reserved matters application for the access, appearance, landscaping, layout and scale of 74 new dwellings with associated access road, car parking and community woodland (following outline approval 04/02181/OUT) – Granted conditionally

04/02181/OUT - Outline application to develop land for residential purposes – Granted conditionally subject to S106

5. Consultation Responses

Economic Development – No objections subject to condition requiring a Skills and Employment Strategy

Environment Agency – Recommend application is not determined until the LLFA has confirmed the availability of a dedicated surface water sewer and has indicated whether they are satisfied with the design and calculations of the proposed surface water drainage scheme

Highways Authority – No objections subject to conditions

Historic Environment Officer – No objections subject to archaeological condition

Housing Delivery Team – Support the proposal

Lead Local Flood Authority (LLFA)– No objections subject to conditions

Low Carbon Team – No objections subject to condition

Natural Infrastructure Team – No objections subject to conditions

Police Architectural Liaison Officer – No objections subject to conditions

Public Protection Service - No objection subject to conditions

Urban Design Officer – No objections subject to conditions

6. Representations

A total of 27 letters of representation have been received objecting to the development, from 23 different people, and raising the following issues:

Highways/Parking

- Current road is too narrow to provide access to the site
- Will add to current traffic congestion in area during peak times
- Area already a rat run
- Has potential to lead to increased risk of accidents
- Alexandra Road cannot take additional traffic
- How will bluff/steep bank along Lipson Road be retained to prevent any landslip
- May hinder emergency vehicle access in area
- Construction traffic will cause disruption
- Construction traffic should not lead to mud on the road
- Parking in surrounding streets already oversubscribed
- Inadequate parking provided as part of the development most households have 2 cars
- Where will cars go during construction both workers vehicles and cars displaced from Prince Maurice Road
- Prince Maurice Road should be made one way
- Parking permits to households should be capped
- Object to loss of existing on street parking
- H properties likely to park outside site
- Rear service lane should not be closed off and a planning gain should be secured

Residential Amenity

- Location of bin store not supported
- Development has potential to impact retaining walls of existing properties
- Properties on Coleridge road will be denied their "Right to Light"
- Heights of flats will overlook and overshadow properties on Coleridge Road
- Building A will overlook gardens and properties in Coleridge Road
- Balconies on building A are a particular concern
- Building A is too big in scale and should be located further away from the boundary with properties in Coleridge Road
- H properties will overshadow existing houses on Lipson Road

- H properties should be lower scale maybe bungalows
- Rear of properties on Alexandra Road will be overlooked
- Compensation should be paid to surrounding houses that will be affected

Flooding/Drainage

- Impact on sewerage and water services
- Has an appropriate flood risk assessment been undertaken
- There has been foul water flooding to properties consistently in last 2 years and potential development could exacerbate this
- Development will contribute to flooding in area
- Unsure proposed attenuation tanks will work

Biodiversity/Trees

- The environmental report does not take account of all wildlife on site
- Bat, barn owls, foxes, slow worms and badgers all live on the site
- Previous excavation on site has already resulted in the loss of some wildlife
- Maintenance of "bluff" may mean proposed planting cannot be implemented and impact wildlife
- More should be done to retain urban greenspaces
- Increase in units from last application reduces greenspace
- Birds will be lost from the site
- Increase in cats and dogs will disrupt wildlife
- Loss of trees
- Surely trees are protected by a preservation order

Other Issues

- Overdevelopment
- Area has already had large scale development including students and commercial units e.g. Tesco
- Development will impact surrounding schools which are oversubscribed
- Doctors surgeries already overstretched
- Lots of houses in city stand empty and the development is not required
- Alternative brownfield sites should be developed

- Site not suitable for people with mobility needs due to steepness of surrounding area
- No social housing proposed
- Site could contain archaeological remains
- Increase in crime
- Increase in pollution both noise, environmental and light
- Air pollution already results in dirty windows/cars
- Site acts as an air filter
- Land was given by Cllr Jinkin to be kept in perpetuity for use by local residents
- Allotments proposed will only be available for new residents
- Development will affect the setting of Listed Mount Lipstone Cottages
- Geological stability of site questioned
- Use of site for allotments would be the best
- The reduction in the number of dwellings is not sufficient

A decrease in property values has also been raised as a concern. This is not a material planning consideration.

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 of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is 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, particularly if there are no substantive unresolved objections. 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 First Review 2013, Planning Obligations and Affordable Housing Supplementary Planning Document 2nd Review 2012 and Sustainable Design Supplementary Planning Document 2010.

Housing Provision

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

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

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

For the reasons set out in the Authority's Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22.

It should be noted, however, the JLP is at an advanced stage of preparation having now been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. The submitted draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representations which will be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

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

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

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

For decision-taking this means:

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

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as set out in the adopted Core Strategy, the city's housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial

weight must be accorded to the need for housing in the planning balance when determining housing applications.

Due to the need to accelerate housing delivery a 2 year consent is sought for residential developments, which 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 JLP.

8. Analysis

1. This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to the consideration of this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS03 (Historic Environment, CS15 (Overall Housing Provision), 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. The policies of most relevance from the emerging Plymouth and South West Devon Joint Local Plan (JLP) are:- SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods), SPT3 (Provision for new homes), 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), DEV19 (Provision for local employment and skills), DEV20 (Place shaping and the quality of the built environment), DEV22 (Development affecting the historic environment), DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV30 (Trees, Woodlands and Hedgerows), 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 flood risk; biodiversity and trees; residential amenity; design and layout; the impact towards the character of the area and highway and pedestrian safety. Other considerations include contamination and sustainable energy.

Principle of Development

5. This site has already received planning permission for residential redevelopment providing 74 dwellings. The outline application was approved in 2004 with reserved matters approval granted in 2009. Officers can advise that work has commenced on the earlier permission and this consent could be delivered in full at any time.

6. The area is therefore noted as a commitment in the emerging Plymouth and South West Devon Joint Local Plan (JLP). In addition an allocation for Neighbourhood Greenspace has also been made. Officers understand that the site should not have been considered as a Neighbourhood Greenspace due to the extant planning permission. This error is likely to be rectified through the modification process for the emerging JLP.

7. In any case policy DEV29 of the emerging JLP does not exclude neighbourhood greenspaces from development. Development will only be resisted on sites where the functions and characteristics of the greenspace will be lost and mitigation is not possible. The measures contained in the supporting landscape strategy and ecological mitigation and enhancement strategy, which will be discussed in full below, should be sufficient to mitigate the impacts of the development on the functions and characteristics of the site as a Neighbourhood Green Space and will increase accessibility to the green spaces provided as part of the development.

8. Comments made in the letters of representation received suggest that the site should be safeguarded as allotments or maintained as greenspace rather than developed for housing. However the principle of residential development has been established and 74 houses could be delivered on the site currently.

9. The Council has regarded this as a "stalled" site for a number of years and has made every effort to try and bring forward the consented development. A number of developers have tried to develop the site but have been unable to produce a financially viable scheme due to the steep topography and change in levels. The site has therefore remained stalled and undeliverable.

10. In 2016 the Council acquired the site with Homes England Starter Homes funding with the purpose of securing development at the earliest opportunity.

Design and Layout

11. The plans take forward some of the principles of the earlier scheme with the main access road extending from Prince Maurice Road in a central position. The proposals also seek to make best use of the steeply sloping nature of the site, and changing ground levels with a number of split level properties.

12. Advice has been provided both at pre-application stage and during the course of the application to inform the form and layout of the development. The architect has fully engaged and responded to the comments made in a positive and proactive manner.
13. Officers are generally supportive of the form and scale of the different residential units proposed and do not consider that the amount of development proposed is excessive for the site. Buildings D and E will frame the entrance in to the site and respond to the scale of existing properties. Building D will be 4 storeys and Building E has been reduced to 3 storeys in order to ensure the relationship with existing properties is acceptable.
14. As you progress further in to the site there is Terrace C to the south which will provide garages on the ground floor and living accommodation provided over three floors above. The main living accommodation is accessed from a raised walkway and concern was raised at pre-application stage that the lack of active frontage from these units and the creation of potential "dark" spaces could support antisocial behaviour. Officers appreciate that garages are required to meet parking requirements and also make best use of the levels, furthermore the level of overhang has been reduced to try and address the concerns raised. However, officers consider further opportunity could be taken to review the detailing of the raised walkway and a lighter weight structure could be more appropriate. Officers consider this matter can be addressed through an appropriate condition.
15. Building F, situated north of the access road provides split level, terraced properties, accessed from ground floor level. Bedrooms will be provided at both first and lower ground floor level. Balconies will serve the living accommodation on the ground floor with the garden accessed from the lower ground floor.
16. In the central portion of the site will be two larger, feature buildings. Building A to the south will be built in to the slope and extend up to five storeys high. The sensitive design of the property ensures the building does not appear out of character and will not be unduly prominent when viewed from neighbouring properties or from vantage points outside of the site.
17. Building B to the north is formed from two curved buildings encompassing a circular community space. Concern was raised at pre-application stage about the proposed height of these structures and a storey has been removed.
18. Three bedroom terraced properties will form buildings G and K and again have been designed to make best use of the levels.

