



#plymplanning

**Oversight and Governance**

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

Please ask for Democratic Support  
T 01752 668000  
E [democraticsupport@plymouth.gov.uk](mailto:democraticsupport@plymouth.gov.uk)  
[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)  
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## PLANNING COMMITTEE

Thursday 9 December 2021  
4.00 pm  
Council House, Plymouth

**Members:**

Councillor R Smith, Chair  
Councillor Wakeham, Vice Chair  
Councillors Corvid, Cresswell, Derrick, Dr Mahony, Morris, Nicholson, Partridge, Shayer, Stevens, Stoneman and Tuffin.

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.

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**Tracey Lee**  
Chief Executive

## Planning Committee

### 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 11 November 2021.

### 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 Service Director for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

#### 6.1. 5 First Avenue Billacombe Plymouth PL9 8AP - 21/01637/FUL (Pages 7 - 14)

Applicant: Mr and Mrs Baynon  
Ward: Plymstock Dunstone  
Recommendation: Grant Conditionally

#### 6.2. 17 Thorn Park Plymouth PL3 4TG - 21/01616/FUL (Pages 15 - 26)

Applicant: Mr A Sanders  
Ward: Compton  
Recommendation: Grant Conditionally

- 6.3. Land Off Coombe Way Kings Tamerton Plymouth - **(Pages 27 - 60)**  
21/01038/OUT

Applicant: PEC Homes  
Ward: St Budeaux  
Recommendation: PS106 Grant subject to S106 Outline

- 6.4. Former Western National Bus Depot, Embankment Road **(Pages 61 - 104)**  
Plymouth PL4 9LQ - 21/00218/FUL

Applicant: Goldmix Ltd  
Ward: Sutton and Mount Gould  
Recommendation: Grant Subject to S106 Obligation

- 7. Planning Enforcement (Pages 105 - 106)**
- 8. Planning Application Decisions Issued (Pages 107 - 124)**

The Service 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 –

- 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>

- 9. Appeal Decisions (Pages 125 - 126)**

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>

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## Planning Committee

Thursday 11 November 2021

### PRESENT:

Councillor R Smith, in the Chair.

Councillor Wakeham, Vice Chair.

Councillors Mrs Maddi Bridgeman (Substituting for Councillor Nicholson), Corvid, Cresswell, Derrick, Dr Mahony, Partridge, Shayer, Stevens, Stoneman and Tuffin.

Apologies for absence: Councillors Nicholson and Morris.

Also in attendance: Stuart Wingfield (Head of Development Management), Julie Parkin (Senior Lawyer), Jane Turner (Natural Infrastructure Officer), Jon Fox (Planning Officer), Katie Saunders (Area Planning Manager), Jamie Sheldon (Senior Governance Advisor), Amelia Boulter (Democratic Advisor) and Jake Metcalfe (Democratic Advisor).

The meeting started at 4.00 pm and finished at 5.34 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.*

44. **Declarations of Interest**

There were no declarations of interest submitted by members.

45. **Minutes**

Agreed the minutes of the meeting held on 16 September 2021.

46. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

48. **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.

49. **TPO 538 - Land Adjacent to 18 Undercliff Road**

TPO 538 – Land Adjacent to 18 Undercliff Road  
Decision:  
Confirmed TPO 536 without modifications.

(The Committee heard from Jon Kiely, Objector).  
(The Committee heard from Mr Gough-Allen, Supporter)

50. **Hamoaze House, George Street, Mount Wise, Plymouth, PL1 4JQ - 21/01663/FUL**

Mr Mark Bignell  
Decision:  
GRANTED conditionally.

(The Committee heard a written statement from Councillor Dr Cree, Ward Councillor).  
(The Committee heard from Mr Bignell, Applicant)  
(A site visit took place on 10 November 2021)

51. **Hamoaze House, George Street, Mount Wise, Plymouth, PL1 4JQ - 21/01665/LBC**

Mr Mark Bignell  
Decision:  
GRANTED conditionally.

(A site visit took place on 10 November 2021)

52. **Morley Youth and Community Centre - 21/00722/FUL**

Plymouth City Council  
Decision:  
Granted conditionally.

(The committee heard from Councillor Mrs Pengelly in support of the applicant).

53. **Planning Enforcement**

The Committee noted the Planning Enforcement report.

54. **Planning Application Decisions Issued**

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

55. **Appeal Decisions**

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

**VOTING SCHEDULE 11 NOVEMBER 2021** (Pages 5 - 6)

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## PLANNING COMMITTEE – 11 November 2021

## SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	TPO 538 – Land Adjacent to 18 Undercliff Road  Granted conditionally.	Councillors R Smith, Wakeham, Mrs Bridgeman, Corvid, Cresswell, Derrick, Dr Mahony, Partridge, Shayer, Stevens, Stoneman and Tuffin.				Councillors Morris and Nicholson.
6.2	Hamoaze House, George Street, Mount Wise, Plymouth, PL1 4JQ – 21/01663/FUL  Granted conditionally.	Councillors R Smith, Wakeham, Mrs Bridgeman, Corvid, Cresswell, Derrick, Dr Mahony, Partridge, , Shayer, Stoneman and Tuffin.		Councillor Stevens		Councillor Morris and Nicholson.
6.3	Hamoaze House, George Street, Mount Wise, Plymouth, PL1 4JQ – 21/01665/LBC  Granted conditionally.	Councillors R Smith, Wakeham, Mrs Bridgeman, Corvid, Cresswell, Derrick, Dr Mahony, Partridge, , Shayer, Stevens, Stoneman and Tuffin.				Councillor Morris and Nicholson.
6.4	Morley Youth and Community Centre – 21/00722/FUL  Granted conditionally.	Councillors R Smith, Wakeham, Mrs Bridgeman, Corvid, Cresswell, Derrick, Dr Mahony, Partridge, ,				Councillor Morris and Nichoolson. .

<b>Minute number and Application</b>	<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>	
		Shayer, Stevens, Stoneman and Tuffin.				

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/01637/FUL	<b>Item</b>	01
<b>Date Valid</b>	01.09.2021	<b>Ward</b>	PLYMSTOCK DUNSTONE
<b>Site Address</b>	5 First Avenue Billacombe Plymouth PL9 8AP		
<b>Proposal</b>	Raise roof height and create new gable end roof for accommodation in roofspace, demolition of conservatory and construction of part three storey and part single storey rear extension		
<b>Applicant</b>	Mr & Mrs Baynon		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>27.10.2021</b>	<b>Committee Date</b>	<b>09.12.2021</b>
<b>Extended Target Date</b>	<b>16.12.2021</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Mike Stone		
<b>Recommendation</b>	Grant Conditionally		



**This application comes before the Planning Committee after being called in by Cllr Churchill.**

### **I. Description of Site**

Number 5 First Avenue is a detached bungalow with a hipped roof and a small rear extension covering roughly a third of the width of the bungalow. Next to the rear extension is a large conservatory with a glass pitched roof. Ground levels fall away steeply from front to back and the conservatory and the rear extension have significant underbuilds, the conservatory has a narrow wooden terrace behind it with a flight of external steps leading down to the long back garden. Below the conservatory is an area of raised decking. The property has a long back garden of over 25 metres and beyond that is an area of greenspace with mature trees screening the development behind.

First Avenue is a cul-de-sac accessed from Colesdown Hill and is in the Elburton and Dunstone Neighbourhood. The majority of properties on the same side of the street as the subject property

are of very similar appearance, being detached bungalows with hipped roofs and two front bay windows. The exceptions are nos. 1 and 2, a pair of semis and no. 4 which has a gable front roof, initially refused by the LPA (10/01326/FUL) and only granted on appeal.

## **2. Proposal Description**

Raise roof height and create new gable end roof for accommodation in roofspace, demolition of conservatory and construction of part three storey and part single storey rear extension. The new gable roof would be 6.6 metres high at the front, 600mm higher than the current hipped roof. Eaves height at the front would increase from 2.6 metres to 3.0 metres.