19. Officers acknowledge that the northern portion of the site will incorporate a high level of under build, which requires careful consideration in order to ensure the overall appearance of the development is acceptable. The application has been accompanied by a landscaping strategy which seeks to screen and minimise the appearance of these works. Officers acknowledge that the high level landscaping proposals do address the underbuild of building B but further assessment in relation to block G is warranted. The green roofs to buildings A and B will also help the building sit comfortably in to the environment. Full landscaping details will be requested by condition and officers consider these matters can be adequately addressed through this process.

20. The end of the cul-de-sac will incorporate a roundabout with public art feature in the centre. The roundabout has been reduced in scale following officer feedback, with the semi-detached properties encompassing it repositioned a greater distance away from the boundary of the site. These units also now incorporate on-plot parking reducing the dominance of vehicles on the street.

21. Access through the site has been improved again following officer feedback. Pedestrian links have been provided to the north and east on to Lipson Road and to the northwest on to the rear service land of Alexandra Road. The stepped nature of these routes is not ideal however officers understand the topography of the site is challenging. The links will provide easier access to local services and facilities.

22. A variety of house types will be incorporated in to the development and this will add interest to the development. All adopt a modern design approach and include a range of materials such as brick, render, slate, cedar shingles and timber cladding. Officers consider this design approach is acceptable and will create a high quality appearance and sense of place. Further design and material details will be requested by condition to ensure the longevity of the development.

23. The site is highly visible from the wider townscape and currently provides a green break within the townscape. Following initial feedback an outline landscape strategy has been submitted, which sets out a high quality vision for the streetscape, community garden and communal gardens. This incorporates measures such as landscaping to soften the appearance of the roundabout, re-envisioning of the community garden, 32 large trees and provision of planted area to the community square. Officers welcome all these enhancements.

24. Officers consider the proposals are in accordance with Policy CS02 of the Core Strategy and DEV20 of the emerging JLP.

Highways and Parking

Trip Generation

25. The Local Highways Authority acknowledge that consent for 74 residential units on the site was granted in 2009, therefore whilst the Transport Assessment looks at the traffic impacts of all 99 units now proposed, it could be argued that the up-lift in trips should only be in relation to the 25 extra units being the difference between the two schemes.

26. Based upon a trip rate of 0.45 trips per unit (which is considered to be overly robust on the basis of many of the units being flats), the 99 units would generate in the region of 45 two-way trips during the am and pm peak traffic hours. The only area of concern in respect of the impact of these trips would be on the operation of the local road network is at the signal controlled junction of Lipson Road/Alexandra Road/Ashford Hill.

27. Currently, some delay and queuing is experienced at this junction during the peak hours and clearly the extra development trips would add to these existing problems. In order to help address this issue, it is recommended that a financial contribution is secured towards works to upgrade this junction which shall include the installation of MOVA (Micro Processor Optimised Vehicle Actuation). MOVA allows the traffic lights to respond to actual vehicle levels as opposed to the traffic lights simply being on a timer. The installation of such (along with upgrading existing infrastructure) would allow the junction to operate more efficiently and address the existing issues experienced in terms of its operation. Officers understand that the Council has secured money to fully upgrade the junction which will not only help to mitigate the impacts of this development but will ease existing difficulties.

Car Parking

28. A total of 108 car parking spaces are proposed to serve the 99 units which equates to a car parking standard of 1.10 spaces per unit. In view of the relatively accessible location of the site and the fact that some of the units are flats with only 1 bedroom where levels of car ownership are lower, such a level of car parking, whilst being relatively low for a development of this size, is still considered to be acceptable.

29. In order to replace the 4 existing Controlled Parking Zone spaces on Prince Maurice Road that will be removed in order to create the vehicular access into the site, 4 replacement spaces have been shown immediately to the south as you first enter the development. These spaces will need to be subject to a Traffic Regulation Order (TRO) relating to the Controlled Parking Zone (CPZ). It should also be noted that the development will be excluded from obtaining permits for the CPZ that is in operation within the area.

30. A total of 74 secure and covered cycle parking spaces are proposed. For those buildings containing flats, cycle parking should be provided within the building itself whereas

properties which have garages would not necessarily need to provide specific cycle parking. The level of cycle parking proposed is generally considered acceptable.

Layout

31. The developer is proposing a Home Zone for the internal layout of the roads/footways serving the site, with a shared surface space which extends from building-line to building-line. The concept of such is considered appropriate for this site and whilst the general layout of such is acceptable, further details will need to be submitted and agreed as part of the Section 38 Agreement process.

32. It should be noted that car parking spaces shown to be located within the adopted highway cannot then be allocated to individual properties. Furthermore any landscaping/trees located within the highway will require a commuted sum to cover the cost of future maintenance.

33. A new pedestrian link is shown from the site onto Lipson Road in the south eastern corner of the site. For highway safety reasons it is recommended that a build-out be provided at the point where this link meets Lipson Road and that this should incorporate a dropped kerb tactile paving crossing point so that pedestrians can safely cross to the existing footway on the eastern side of Lipson Road. These works would need to be subject to a Section 278 Agreement and secured by a Grampian Condition.

34. In order to provide a highway that can be adopted the access road should be no steeper than 1:10 at any point.

35. It is noted that some concern has been raised regarding the integrity of the stone wall that bounds the site on Lipson Road. The applicant is not proposing alterations to this structure and engineering details will take this in to account.

Travel Plan

36. Whilst a Travel Plan has been submitted for the site it includes very little in terms of actual measures that will deliver a modal shift (the only meaningful measure being the creation of a welcome pack for residents). Further consideration should be given to funding the purchase of travel vouchers which could either be used for purchasing cycle or public transport season tickets. This will be addressed through an appropriate condition.

37. Officers consider the development complies with Policies CS28 and CS34 of the Core Strategy and DEV31 of the emerging JLP.

Drainage and Flooding

38. A Preliminary Flood Risk Assessment and Drainage Statement (FRA & DS) has been submitted for the development. This describes the site as being at a low risk from flooding, and contains possible surface water drainage proposals for the site.
39. The challenging topography of the site results in slopes of around 1:4. As a result groundwater seepage from the site has been observed from the north wall.
40. Initial testing has ruled out infiltration drainage due to the slope of the site and evidence of groundwater emergence from the rock/wall north of the site. Sustainable Urban Drainage guidance recommends soakaways should not be used in slopes greater than 1:10.
41. With the absence of any watercourses, or separate surface water sewers in the area, the proposed drainage strategy is to discharge at an attenuated rate to two SWW combined sewers.
42. Officers note that the Environment Agency has raised concern about a connection to the combined sewer however officers accept this is the only drainage solution for the site. The applicant has carefully considered the drainage strategy and looked to manage surface water as carefully as possible. The proposed discharge rates correspond with 1 in 10 year greenfield run off rates, and modelling results have been submitted that indicate the proposed drainage strategy has been designed for a 1 in 100 year return period (1% AEP) event with a 40% allowance for climate change. The extant planning permission, which could be developed at any time, would not control surface water to such a high level and could have a greater impact on the area.
43. Surface water will be split between two systems one discharging to a sewer in Prince Maurice Road and the other to Lipson Road. Attenuation is provided through large tanks which are accommodated in the lower ground floor areas of the buildings proposed. Flows to the sewer will be controlled by a hydrobrake.
44. The drainage strategy has assumed that the entire site will be impermeable which will not be the case and therefore additional attenuation capacity has been accommodated. Exceedance flows have also been considered proposals include provision to maintain these flows within the site.
45. Discussion has taken place with SWW and they have confirmed that they are happy with the approach proposed.

46. A condition is required to ensure details are provided on how the water environment will be protected during the construction process.

47. The details are considered to comply with Policy CS21 of the Core Strategy and DEV37 of the emerging JLP.

Standard of Accommodation

48. The applicant has carefully consider the form and design of the development in order to make best use of the levels and ensure the properties created will have function and useable space and make best use of views out of the development.

49. As explained above this site has been stalled for many years and is only now being bought forward as a result of the active involvement of the Council. Emerging policy DEV10 requires new dwellings to meet nationally described space standards in order to provide a good standard of accommodation. These standards are significantly higher than the previous internal size guidelines in the Development Guidelines SPD particularly in relation to one and two bedroom flats. The standard for a one bedroom flat has increased from 40 to 50 sq.m and for a two bedroom flat from 55 to 61 or 70 sq.m.

50. These changes are significant and whilst for new developments the Council will be seeking compliance with these increased figures the extant planning permission at this site will not comply with these standards and is a considerable fall back position. If the Local Planning Authority were to insist on the development meeting the national space standards then the applicant has confirmed that the deliverability of the site will be affected. Officers accept this position taking in to account that the site has been stalled for several years.

51. The proposed dwellings generally comply with or in many cases exceed the internal sizes within the Development Guidelines SPD and officers consider they will provide a good standard of accommodation. Sixteen one-bed flats are proposed, four will be 35 sq.m which is below both the national space standards and the Development Guidelines SPD however the remainder will either be 40 or 43 sq.m. The two bedroom flats will be 55, 58 or 62 sq.m. The applicant has indicated that all the two bedroom flats will be 2 bedroom four person, and should therefore be 70 sq.m, however after reviewing the floor plans officers would suggest that some are 3 person properties and are therefore just below the 61 sq.m standard. The three bedroom properties are 84, 85, 92 and 110 sq.m. These are all in excess of the 82 sq.m. requirement in the Development Guidelines SPD.

52. In terms of outside amenity space there will be private gardens to serve the proposed houses, which will comply with the recommended standards in the Development Guidelines SPD. Communal gardens and areas of public open space will be provided to serve the flats.

53. Feedback was provided at pre-application stage regarding the impacts of retaining structures on the properties to the south of the access road. The development has been reviewed in the context of these comments however only limited changes could be made as retaining structures are essential due to the topography of the site. The habitable windows are south facing and should still enjoy sufficient levels of natural light.
54. The proposals have also adequately considered refuse provision with dwellings being provided with designated areas for bins and flats having communal areas.
55. A condition will also be necessary to ensure 20% of the units comply with Part M4(2). It is noted that for schemes of 50 or more dwellings emerging policy DEV9 seeks 2% of units to meet Part M4(3) and be suitable for wheelchair users. Again given the sloping nature of the site and engineering works that are involved this has not been possible.
56. Officers consider the proposals comply with Policy CS15 of the Core Strategy and Policies DEV9 and DEV10 of the emerging JLP.

Residential Amenity

57. A number of representations have been received from existing residents who live on Coleridge Road, Lipson Road and Alexandra Road.
58. Properties on Coleridge road are particularly concerned regarding the size and scale of Building A and suggest that it will cause unreasonable overlooking of their properties. However officers consider this relationship is acceptable, taking in to account the topography of the site properties in Coleridge Road are located at a significantly higher ground level. The properties in Coleridge Road have long rear gardens and the new properties will be located at least 27m away, in excess of recommended distances within the Development Guidelines SPD. Boundary treatment and landscaping will further reduce any overlooking
59. The semi-detached properties at the east of the development have been repositioned slightly further away from the boundary. The landscape plan proposes a green edge around the site and will screen the development. Officers do not consider that the proposal will have an unreasonable impact on properties on Lipson Road.
60. The impact on properties to the north on Alexandra Road has been carefully considered and a storey has been removed from block E in order to ensure the dwellings do not appear dominating and overbearing. Officers note that the pattern of development in the area is dense with terraced properties separated by rear service lanes. The relationship proposed between the development and existing properties is similar to the relationships that already exists in the area with separation distances of around 16-17m. Officers note that

this distance is less than the 21m advised in the Development Guidelines SPD however taking in to account the existing pattern of development and the change in ground levels it is not considered that there will be an unreasonable loss of privacy, outlook or light.

61. Some concern has been raised regarding the proximity of the bin store adjacent to building D and the impact this may have on existing properties. Officers consider any impact could be controlled through ensuring the building is well designed and as such further details will be requested by condition.

62. Taking in to account the form and design of the properties and that a number of the dwellings are flats it is not considered that a permitted development rights need to be removed.

63. Officers consider the development complies with Policy CS34 of the Core Strategy and DEV1 of the emerging JLP.

Affordable Housing

64. One of the letters of representation received suggests that no affordable housing is being proposed on site. The development is actually proposing to deliver 44 starter homes. These are properties that will be offered for sale at 80% of their market value to first time buyers between the ages of 23 and 40.

65. The government has committed to building 200,000 high quality starter homes by 2020. The Housing and Planning Act 2016, enacted on the 12th May 2016, sets out the statutory framework for the delivery of starter homes with the draft Revised NPPF, which was published for consultation in March 2018, including starter homes in the definition of affordable housing. Starter Homes will not be officially recognised as an affordable housing product until the revised NPPF is formally published later this year. Plymouth are at the forefront of delivery for this new housing product.

66. The proposed development will deliver 42% affordable housing. This exceeds the policy requirement to provide at least 30% affordable housing as set out in policy CS15 of the Core Strategy and DEV8 of the emerging Joint Local Plan.

Biodiversity and Trees

67. Despite work commencing on the consented 74 unit development the site is currently undeveloped and contains a number trees alongside shrub cover. The site is identified as a stepping stone site within the City's Biodiversity Network.

68. Policy CS19 of the Core Strategy, supported by paragraph 117 of the NPPF, states that the council will promote effective stewardship of the City's wildlife through maintaining a citywide network of local wildlife sites and wildlife corridors, links and stepping stones between areas of natural greenspace.

69. An updated Ecological Mitigation and Enhancement Strategy (EMES) has been supplied dated June 2018 which has been informed by the appropriate protected species surveys.

70. Officers are satisfied that the mitigation proposed including a minimum of 26 bat/bird boxes

- Correct application reference on the front cover.
- The potential locations for the bat and bird boxes are shown on the landscape strategy (drawing number 1811/01 Rev.P2) and tally with the EMES. A minimum of 26 will be provided, with the intention to provide more.
- The EMES has been update to include recommendations for the provision of hibernaculae within the communal wildlife garden for reptiles and hedgehogs as set out on the Outline Landscape Strategy.

71. Due to the aforementioned the EMES should now be considered to be appropriate to ensure the delivery of a Biodiversity Net Gain and should therefore be considered to be in accordance with JLP policy DEV28.

72. The site currently contains a number of trees however these are not subject to tree preservation orders. Further comments have been submitted from the applicant's tree consultant in response to officer comments.

73. Officers acknowledge that without the details of the impact of the extensive engineering works required to achieve the levels for the roads and buildings that it is not possible to accurately assess the impact on the existing trees on site and therefore the normal requirement to submit a detailed Arboricultural Impact Assessment is not reasonable. It is clear that the extent of development and slope of the site mean that few, if any, of the existing trees will be able to be retained on the site. The Outline Landscape Strategy Plan indicates the intention to retain shrub/tree cover where possible on the northern and eastern boundaries and this is welcomed.

74. Approximately 85-100 trees will be lost, effectively removing all the existing canopy cover on the site. Policy DEV30 aims to achieve net canopy cover gain. To achieve this, a comprehensive tree planting scheme is proposed as indicated in the outline Landscape Strategy Plan.

75. Further details of each area to be planted will be required giving species, sizes, and number of trees. The preference is for the majority of the trees to be in publically accessible areas and communal gardens to ensure their long term retention and management.

76. The 32 extra heavy and heavy standard trees proposed for the street planting and the species indicated will provide good canopy cover. Officers consider that it will be important to ensure that trees planted in the Community Wildlife Garden and low maintenance slopes comprise a range of ages and are native as indicated on the Outline Landscape Strategy.

77. To conclude, it would appear that if conditions are applied requiring details of the planting, maintenance and management of the areas as indicated on the Outline Landscape Strategy, that the tree planting associated with the scheme should provide adequate mitigation for the loss of canopy cover.

78. The standard tree protection condition is recommended to ensure that any shrubs and trees it is possible to retain are adequately protected during construction.