At the rear, the existing conservatory and the back wall of the rear extension would be removed and an extension continuing over two floors and into the roof space constructed. The new build would continue to the location of the back wall of the former conservatory roughly 1 metre beyond the current back wall of the bungalow. The overall length of the property would increase to 13.7 metres.

At the rear there would be an increase in height from 5.7 metres to the top of the extension roof to 9.2 metres to the top of the new gable roof. At the sides the changes would be appear more pronounced with the switch from the hipped main roof and smaller hipped extension roof to the continuous gable roof.

At the rear of the property a new single storey extension would be added. It would be 8 metres wide, 4 metres deep and 2.9 metres high to the flat roof.

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

There was no pre-application enquiry with this proposal.

## **4. Relevant planning history**

There is no planning history for the subject property.

### 4 First Avenue

10/00261/FUL - Single-storey rear extension, formation of rooms in roofspace of extended dwelling with rear first-floor window and side rooflights, and rear external decking area- Granted Conditionally.

10/01326/FUL - Single storey rear extension, formation of rooms in roofspace of extended dwelling, with rear first floor window and side rooflights, and change of front hip to gable, and rear external decking area (revised version of 10/00261/FUL) - Refused, front gable out of keeping. Overturned at appeal.

## **5. Consultation responses**

None required.

## **6. Representations**

The application was re-advertised following the submission of amended plans.

At the first consultation stage there were four letters of objection. The letters objected to the application for the following reasons;

- o The raised roof is out of keeping
- o The large front window will result in loss of privacy
- o The proposal is contrary to national and SPD guidance
- o Will result in high levels of overlooking and visual dominance
- o Loss of sunlight
- o Design is out of character with the rest of the street.

At the second consultation there were four letters of objection and one letter of support. The letters of objection reiterated earlier concerns set out in the first consultation. The letter of support says that the proposed gable roof is similar to others in the street and the extension would not result in loss of light, overlooking or overbearing appearance to the neighbouring property, no. 4.

## **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. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

## **8. Analysis**

1. The relevant policies are: DEV1 (Protecting health and amenity) and DEV20 (Place shaping and the quality of the built environment).

### **2. Principle of Development**

Joint Local Plan policies indicate that the proposal is acceptable in principle.

### **3. Negotiations Undertaken**

The original plans submitted were considered unacceptable and the assessment has been based on the amended plans.

### **4. Visual Impact**

Officers have considered the visual impact of the development against the guidance in the SPD and consider it acceptable.

5. The subject property is located on the side of the street that is characterised by a row of similar detached bungalows with hipped roofs. The exception to this is the neighbour to the east, no. 4, which has a front gable roof. This was initially refused (10/01326/FUL) but granted on appeal (APP/N1160/D/10/2140663). At the appeal the inspector commented that;

6. "The gable roof is clearly different to the consistent design of the fully hipped short row of old bungalows that straddle the appeal property. However, when carefully viewed in the wider context of First Avenue as a whole, I did not find the gable design to be unacceptable. This is because I did not find the roof to be excessively high or bulky, or to be out of keeping; the fully hipped roof severely limits internal space and scope for alteration; the gable roof does not extend beyond the building line of the front elevation; the bay window design is retained in the front elevation; there is a significant variety of building styles and roof designs in the street where alterations have probably been made to original roof designs; and I found a strong echo between the subject roof and some other houses such as No 12."

7. The application property, unlike no. 4, has a large glazed section in the front upper part of the gable. The case officer does not feel that this feature would have a detrimental impact on the visual

quality of the street scene. Based on the appeal precedent, the case officer considers the design of the front gable roof acceptable and to comply with JLP Policy DEV20.

8. Materials would be painted render to match the main house.

9. Amenity

Officers have considered the impact on neighbouring amenity against the guidance in the SPD and consider it acceptable.

10. Regarding the proposed gable roof at the front of the property, letters of representation have objected to the potential loss of privacy for neighbours opposite from the large, upper glazed section in the front elevation of the roof.

11. Paragraph 13.19 of the SPD says that;

"Habitable room windows facing directly opposite one another should be a minimum of 21 metres apart for a two-storey development."