Sustainability

79. The application has been supported by an Energy Statement to address the carbon reduction requirement of Policy DEV34 of the emerging JLP. The report concludes that a system of photovoltaic panels, serving each dwelling or a portion of which, where located in multi-residency building, will realise an offset of the developments carbon emissions. Furthermore the development will adopt a fabric first approach, with u-values bettering those required under Part L, and reduced air permeability values. The use of SAP compliant equipment and plant will further ensure a compliant energy efficient servicing strategy is adopted.

80. Further detailed information will be required following design stage assessments. Additional information will be requested by condition.

Other Issues

81. The Design and Access Statement incorporates a Statement of Community Involvement. A public consultation event took place on 21st November 2017 and was well attended, whilst some negative comments were received from existing residents, similar to those received in the letters of representation some positive comments were also made. Local ward councillors have not objected to the application.

82. The site has been supported by a Phase 1 Land Quality Report which recommends further Phase 2 intrusive investigations. The Public Protection Service supports the conclusions of the Phase 1 and therefore a condition requesting the additional testing will be utilised.

83. The Public Protection Service did raise initial concerns that the application was not accompanied by an air quality assessment. The application has since been reduced in scale and taking in to account that parking levels proposed are not at maximum levels officers have received confirmation that this is not required.

84. The site is surrounded by existing residential properties that will be impacted by the construction process. In order to manage the impacts of the development officers consider a code of practice condition would be appropriate.

85. This proposal is within an area which has previously been identified as having potential for archaeological remains including those of the Civil War. Officers consider that pre-commencement evaluation will allow the correct degree of archaeological mitigation, if required, to be applied. Officers do not consider that the development will have a detrimental impact on the setting of Grade II Listed Mount Lipstone Cottages.

86. The Police Architectural Liaison Officer has not raised concerns regarding the development and advice provided during the pre-application has been taken in to account. A condition regarding lockable gates is recommended and the applicant will be advised to obtain secure by design accreditation. The development will meet the requirements of CS32 and DEV10 of the emerging JLP.

87. The development will provide two small office units in the lower ground floor of building B. Officers welcome the inclusion of the commercial units which could support residents on site and the wider community. The remainder of the building will be used for residential purposes and officers consider the office use would not create amenity issues for future occupiers. In order to prevent an undesirable change of use a planning condition will be required to limit the use to offices. In accordance with Policy DEV19 of the emerging JLP an Employment and Skills Strategy will be requested by 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 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).

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 towards secondary education provision and local greenspace. The following heads of terms have been agreed:

- £223,349 towards the additional places required in secondary schools for the Secondary Basic Need project
- £62,043 towards improvements to Mount Gould Park/Play Area

A management fee of £3335 has been secured for the monitoring of the S106.

It is noted that some of the representations received raise concerns about the impact on GP surgeries. The NHS were consulted and have not requested a S106 contribution.

The S106 will also secure the 44 starter home proposed.

12. Equalities and Diversities

The development will provide 44 starter homes which will help a number of young people to purchase a home at 80% of market value and get on the property ladder for the first time.

The proposals will also ensure the provision of M4(2) units which could be adapted to meet a range of needs.

13. Conclusions and Reasons for Decision

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

The application will ensure the delivery of 99 new homes on a site which has been stalled for many years, contributing to the 19,000 new homes the City needs.

The applicant and architect has worked in a positive and proactive way with the Local Planning Authority in order to create a high quality development that will not result in demonstrable harm to existing residents.

A range of supporting information has been supplied in order to demonstrate that the impact on the highways network, wildlife and flooding and drainage will be acceptable. Suitable conditions are recommended to control and request further details of different aspects of the development.

Officers consider the development will comply with relevant policies of both the adopted and emerging local plan and the application is therefore recommended for approval.

14. Recommendation

In respect of the application dated 20.03.2018
it is recommended to Grant conditionally subject to S106

15. Conditions / Reasons

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

1 **CONDITION: APPROVED PLANS**

Building D - Flats - Front Elevation 240-AAA(Building D)010 Rev A received 09/05/18

Building D&E - First/Second Floors 240-AAA(Building D&E)-002 Rev A received
09/05/18

M4(2) Planning Requirements SK005 - received 09/05/18

Proposed Site Elevation 02 - Zone 1 240-P(--)-212 Rev A received 09/05/18

Proposed Ground Plan - Zone 2 - Ground 240-P(--)-201 Rev A received 09/05/18

Proposed Site Plan - Zone 3 - Ground 240-P(--)-202 Rev A received 09/05/18
Proposed Section BB 240-P(--)-021 Rev A received 09/05/18
Proposed Section EE 240-P(--)-024 Rev A received 09/05/18
Proposed Section FF 240-P(--)-026 Rev A received 09/05/18
Proposed Site Elevations 01 240-P(--)-027 Rev A received 09/05/18
Proposed Section AA & GG 240-P(--)-020 Rev A received 09/05/18
Building E - Flats - Front Elevation 240-AAA(Building E)010 - received 09/05/18
Building E - Flats - Rear Elevation 240-AAA(Building E)011 - received 09/05/18
Building E - Flats - Elevations 03 240-AAA(Building E)012 - received 09/05/18
Building D - Flats - Rear Elevation 240-AAA(Building D)011 Rev A received 09/05/18
Building B - Ground Floor 240-AAA(Building B)002a Rev A received 09/05/18
Building B - First Floor 240-AAA(Building B)002b - received 09/05/18
Building D - Flats - Elevations 03 240-AAA(Building D)012 Rev A received 09/05/18
Building A - Ground Floor Plan 240-AAA(BUILDING A)001 - received 12/03/18
Building A - Second Floor Plan 240-AAA(BUILDING A)001 - received 12/03/18
Building A - Third Floor Plan 240-AAA(BUILDING A)004 - received 12/03/18
Building A - Fourth Floor Plan 240-AAA(BUILDING A)005 - received 12/03/18
Building A - Roof Plan 240-AAA(BUILDING A)006 - received 12/03/18
Building A - Elevation 1 240-AAA(BUILDING A)010 - received 12/03/18
Building A - Elevation 2 240-AAA(BUILDING A)011 - received 12/03/18
Building A - Elevation 3 240-AAA(BUILDING A)012 - received 12/03/18
Building A - Elevation 4 240-AAA(BUILDING A)013 - received 12/03/18
Building B - Lower Ground Community Unit 240-AAA(BUILDING B)001 - received 12/03/18
Building B - Penthouse Floor 240-AAA(BUILDING B)003 - received 12/03/18
Building B - Roof Plan 240-AAA(BUILDING B)004 - received 12/03/18
Building B - Elevation 1 240-AAA(BUILDING B)010 - received 12/03/18
Building B - Rear Elevation 240-AAA(BUILDING B)012 - received 12/03/18
Building B - Front Elevation 240-AAA(BUILDING B)011 - received 12/03/18
Building C - Floor Plans 240-AAA(BUILDING C)001 - received 12/03/18
Building C - Elevations 240-AAA(BUILDING C)010 - received 12/03/18
Building D and E - Ground Floor Plan 240-AAA(BUILDING D&E)001 - received 12/03/18
Building D and E - Flats Third Floor 240-AAA(BUILDING D&E)003 - received 12/03/18
Building D and E - Flats Roof Plan 240-AAA(BUILDING D&E)004 - received 12/03/18

Building E - Flats Lower Ground Plan 240-AAA(BUILDING E)000 - received 12/03/18
Building F - Floor Plans 240-AAA(BUILDING F)001 - received 12/03/18
Building F - Elevations 01 240-AAA(BUILDING F)010 - received 12/03/18
Building F - Elevations 02 240-AAA(BUILDING F)011 - received 12/03/18
Building G - Floor Plans 240-AAA(BUILDING G)001 - received 12/03/18
Building G - Elevations 240-AAA(BUILDING G)010 - received 12/03/18
Building H - Floor Plans 240-AAA(BUILDING H)001 - received 12/03/18
Building H - Roof Plan 240-AAA(BUILDING H)002 - received 12/03/18
Building H - Elevations 240-AAA(BUILDING H)010 - received 12/03/18
Building K - Floor Plans 240-AAA(BUILDING K)001 - received 12/03/18
Building K - Elevations 240-AAA(BUILDING K)010 - received 12/03/18
Existing Section AA 240-L(--)020 - received 12/03/18
Existing Section BB 240-L(--)021 - received 12/03/18
Existing Section CC 240-L(--)022 - received 12/03/18
Existing Section DD 240-L(--)023 - received 12/03/18
Existing Section EE 240-L(--)024 - received 12/03/18
Existing Section FF 240-L(--)025 - received 12/03/18
Site Location Plan 240-L(--)1000 - received 12/03/18
Proposed Section CC 240-P(--)022 - received 12/03/18
Proposed Section DD 240-P(--)023 - received 12/03/18
Proposed Site Elevation 02 - Zone 2 240-P(--)213 Rev A received 09/05/18
Proposed Site Elevation 01 - Zone 1 240-P(--)209 Rev A received 09/05/18
Proposed Site Elevation 01 - Zone 2 240-P(--)210 - received 09/05/18
Proposed Site Elevation 02 - Zone 3 240-P(--)214 Rev A received 09/05/18
Proposed Site Elevation 01 - Zone 3 240-P(--)211 Rev A received 09/05/18
Proposed Section AA - Zone 3 240-P(--)205 Rev A received 09/05/18
Proposed Section GG - Zone 1 240-P(--)206 Rev A received 09/05/18
Proposed Section GG - Zone 3 240-P(--)208 Rev A received 09/05/18
Proposed Site Plan - Zone 1 - Ground 240-P(--)200 Rev A received 09/05/18
Outline Landscape Strategy 1811/01 Rev P2 received 02/07/18
Level 01 Proposed Lower Ground Site Plan 240-P(--)100-Level-01 Rev B received 02/07/18
Level 00 Proposed Ground Site Plan 240-P(--)101-Level00 Rev C received 02/07/18
Level 01 Proposed First Floor Site Plan 240-P(--)102-Level01 Rev B received 02/07/18

Level 01 Proposed Second Floor Site Plan 240-P(--)-103-Level02 Rev B received 02/07/18

Level 01 Proposed Site Plan Roof 240-P(--)-110 Rev B received 02/07/18

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:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - o adjoining land
 - o groundwaters and surface waters
 - o ecological systems
 - o 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: PROGRAMME OF ARCHAEOLOGICAL WORK**

PRE-COMMENCEMENT

No development shall commence until the applicant (or their agent or successors in title) has completed a programme of archaeological work, to include archaeological trial trench evaluation, in accordance with a written scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme.

Reason:

The site is considered likely to contain archaeological deposits that warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, emerging policies DEV21 and DEV 22 of the Plymouth and South Hams Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

Justification: To ensure that important archaeological features are properly protected / recorded before construction commences.

5 CONDITION: EMPLOYMENT AND SKILLS PLAN

PRE-COMMENCEMENT

No development shall commence until an Employment and Skills Plan has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Plan 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 Plan should cover the groundworks phases as well as the construction phase of the development.

The development shall thereafter be carried out in accordance with the approved Employment and Skills Plan unless a variation to the strategy is agreed in writing by the Local Planning Authority.

Reason:

In order to ensure local people are provided with sufficient job opportunities in accordance with Policy CS04 of the Core Strategy, Policy DEV19 of the emerging JLP and paragraphs 18-20 of the NPPF.

Justification: In order to support the provision of construction jobs for local people.

6 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

PRE-COMMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall accord with the approved Ecological Mitigation and Enhancement Strategy (dated June 2018). The CEMP shall include the following:

- i. Risk assessment of potentially damaging construction activities.
- ii. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- iii. The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- iv. Responsible persons and lines of communication.

v. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

vi. Method statements to demonstrate how the new drainage system and water environment is protected during the construction phase

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34, Joint Local Plan Policies SPT11 & DEV28 and Government advice contained in the NPPF paragraphs 109, 118.

Justification: To ensure that wildlife habitats are adequately protected from the development.

7 **CONDITION: BIODIVERSITY**

PRE-COMMENCEMENT

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 (June 2018).

Prior to commencement of development a site for translocation of reptiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34, Joint Local Plan Policies SPT11 & DEV28 and Government advice contained in the NPPF paragraphs 109, 118.

Justification: To ensure that wildlife habitats are adequately protected from the development.

8 **CONDITION: LANDSCAPE DETAILS**

PRE-COMMENCEMENT

No development shall take place until the details of the landscape works have been submitted to and approved in writing by the local planning authority. The landscape works shall accord with the approved Outline Landscape Strategy (drawing number 1811/01 Rev.P2) and the approved EMES (date June 2018). The landscape works shall include:

Soft landscape details: to include:

Full soft landscape specification for both the green roof and green walls including (but not limited to); plant species and size (to HTA standards), soil/roof build-up details, planting spec and establishment care.

the arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference.

Planting details (1:20 scale or as appropriate) including roof build-ups and green wall details etc.

a commitment to replace and dead or defective planting stock for a period of 5 years

Hard Landscape Details: to provide:

Drawings identifying the arrangement of proposed hard landscape elements including street furniture and boundary treatment materials (min 1:200 scale) (e.g. ground floor treatment of public realm. Plans should include a specification of the hard landscape materials (e.g. paving materials), street furniture and any boundary treatments.

Boundary treatment details (1:20 scale or as appropriate)

All 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.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Core Strategy Policies CS18 and CS34 and Draft JLP DEV10 and DEV24.

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

9 **CONDITION: ACCESS (CONTRACTORS)**

PRE-COMMENCEMENT

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

Reason:

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

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

10 **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, Policy DEV31 of the emerging JLP and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

Justification: 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.

11 **CONDITION: STREET DETAILS**

PRE-DAMP PROOF COURSE (DPC) LEVEL

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

Reason:

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

12 **CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

PRE-DPC LEVEL

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to commencement of the development. The content of the LEMP shall include the following

- i. Description and evaluation of features to be managed.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management for both the landscape elements and the biodiversity features.
- iv. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- v. Preparation of a work schedule.
- vi. Body or organisation responsible for implementation of the plan.
- vii. Monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally

approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out, in accordance with Core Strategy policies CS01, CS19, CS18 & CS34, Joint Local Plan Policies SPT11, DEV10, DEV24 & DEV28 and Government advice contained in the NPPF paragraphs 109, 118.

13 **CONDITION: EXTERNAL MATERIALS**

PRE-DPC LEVEL

No development above damp proof course (DPC) level shall take place until details, including samples, 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, Policy DEV20 of the emerging JLP and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

14 **CONDITION: FURTHER DETAILS**

PRE-DPC LEVEL

No development shall take place above DPC-level until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority;

- raised walkway to block C
- public art feature
- material junctions, reveals and overhangs

The works shall conform to the approved details.

Reason:

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

15 **CONDITION: SUSTAINABILITY**

PRE-DPC LEVEL

The development shall be completed in accordance with the principals of the submitted Energy Statement prepared by SDS Plymouth (dated 30th April 2018). This proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production together with the proposed installation size circa 77.7kWp. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place above DPC level, the applicant shall provide to the Local Planning Authority details of the size and locations of the on-site renewable energy production methods (in this case Photovoltaic Cells) for approval. The on-site renewable energy production methods shall be provided in accordance with these details prior to first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the development in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV34 of the emerging JLP and relevant Central Government guidance contained within the NPPF.

16 **CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)**

PRE-DPC LEVEL

None of the residential units hereby approved shall be occupied until the pedestrian build-out and crossing point on Lipson Road has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to work extending above DPC-level.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017.

17 **CONDITION: LOCKABLE GATES**

PRE-OCCUPATION

All side and rear gates to dwellings shall have gates with locks with key access. Details of these shall be submitted to, and approved in writing by the Local Planning Authority. The gates and locks shall be installed in accordance with the approved details before any of the residential units required to use the respective gates are occupied.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policy CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV20 of the emerging JLP and paragraph 58 of the NPPF.

18 **CONDITION: PROVISION OF PARKING AREA**

PRE-OCCUPATION

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework

Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

19 **CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

No dwelling 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 74 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

20 **CONDITION: TRAVEL PLAN**

PRE-OCCUPATION

No dwelling hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Residential Travel Plan shall seek to encourage residents and visitors to use modes of transport other than the private car to get to and from the site. It shall also include measures to promote the use of sustainable modes of transport as an alternative to the private car; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the occupier shall operate the approved Travel Plan.

Reason:

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

21 **CONDITION: SURFACE WATER DRAINAGE**

PRE-OCCUPATION

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

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy CS21 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.