12. The submitted Site Location Plan and the council's own Geographical Information System, put the window to window distance at over 30 metres. Additionally, the subject property is set much lower down than neighbouring properties on the opposite side of the road.

13. At the rear, ground levels fall away steeply and there is already considerable mutual overlooking of neighbouring gardens. The elevated, fully glazed conservatory particularly offers views into neighbour's private gardens.

14. Letters of objection have mentioned concerns about increased overlooking. Following negotiations, the design of the upper floor rear window has been amended. The eil of the window was raised up by 770 mm and a section of glass closest to the neighbouring property has been replaced with a fixed panel. A condition requiring the submission of a new planning application for the creation of any further windows in the rear elevation is recommended.

15. The case officer considers that the amended proposal, which will result in the removal of the conservatory and the narrow terrace will help to reduce the level of overlooking and also the perception of overlooking when the conservatory is in use.

16. Letters of objection have referenced the SPD 45 degree guidance and loss of light. The applicants have submitted a site plan to demonstrate the new rear extension would comply with the 45 degree guidance. The rear elevations of properties on this side of First Avenue face south so benefit from the maximum sunlight and daylight.

17. Letters of objection have mentioned overbearing appearance. The case officer considers that the visual orientation of the garden is towards the green space behind. The back of the house will be finished in matching materials and on balance the case officer does not feel the position would be significantly more harmful than with the current conservatory, terrace and decking.

18. A 4 metre deep single storey extension is proposed for the rear of the house. Given the fall in ground levels, the high boundary fence and the presence of a boundary hedge, the case officer does not consider that this would have a harmful impact on neighbour amenity.

19. The extension has a flat roof. The SPD has a presumption against flat roofs but does make exceptions, as in this case, where they are at the rear and help to reduce the impact on neighbours. A condition stating that the flat roof cannot be used as a balcony or roof terrace without the submission of a further planning application is recommended.

20. The extension would be finished in vertical timber cladding. This is not a material found elsewhere in the street, but the case officer considers it acceptable in this rear location. It should be noted that the addition of cladding is also permitted development outside of conservation areas and listed buildings.

21. The case officer considers that the proposal complies with policies DEVI and DEV20 and is recommended for conditional approval.

### **9. Human Rights**

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

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

Not applicable.

### **11. Planning Obligations**

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

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

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

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

### **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 is acceptable and accords with policies DEVI and DEV20 and national guidance. The application is recommended for approval.

### **14. Recommendation**

In respect of the application dated 01.09.2021 it is recommended to Grant Conditionally.

### **15. Conditions / Reasons**

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

#### **I        CONDITION: APPROVED PLANS**

Site Location 169\_001 Rev 1 received 31/08/21

Roof Plan (Proposed) 169\_011 Rev 5 received 29/10/21

Site Layout Plan (Proposed) 169\_008 Rev 4 received 29/10/21



GF GA Plan (Proposed) 169\_009 Rev 5 received 29/10/21  
FF GA Plan (Proposed) 169\_010 Rev 4 received 29/10/21  
Elevations (Proposed) 169\_012 Rev 5 received 29/10/21  
Building Section (Proposed) 169\_013 Rev 5 received 29/10/21  
LGF GA Plan (Proposed) 169\_014 Rev 5 received 29/10/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

## **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: MATCHING MATERIALS**

The materials to be used in the construction of the external surfaces of the multi-storey extension to the main house hereby permitted shall match those used in the existing building.

Reason:

To ensure that the materials used are in keeping with the appearance of the existing building and the character of the area in accordance with DEV10 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework.

## **4 CONDITION: NO FURTHER WINDOWS**

No additional windows or openings shall be inserted into the rear elevation of the main house without the grant of a further specific permission from the Local Planning Authority.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019.

## **5 CONDITION: ROOF AREA USE RESTRICTION**

The roof area of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Local Planning Authority.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019.

## **6 CONDITION: ECOLOGICAL MITIGATION**

To promote biodiversity, the applicant shall provide for the installation of 2 no. enclosed bird bricks or bat boxes, within the east or west elevations of the building.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT11 and DEV26 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and Government advice contained in paragraphs 174 and 180 of the NPPF 2021.