22 **CONDITION: TRAFFIC REGULATION ORDER**

PRE-OCCUPATION

Prior to any occupation of the development hereby permitted the developer shall fund and begin the process to extend the existing Traffic Regulation order (TRO) in Prince Maurice Road to secure the provision of the four replacement parking spaces in the residents parking scheme . All associated costs are to be borne by the applicant.

Reason:

To preserve the function and safety of the Local highway Network and convenience to the public in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

23 **CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED**

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

24 **CONDITION: PART M (ACCESSIBLE AND ADAPTABLE DWELLINGS)**

Unless previously agreed in writing by the Local Planning Authority 20% of the dwellings hereby approved shall be constructed to comply with Part M4(2).

Reason:

To ensure that 20% of the dwellings on site are built to the equivalent of Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy 2007, Policy DEV9 of the emerging JLP and Government advice contained in the NPPF.

25 **CONDITION: SPECIFIED USE RESTRICTION**

The two office units hereby approved shall be used for Class B1a and for no other purposes (including any other purpose in Class B1 of the Schedule to the Town and Country Planning

(Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason:

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

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. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

2 **INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATION**

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

3 INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

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

4 INFORMATIVE: PROPERTY RIGHTS

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

5 INFORMATIVE: SECURE BY DESIGN

The applicant is advised that the development should seek to meet the Secured by Design Silver Award in order to create a safe environment free from the fear of crime.

6 INFORMATIVE: EMPLOYMENT AND SKILLS PLAN

The applicant/developer is advised to make early contact with Emma Hewitt, Building Plymouth Skills Co-ordinator (economicdevelopment@plymouth.gov.uk) for guidance on preparing your Employment and Skills Plan along with confirmation of the KPI targets which will relate to the type and build value of your development, based on the CITB National Skills Academy for Construction Client-Based Approach.

7 INFORMATIVE: PUBLIC HIGHWAY ENGINEERING

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

8 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 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.

9 **INFORMATIVE: HIGHWAY ADOPTION**

If the streets of the development are to be offered for adoption as public highway then the developer must ensure that all highway layout details and specifications are in accordance with Council Policy, and comply with the Councils Design Guide, 'Highways in Residential and Commercial Estates', 'Manual for Streets' and the Department of Transport's, 'Specification for Highway Works'. It should be noted that the Council will not accept the use of plastic manholes within the adoptable highway areas of the development, their use would be likely to exclude the street from being eligible for adoption.

10 **INFORMATIVE: SUPPORTING DOCUMENTS**

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

- Comments from JP Associates dated 2nd July 2018
- Comments from Claire Foxford Landscape Architects dated 1st July 2018
- Arboricultural Constraints Report ref: D14 351 01 02
- Transport Assessment ref: JP/TA/199/17/revA
- Flood Risk Assessment and Drainage Report ref: 10911 P1
- Affordable Housing Statement
- Phase 1 Desk Study Report ref: RP6725-A
- Design and Access Statement

Planning Applications Determined Since Last Committee

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
18/06/2018	Granted Conditionally	18/00504/FUL	Mr & Mrs R Harding	Proposed first floor extension, front porch and rear facing patio (Part-retrospective)	6 Billacombe Villas Plymouth PL9 8AL	Mrs Alumecci Tuima
18/06/2018	Granted Conditionally	18/00616/FUL	Mr Geoffrey Beaver	Removal conservatory and construction of a timber frame room on same footprint	23 Newnham Road Plymouth PL7 4AW	Mr Macauley Potter
18/06/2018	Granted Conditionally	18/00849/FUL	Mr Mark Zab	Demolition of existing conservatory and erection of a single storey rear extension	Pembroke Lodge Woodside Plymouth PL4 8QE	Mr Sam Lewis
18/06/2018	Granted Conditionally	18/00863/FUL	Mrs L Atterbury	First floor window and door replacement with french doors	1st & 2nd Floor Flat, 94 Durnford Street Plymouth PL1 3QW	Mr Chris Cummings
18/06/2018	Granted Conditionally	18/00864/LBC	Mrs L Atterbury	First floor window and door replacement with french doors	1st & 2nd Floor Flat, 94 Durnford Street Plymouth PL1 3QW	Mr Chris Cummings
18/06/2018	Granted Conditionally	18/00865/ADV	Patrick Investment	No.2 monolith signs	Plymbridge House 10 Estover Road Plymouth PL6 7PY	Mr Chris Cummings
19/06/2018	Granted Conditionally	18/00629/FUL	Mr Ashley Crawford	First floor extension to provide 4 new en-suite bedrooms. Enlarging existing kitchen and rear car parking provision for 3 extra spaces.	54 Stuart Road Plymouth PL3 4EE	Mr Macauley Potter
19/06/2018	Granted Conditionally	18/00662/FUL	Mr B Howarth	Two storey rear extension	57 Beaumaris Road Plymouth PL3 5SB	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
19/06/2018	Granted Conditionally	18/00685/FUL	Marcus Lewis	Glazing changes to unit street frontage	1 Sherwell Arcade Plymouth PL4 8LH	Mrs Alumeci Tuima
20/06/2018	Granted Conditionally	18/00381/FUL	Sarah Lock	Replacement shop front and re-position of gas pipe.	12 The Barbican Plymouth PL1 2LS	Mr Mike Stone
20/06/2018	Granted Conditionally	18/00382/ADV	Sarah Lock	Illuminated signage	12 The Barbican Plymouth PL1 2LS	Mr Mike Stone
20/06/2018	Granted Conditionally	18/01038/ADV	Mr Qammar Nazir	Internally illuminated fascia and projecting signs	24 Springfield Road Plymouth PL9 8EN	Mr Mike Stone
21/06/2018	Agreed	18/00661/CDM	Graham Clark	Condition Discharge: Condition 7 of application 17/01047/FUL	Madras, 29 Furzehatt Road Plymouth PL9 8QX	Mr Chris King
21/06/2018	Granted Conditionally	18/00707/FUL	Mr T Wills	Retention of semi permanent marquee for a period of 5 years	Drakes Square University Of Plymouth Drake Circus Plymouth PL4 8AA	Miss Amy Thompson
21/06/2018	Granted Conditionally	18/00734/FUL	Mr & Mrs Hewings	Two storey rear extension and front porch (resubmission of application 17/00682/FUL)	49 Keswick Crescent Plymouth PL6 8SL	Mrs Alumeci Tuima
21/06/2018	Granted Conditionally	18/00750/FUL	Mr Stuart Mann	Rear and side extension	23 Priory Drive Plymouth PL7 1PU	Mr Mike Stone
21/06/2018	Agreed	18/00773/CDM	Mr Stuart Walsh	Condition Discharge: Condition 4 of application 17/01133/FUL	18 Queen Anne Terrace North Hill Plymouth PL4 8EG	Mr Alan Hartridge

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
21/06/2018	Agreed	18/00812/CDM	Mr Kevin Briscoe	Condition Discharge: Conditions 3 & 4 of application 15/00641/FUL	East Park Avenue Plymouth PL4 6PF	Mr Oliver Gibbins
21/06/2018	Granted Conditionally	18/00819/LBC	Warland	Installation of fire alarm system	Flat 1, 9-10 Nelson Gardens Plymouth PL1 5RH	Mrs Alexandra Pickstone
22/06/2018	Agreed	17/00619/CDM	Taylor Wimpey (South West)	Condition Discharge: Conditions 8 (Retaining Walls), 9 (Boundary Wall Details), 11 (Building Construction Details), 12 (Bin Storage Details) and 13 (Cycle Spaces) of application 16/00287/REM	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Haye Road Elburton Plymouth	Mr Ian Sosnowski
22/06/2018	Agreed	18/00404/CDM	Mr Elm Slade	Condition Discharge: Conditions 5, 6, 7 & 10 of application 15/01565/FUL	Devonport Park, Fore Street Devonport Plymouth PL1 4BU	Miss Amy Thompson
22/06/2018	Granted Conditionally	18/00567/FUL		New self-build dwelling house with associated works	Land To Rear Of 41 Higher Compton Road Plymouth PL3 5HZ	Mr Chris King
22/06/2018	Granted Conditionally	18/00690/FUL	Mr R Parker	Single storey side extension	1 Lang Grove Plymouth PL9 8NP	Mrs Alumeci Tuima
22/06/2018	Granted Conditionally	18/00709/FUL	Mr Webb	Rear extension	23 Knapps Close Plymouth PL9 8UX	Mrs Alumeci Tuima
22/06/2018	Agreed	18/00729/CDM	Ms Kate Pickstock	Condition Discharge: Condition 9 of application 14/01264/FUL	Crescent Point The Crescent Plymouth	Mrs Karen Gallacher

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
22/06/2018	Agreed	18/01003/CDM	Mike Smith	Condition Discharge: Condition 3 of application 18/00054/FUL	Devonport Dockyard Saltash Road Keyham Plymouth PL1 4SG	Mr Alan Hartridge
22/06/2018	Refused	18/01061/AMD	Mr Chris Gait	Non-material Amendment: Altering layout of roof windows, adding 1no. velux to roof, altering of car parking layout for application 17/01508/S73M	The Old Dispensary 36 Craigie Drive Plymouth PL1 3JB	Mr Chris King
25/06/2018	Granted Conditionally	18/00571/FUL	Mrs Dawn Johnson	Proposed single storey extension linking dwelling with the detached garage	17 Cundy Close Plymouth PL7 4QH	Mrs Alumeci Tuima
25/06/2018	Granted Conditionally	18/00833/TPO	Mrs Masson	T1 Leylandii: reduce in height by 50% T2 Lime: reduce by approximately one third and shape (amendment agreed 21/6/18 with Matt Neale of Arborcure) T3 Sycamore: reduce on house side by 1.5 to 2m T4 Chesnut: reduce large limb growing over boundary to No 3 by 2m ; reduce limb over the road by 1 to 1.5m	2 Collingwood Villas Collingwood Road Plymouth PL1 5NZ	Mrs Jane Turner
26/06/2018	Agreed	18/00165/CDM	Mr Russell Hooper	Condition Discharge: Condition 3, 4, 5, 6, 8 & 9 of application 17/01911/S73	Tamar House St Andrews Cross Plymouth PL1 1DN	Mrs Karen Gallacher
26/06/2018	Granted Conditionally	18/00300/LBC	Mr Chris Coldrick	Replacement of roof coverings and strengthening of roof timbers, replacement of 5 no. uPVC dormer windows with single glazed hardwood, internal (to communal areas) and external redecoration.	120-122 Durnford Street Plymouth PL1 3QP	Mr Mike Stone
26/06/2018	Agreed	18/00785/CDM	McDonald's Restaurants Ltd	Condition Discharge: Condition 3 of application 17/02129/FUL	McDonalds Restaurant Coypool Road Plymouth PL7 4TB	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
26/06/2018	Granted Conditionally	18/00898/TCO	Alan Irvine	Hornbeam (actually Southern Beech) - Fell	3 Longbrook Street Plymouth PL7 1NJ	Mrs Jane Turner
26/06/2018	Refused	18/00962/AMD	Cllr David James	Non-material Amendment: To decrease the bedroom window nearest the link door from 1.5m x 1.2m to 1.3m x 0.45m and increase the other window from 1.5m x 1.2m to 1.8m x 1.2m for application 17/01937/FUL	30 Canhaye Close Plymouth PL7 1PG	Mrs Alumeci Tuima
27/06/2018	Refused	18/00272/FUL	Mr Justin Agouzoul	Conversion of building to provide ground floor Financial & Professional Services (Class A2) unit, 1x maisonette and 2x apartments with associated alterations	42 Mannamead Road Plymouth PL4 7AF	Mr Mike Stone
27/06/2018	Granted Conditionally	18/00521/FUL	Mr Ben Elliott	Erection of a single storey rear annex	14 West Hill Road Plymouth PL4 7LE	Mrs Alumeci Tuima
27/06/2018	Granted Conditionally	18/00577/FUL	Mr Brett Butler-Smythe	Ground floor rear extension. Front roof dormer and roof extension across width of property and reclad	2 Winsbury Court Plymouth PL6 5JU	Mr Macauley Potter
27/06/2018	Granted Conditionally	18/00674/FUL	Mr Ian Russell	Change of use of residential flat (Class C3) to provide office accommodation (Class B1) (for temporary period)	7 Lower Compton Road Plymouth PL3 5DH	Miss Amy Thompson
27/06/2018	Agreed	18/00759/CDMLB	Mr Tim Brown	Condition Discharge: Conditions 3 & 4 of application 16/00983/LBC	Buildings 120, 121 And 131 Royal Citadel, Hoe Road Plymouth PL1 2PD	Mrs Alexandra Pickstone
27/06/2018	Granted Conditionally	18/00823/FUL	Mr Allen Shepherd	Subdivision of house (Class C3) to create two separate dwellings (Class C3) including additional floor for rear tenement (resubmission of 17/02143/FUL)	21 Neswick Street Plymouth PL1 5JJ	Mr Mike Stone

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
28/06/2018	Granted Conditionally	18/00563/FUL	Mr David Derrick	Internal alterations to include new staircase, detection system and provision of new front entrance door	10 Cremyll Street Plymouth PL1 3RB	Mr Macauley Potter
28/06/2018	Granted Conditionally	18/00718/FUL	Mr Kevin Smith	Change of use from 2 self-contained flats (Class C3) to a 5-bed HMO (Class C4)	61 Neswick Street Plymouth PL1 5JN	Mrs Alumeci Tuima
28/06/2018	Granted Conditionally	18/00748/FUL	Mr Aarron Meredith	Erection of two storey sports pavilion building	Ernesettle Community School Biggin Hill Plymouth PL5 2RB	Mr Oliver Gibbins
28/06/2018	Agreed	18/00840/CDM	Mrs Marjorie Adlington	Condition Discharge: Condition 3 of application 18/00080/FUL	Stonehouse Lawn Tennis Club Durnford Street Plymouth PL1 3QR	Miss Amy Thompson
29/06/2018	Refused	18/00508/FUL	Mr Michael Michaelides	Outbuilding with balcony to existing treehouse above (part retrospective)	16 Torland Road Plymouth PL3 5TS	Mr Chris Cummings
29/06/2018	Refused	18/00612/AMD	Mr J Larmour	Non-material Amendment: Alterations to rear elevation, omission of basement store, external steps to rear, insertion for three high-level rooflights for application 16/00330/FUL	133 Alma Road Plymouth PL3 4HQ	Mr Mike Stone
29/06/2018	Granted Conditionally	18/00651/FUL	Deborah Best	Two storey rear office extension	37 Morshead Road Plymouth PL6 5AD	Miss Amy Thompson
29/06/2018	Granted Conditionally	18/00780/FUL	Dr E & A Kaminski	Erection of raised balcony at rear of dwelling	11 Whiteford Road Plymouth PL3 5LU	Mrs Alumeci Tuima

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
02/07/2018	Granted Conditionally	18/00536/FUL	Mr Russell Young	Proposed conversion of existing building to create centre for sustainable study with internal alterations and external facade treatments	Kirkby Lodge Portland Square Lane North Plymouth PL4 6RU	Mr Tim Midwood
02/07/2018	Refused	18/00786/AMD	Mr Alastair Carswell	Non-material Amendment: changes to windows, materials, landscape and block 1 stairs for application 15/02241/REM	Land At Millbay, Millbay Road Plymouth	Miss Katherine Graham
03/07/2018	Granted Conditionally	17/02444/FUL	Dominic Robinson	Change of use from no.3 flats (Class C3) to 10-bed HMO with office for visiting support worker (Sui Generis) and single storey rear extension	95 Durnford Street Plymouth PL1 3QW	Mr Chris Cummings
03/07/2018	Granted Conditionally	18/00650/FUL	Mr I Schofield	Change of use to supported living accommodation	29 Foxwood Gardens Plymstock Plymouth PL9 9HX	Mr Simon Osborne
03/07/2018	Granted Conditionally	18/00702/FUL	Mr James & Mrs Evans	Retrospective change of use from office to hair and beauty salon (use A1)	99 North Prospect Road Plymouth PL2 2NA	Miss Amy Thompson
03/07/2018	Agreed	18/00866/CDM	Mr B Lambert	Condition Discharge: Condition 4 of application 17/02276/FUL	Braidwood Terrace Lane Plymouth PL4 8JW	Mr Jon Fox
03/07/2018	Refused	18/00887/AMD	Pomphlett Primary School	Non-material Amendment: Alterations to the proposed play space (siting and size). Proposed amendment also negates the need for separate construction access for application 17/00867/FUL	Pomphlett Primary School Howard Road Plymouth PL9 7ES	Mr Chris King
04/07/2018	Granted Conditionally	18/00501/FUL	Ms Sarah Hyatt	Café/bar and multi-function space, new external walkway canopy within the central courtyard and internal alterations.	Plymouth College Of Art & Design Tavistock Place Plymouth PL4 8AT	Mr Mike Stone