**INFORMATIVES**

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

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

**2      INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

**3      INFORMATIVE: PROPERTY RIGHTS**

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

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/01616/FUL	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	26.08.2021	<b>Ward</b>	COMPTON
<b>Site Address</b>	17 Thorn Park Plymouth PL3 4TG		
<b>Proposal</b>	Garden studio building and alterations to boundary wall		
<b>Applicant</b>	Mr A Sanders		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>21.10.2021</b>	<b>Committee Date</b>	<b>09.12.2021</b>
<b>Extended Target Date</b>	<b>25.11.2021</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Miss Emily Godwin		
<b>Recommendation</b>	Grant Conditionally		



**This application has been referred to Planning Committee by Cllr Johnson.**

**1. Description of Site**

17 Thorn Park is a large terraced dwelling located within the Mannamead Conservation Area.

**2. Proposal Description**

The application is for a garden studio and alterations to the boundary wall.

The garden studio is proposed to be 5.2m wide and 6.1m deep. It will have a pitched roof, with an eaves height of 4m and a ridge height of 5.6m, providing space for storage in the roof. On the South elevation, 2 velux windows are proposed on the roof. Windows with obscure glazing are proposed in line with the storage platform on both the North and South elevations. Doors to access the studio are proposed on the South and West elevations.

The garden studio will lie directly next to the coach house at 18 Thorn Park. The proposal includes a complementary palette of materials, include stone clad walls and a natural slate roof to match the surrounding area and neighbouring garden building.

The studio will provide additional recreation space on the ground floor, as well as additional storage provided by a storage platform and attic area.

The rear boundary wall is proposed to be rebuilt. This will be at the same height as the existing boundary wall, and will be constructed with stone. The location of the gate will be moved further to the west to accommodate the proposed garden studio.

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

There was no pre-application enquiry.

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

21/00587/TCO - Apple (A1) - Reduce crown by 1.5m and 2m off one side (hanging over a neighbour's wall at 18 Thorn Park). Bay leaf tree (B1) - Reduce crown by 1m and 40cm around the sides. Bay Leaf (B2) - Reduce crown by 1m and 30cm around the sides. Cherry (C1) - Reduce crown by 2m. Cherry Laurel (C2): Reduce 30cm around the sides. Japanese Privet (J1) - Reduce crown by 1m. Pear (P1) - not in work schedule - reduce crown by 1-1.5m.

All reduction points to be to nearest natural growth points (side shoots). Granted Conditionally

### **5. Consultation responses**

Historic Environment and Urban Design -Verbal discussions with the Historic Environment Officer and Urban Design Team raised concerns regarding the design of the building. Following re-consultation with amended plans, no further concerns have been raised.

Natural Infrastructure Team - No objection subject to appropriate mitigation.

Highways Authority - No in-principle objections.

### **6. Representations**

The initial consultation period ran from 07/09/2021 until 28/09/2021. During this period, eight letters of representation (LOR) were received. Following the submission of amended plans, a second consultation period ran from 03/11/2021 to 18/11/2021 where one further LOR was received, and the application was referred to the Planning Committee.

The received LORS have raised the following material planning concerns:

- The garden studio is of disproportionate height, which would impact on the historic significance of the coach house at 18 Thorn Park
- The height may lead to the setting of a precedent for more tall garden buildings
- The design does not match the garden buildings and garages along the service lane
- Materials used do not match the surrounding area and are not of a high quality
- Concerns over the future use of the garden studio, that it could be converted into a self-contained unit, or holiday let; and the additional pressures this may have on parking, utilities and local services
- Would have a detrimental impact on the conservation area and its heritage assets
- Would lead to the over-development of the property
- Placement of windows on the southern elevation will give rise to overlooking and reduced privacy for residents
- Loss of potential garage which could alleviate parking issues for the area
- Concerns of the noise and disturbance and parking issues during construction
- Concerns of damage to root structure of protected trees

- No provision of off-street parking
- Additional demand on utilities and energy and the generation of greenhouse gases

The following non-material planning considerations were also raised in LORs submitted:

- Loss of views for residents on Thorn Park, Whitehouse Road and the Coach House

The above concern raised is non-material in the context of the planning process and therefore have no bearing on this recommendation. Officers will consider the impact of the proposal on outlook from neighbouring properties, to ensure that the proposed development is not overbearing. However, as guidance does not protect views, it falls outside the planning process.