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
04/07/2018	Granted Conditionally	18/00746/FUL	Mr David Watson	Conversion of property into 2 dwellings, internal alterations, demolition of rear extensions and formation of two off-road car parking spaces	Scott Cottage Millway Place Plymouth PL9 7RQ	Mr Mike Stone
04/07/2018	Granted Conditionally	18/00752/FUL	Mr Robert Edgar	Single storey rear extension.	8 Ridge Park Road Plymouth PL7 2BS	Mr Macauley Potter
04/07/2018	Granted Conditionally	18/00764/FUL	Mrs Anna Packer	Single storey rear extension	24 Litchfield Close Plymouth PL7 2UU	Mrs Alumeci Tuima
04/07/2018	Granted Conditionally	18/00806/FUL	Mr & Mrs Ayliffe	New single storey annex to side of existing dwelling house	3 Treveneague Gardens Plymouth PL2 3ST	Mrs Alumeci Tuima
04/07/2018	Granted Conditionally	18/00807/FUL	Mr Aaron Wheeler	Single storey rear extension	21 Kingston Close Plymouth PL7 2XA	Mr Macauley Potter
04/07/2018	Granted Conditionally	18/00857/FUL	Mr & Mrs Leest	Demolition of existing garages and replacement with a new self-build dwelling	19 Compton Park Road Plymouth PL3 5BU	Mr Mike Stone
04/07/2018	Agreed	18/00923/CDM	Mr Paul Maguire	Condition Discharge: Condition 7 of application 12/00853/FUL	Vision (Former Stores Enclave), Chapel Street Devonport Plymouth	Miss Katherine Graham
04/07/2018	Granted Conditionally	18/00950/FUL	Mr Lee Tatam	Front extension and convert garage into living accommodation (resubmission of 18/00240/FUL)	19 Bradford Close Plymouth PL6 5SW	Mr Mike Stone

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
04/07/2018	Granted Conditionally	18/00956/TCO		Magnolia - Fell	39 Fore Street Plympton Plymouth PL7 1LZ	Ms Joanne Gilvear
04/07/2018	Granted Conditionally	18/00957/TCO	Mrs Joanne Collins	Willow - Re-reduced by approx. 2-2.5m	114 Devonport Road Plymouth PL1 5RG	Ms Joanne Gilvear
05/07/2018	Granted Conditionally	18/00385/FUL	Mr Paul Reece	New garage and enclosed storage to rear (facing Warren Street) including a mezzanine	152 Keyham Road Plymouth PL2 1RA	Mrs Alumeci Tuima
05/07/2018	Granted Conditionally	18/00484/FUL	Plymouth City Council	Installation of a CCTV system and emergency lighting.	The Guildhall Royal Parade Plymouth PL1 2EL	Mr Mike Stone
05/07/2018	Granted Conditionally	18/00485/LBC	Plymouth City Council	Installation of a CCTV system and emergency lighting.	The Guildhall Royal Parade Plymouth PL1 2EL	Mr Mike Stone
05/07/2018	Granted Conditionally	18/00687/FUL	Mrs Jennifer Wherry	Front porch	6 Baydon Close Plymouth PL6 5QW	Mr Macauley Potter
05/07/2018	Granted Conditionally	18/00801/S73	Mr Stephen Williams	Amendments to application 14/02178/FUL to alter the internal layout and extend the lower ground floor and ground floor to the rear to allow for more internal living space and a double garage	Glen Lodge Glen Road Mannamead Plymouth PL3 5AP	Miss Amy Thompson
05/07/2018	Agreed	18/00829/CDM	Mr Paul Wong	Condition Discharge: Conditions 8 & 9 of application 16/01142/FUL	Manadon Sports Development Centre, St Peters Road Plymouth PL5 3DU	Mrs Katie Saunders

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
05/07/2018	Granted Conditionally	18/00837/FUL	Mr Artur Karpinski	Loft conversion to create bedroom and bathroom with rear facing dormer	43 Mildren Way Plymouth PL1 4GF	Miss Amy Thompson
05/07/2018	Granted Conditionally	18/00842/FUL	Plymouth Community Homes	External repairs, replacement railings and conversion of existing garage to bin store	37-41A Camperdown Street Plymouth PL2 1JQ	Mr Chris Cummings
06/07/2018	Granted Subject to S106	17/01216/FUL	Mr R Toghill	Redevelop site by erection of 43 new dwellings with new access road, landscaping & other associated works (demolition of existing buildings)	Land Off Colebrook Road Plympton Plymouth	Mrs Katie Saunders
06/07/2018	Refused	18/00784/FUL	Mr Joe Brown	Change of use from single dwelling (Class C3) to two 2-bed dwellings (Class C3)	11 Rosebery Lane Plymouth PL4 8TE	Mr Chris Cummings
06/07/2018	Granted Conditionally	18/00955/FUL	Asda Stores	Extension and reconfiguration of existing home shopping delivery area	Asda Stores Ltd Leypark Drive Plymouth PL6 8TB	Mr Chris Cummings
09/07/2018	Granted Conditionally	17/02187/LBC	Mrs Lynne Lloyd	Roof repairs, replacing artificial slates	Fursdon House Blunts Lane Plymouth PL6 8BE	Miss Amy Thompson
09/07/2018	Agreed	18/00715/CDM	Mrs Rebecca Miller	Condition Discharge: Conditions 3 & 4 of application 17/01915/FUL	Land At Bond Street/Bampfylde Way Plymouth	Mrs Karen Gallacher
09/07/2018	Granted Conditionally	18/00730/TPO	Mr B McCallion & Miss S Rodgers	Beech - reduce height by 2-3m and lateral branches on northern side by 2-3m to balance tree.	Entrance To Manor Park 5 Woodlands Lane Plymouth PL6 8AS	Mrs Jane Turner

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
09/07/2018	Refused	18/00790/AMD	Mrs L Doidge	Non-material Amendment: East elevation: new window. North elevation: Bi-fold doors in existing garage door opening. South elevation: amended window to bathroom, and door canopy for application 09/00835/FUL	Hellensleigh Cobb Lane Plymouth PL9 9BQ	Mr Simon Osborne
09/07/2018	Granted Conditionally	18/00822/ADV		Hanging sign to be displayed to the front elevation of the property	The Customs House Parade Plymouth PL1 2JL	Mr Macauley Potter
09/07/2018	Granted Conditionally	18/00825/FUL	Mr & Mrs O'Brien	Two-storey side extension	59 Shortwood Crescent Plymouth PL9 8TH	Mrs Alumeci Tuima
09/07/2018	Refused	18/00826/FUL	Mr Michael Whelan	Ground and first floor front extension.	28 Mirador Place Plymouth PL4 9HE	Mr Macauley Potter

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Appeal Decisions between 22/03/2018 and 10/07/2018

Decision Date	Original Planning Application	Appeal Reference	Inspectors Decision	Inspectors Reference Number
16/04/2018	17/01383/FUL	2017/0036	Appeal Dismissed	APP/N1160/D/17/3191115
Ward				
Stoke				
Address				
86 St Levan Road Plymouth PL2 3AF				
Application Description				
Demolition of existing single garage and erection of an annex extension for dependants, separate from the main dwelling with parking facilities				
Appeal Process		Officers Name		
Written Representations		Mr Chris King		
Synopsis				
<p>The Inspector shares the Council's concerns that the proposal would result in overlooking of the rear gardens of Nos. 84 and 88 and a harmful loss of privacy for neighbouring residents. The proposal would unacceptably harm the living conditions of those living alongside. It would be at odds with The National Planning Policy Framework and Policy CS34(6) of the Plymouth Core Strategy 2006-2021, adopted in 2007, that are aimed at securing a good standard of amenity for existing occupiers of land and buildings. No reference has been made by the Inspector to JLP policies in this regard. The Inspector added that although the Council refused the application for being out of character in terms of style, size, use, layout and precedent, each proposal must be determined on its own merits and the Council, at the time, had not informed the Inspector of pressure for other similar developments in the area. The proposal would be unlikely therefore to set a harmful precedent which the Council would have difficulty resisting elsewhere. No reference has been made by the Inspector to CS, JLP or NPPF policies in this regard. Nevertheless, neither this nor the benefits the proposal would provide to the appellants and their family would be sufficient to outweigh the harm that has been identified to the living conditions of neighbouring residents.</p>				

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