## **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.

For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance.

Additionally, the following planning documents are also material considerations in the determination of the application: The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

## **8. Key Issues/Material Considerations**

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

8.2 The relevant policies are: DEV1 (Protecting health and amenity), DEV20 (Place shaping and the quality of the built environment), DEV21 (Development affecting the historic environment), DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV29 (Specific provisions relating to transport) of the Plymouth and SW Devon Joint Local Plan and DEV32 (Delivering Low Carbon Development).

### **8.2 Principle of Development**

Joint Local Plan policies indicate that the proposal is acceptable in principle.

### **8.3 Negotiations Undertaken**

8.3.1 Verbal discussions with the Historic Environment (HE) Officer and Urban Design Team were held regarding the design of the building. Issues raised by the LORs including the height and design of the building were addressed in discussions. The Urban Design Team raised concerns that the materials proposed and the siting of the building did not positively contribute to the surrounding conservation area. To ensure the garden building was sensitively designed to be cohesive with the local pattern of development, the HE officer and Urban Design Team recommended the building be clad with stone on all visible elevations, and to adjoin the garden building at no.18. It was considered that an improved design would be appropriate for a building of this height and prominence. Following re-consultation with amended plans addressing these concerns, no further comments have been raised. Consideration of the application will be based on these amended plans.

#### 8.4 Visual Impact

8.4.1 Policy DEV20 of the Plymouth and South West Devon Joint Local Plan states that development should have proper regard to the pattern of local development and the wider development context and surroundings in terms of style, local distinctiveness, siting, layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing, historic value, landscaping and character, and the demands for movement to and from nearby locations.

8.4.2 Overall, the proposal promotes a complementary palette of materials. Original plans submitted were not supported by the HE and Urban Design teams as the materials proposed were not of a high enough quality for the conservation area, amended plans demonstrate an improved palette of materials. Officers note that submitted LORs have raised the materials proposed as an issue with the proposed development.

8.4.3 The amended plans demonstrate the proposed use of stone-cladding for the external walls of the garden building, and natural slate for the roof. Therefore, whilst the originally proposed materials have been considered unacceptable for their negative visual impact, officers are satisfied with the amended proposal's use of stone cladding, and natural slate for the roof. It is considered that such materials are of a high quality that will provide positive visual impact for the rear service lane, where many materials used in back garden developments have not been of such a high quality. In addition, such materials are considered to relate well to the main property, as well as being in-keeping with the garden building at number 18, and the wider Mannamead Conservation Area.

8.4.4. To ensure the historic significance of the Mannamead Conservation area is protected in light of this development, a condition has been included that the applicant must provide further details regarding the stone and stone cladding proposed for the garden studio and boundary wall.

8.4.5 Furthermore, LORs have raised concerns regarding the scale of the garden studio, with particular regard to its height, and the potential this could have in setting a precedent for more tall garden buildings in the area. During the site visit, officers noted that the construction of garden buildings and garages has been popular in the area, and have been constructed to with a wide range of styles and sizes.

8.4.6 Table 12 of the SPD guidance outlines the design principles related to building heights and massing. It states that "buildings should respond positively to the scale of adjacent buildings, streets and spaces". Whilst the proposed garden studio will be taller than some existing development, officers note that it will be the same height as the garden building at no.18 and is therefore considered to relate well to the local area and surrounding buildings. As a result, the proposed height is not considered to be out-of-keeping with the local pattern of development and would not provide sufficient grounds for the refusal of the application.

8.4.7 The proposed garden studio is thought to appropriately reflect the local pattern of development, and would not detract from the visual appearance of the site, the garden building at no.18 and the wider conservation area. There are many developments in the rear gardens of properties in the area, and so officers do not consider the proposed works would lead to an over-development of the site. A suitable garden will still be retained for the property and as such, the proposal is thought to have a positive visual impact on the rear service lane and conform with Policy DEV20 of the Joint Local Plan and the guidance as set out within the Plymouth and SW Devon SPD.

#### 8.5 Amenity

8.5.1 DEV1 of the Plymouth and SW Devon Joint Local Plan highlights the importance of "ensuring that new development provides for satisfactory daylight, sunlight, outlook, privacy and protection from noise disturbance". The proposed garden studio has been assessed against guidance protecting

against the loss of outlook or daylight to neighbouring properties and is considered to be acceptable. The proposed garden studio will be located at the rear of the garden, a significant distance from neighbouring property windows. Officers therefore do not expect the proposed works to impact on the daylight or outlook experienced by neighbours, nor will it lead to increased issues of overlooking and breaches of privacy for neighbours. Thus, officers find the proposal compliant with Policy DEVI.

8.5.2 LORs have stated concerns that windows proposed on the Southern elevation of the garden studio will give rise to overlooking and reduced privacy for neighbours. The south elevation is proposed to have two velux rooflights in the roof space and a window that will be visible to the neighbours at 16 and 18 Thorn Park.

8.5.3 Officers have assessed the placement and type of windows proposed and are not concerned they will lead to any reduction in privacy for neighbours as they are proposed to serve the loft spaces and therefore will not be habitable. Furthermore, all windows proposed at the upper level are obscure glazed, and therefore cannot lead to an increase in overlooking into neighbouring properties or gardens. Officers also merit the choice of velux rooflights in the roof, as they can safeguard privacy for neighbours, in line with paragraph 13.12 of the SPD. To ensure that such privacy is protected, a condition requiring obscure glazing has been added to the proposal as to avoid the installation of clear windows in the future.

8.5.4 Concerns raised by local residents cite the proposed garden studio is likely to be dominating and overbearing from neighbouring gardens. To this end, officers have assessed the dominance of the garden studio and consider it is acceptable. The garden of 17 Thorn Park contains many large trees that would largely screen the development from view.

8.5.5 Comments have also been raised concerning the potential that works will cause noise and disturbance as the garden studio is constructed. Officers are aware that construction works can create disturbance and should be undertaken responsibly. Therefore, an informative outlining the requirements of the Council's Code of Practice has been included.

8.5.6 As such, officers find the garden studio to be in accordance with Policy DEVI as the proposal demonstrates accordance with the satisfactory provision of daylight, sunlight, outlook and privacy for neighbours.

### 8.6 Proposed Use

8.6.1 The proposed building has been described as a garden studio, which will be used for leisure purposes including a home gym, cinema or games room, and an upper-level storage loft.

8.6.2 LORs have raised concerns that the scale of the garden studio could be suitable as a habitable space, and may be converted in the future to a self-contained unit. As paragraph 4.141 of the SPD states that garden development can have a negative impact on the character and amenity of an area, officers have recognised the concerns raised. Officers are aware that such development can be problematic if it leads to the creation of a self-contained unit as it may result in the creation of sub-standard accommodation with inadequate privacy, access, parking and amenity space.

8.6.3 Accordingly, to ensure the responsible and suitable use of the garden studio, a condition has been applied to restrict the usage of the garden studio to be ancillary to that of the main dwelling and in line with the proposed use set out in the Design and Access Statement.

### 8.7 Highways

8.7.1 Following the submission of LORs raising concerns that the proposed garden studio would lead to the loss of a potential garage, which could alleviate parking issues in the area, the Local Highway Authority (LHA) were consulted on the application.



8.7.2 The property currently does not benefit from any form of off-street parking. Historically, in the location of the proposed garden building an outbuilding was used as a garage. The use of which has been discontinued some time before 2012.

8.7.3 Officers can appreciate that the increase in off-street parking would be beneficial for the area, and could lead to improvements in highway safety, in accordance with DEV29. Nevertheless, comments from the LHA state that on-street car parking has long since been established for the property, and that no further parking demand is expected as a result of the proposed garden studio.

8.7.4 To this end, the LHA do not raise any objections to the proposed works. As aforementioned, to ensure that a further increase in parking demand is prevented, a condition has been added to restrict the use of the outbuilding. As a result, the works are considered in line with Policy DEV29 of the JLP.

### 8.8 Impact on the Historic Environment

8.8.1 The site is located within the Mannamead Conservation Area. The Local Planning Authority (LPA) has a duty to ensure that developments requiring planning permission in conservation areas are approved only if they preserve or enhance the character or appearance of the area's features of special architectural or historic interest.

8.8.2 Currently, officers do not consider the site to contribute well to the overall character of the area. Currently, the rear boundary wall has been reconstructed with breeze blocks following the demolition of the garage in the past. Therefore, where the boundary wall is proposed to be rebuilt using stone it is considered that the inclusion of high quality materials will lend itself to a positive development for the area.

8.8.3 Consultation with the HE Team and Urban Design Team has ensured its compliance with Policy DEV21 of the JLP. It is considered that the amended plans submitted reflect well on the massing, design and materials of the existing neighbouring building. Accordingly, the matching design of the proposed garden studio ensures that the development is compatible with its surroundings.

8.8.4 Discussions with these consultees noted that the coach house at no.18 is a characteristic and significant building within the Conservation Area, and that any development to take place alongside this should be appropriately and sensitively designed as to protect the special historic quality of the coach house. To this end, officers were recommended that on balance, the proposed high quality materials and cohesive design relates well to the coach house, to the extent that the height of the development can be justified. The proposed high quality design of the garden studio is therefore considered to celebrate the local distinctiveness and historic character that the coach house provides. As a result, officers find the site to make a positive contribution to the area.

8.8.5 No objections have been raised by the HE officer in regards to the amended plans and have recommended the addition of a condition to ensure the use of natural slate for the roof, close in colour to the neighbouring garden building. Slate details have been received and analysed by the HE officer. The proposed Crianza slates are a natural slate which has been considered by the HE officer who has found the slate to be acceptable. To ensure the quality of the proposed works, a pre-commencement condition has been added to allow for the assessment of the proposed stone to be used on the boundary wall and the garden studio.

8.8.6 To this end, subject to the approval of the stone, officers find the proposed works to be in compliance with Policy DEV21 of the JLP.

### 8.9 Biodiversity

8.9.1 Due to the trees on site, the Natural Infrastructure Team (NIT) have been consulted on the application. Initial comments highlighted that further information regarding the trees was required.

8.9.2 The NIT raised concerns that the storing of construction materials in the garden may be within the Root Protection Area of the protected trees, which could lead to the compaction of soil and therefore be detrimental to their long term health. Accordingly, the NIT have recommended that tree protection measures are in place, ensuring that trees on site are protected from construction activities and the storage of materials.

8.9.3 To this end, a condition has been added which requires the existing trees to be protected and retained. Within this condition, it is required that barriers and ground protection will be undertaken for all protected trees on site. The NIT are satisfied that subject to the condition, including that root protection measures outlined in the Arboricultural Impact Assessment are followed that there are no concerns related to the proposed works.

8.9.4 Furthermore, the NIT consider that as tree T002 will be in close proximity to the proposed building, it is likely that applications to prune this tree will increase - which may threaten the long-term viability of the tree. However, the NIT consider that tree T002 is only protected due to being located within the Mannamead conservation area (and not under a Tree Protection Order), so this increase in regular maintenance does not constitute a major concern.

8.9.5 A further condition has been added to ensure the biodiversity value of the site is not lost as a result of the development. The installation of 2 bat boxes/ bird bricks will be required within the fabric of the building in order to deliver a biodiversity net gain.

8.9.6 Overall, subject to conditions, officers are satisfied that the proposed garden building will ensure the retention, protection and enhancement of biodiversity on site, in accordance with Policy DEV26 and DEV28 of the JLP.

### 8.10 Resource Minimisation

8.10.1 LORs have raised concerns that during the garden studio would lead to a rise in demand for utilities and energy through its use and its construction would generate increased greenhouse gas emissions. DEV32 of the JLP states that developments should identify opportunities to minimise the use of natural resources in the development over its lifetime. Officers consider that the resources required in the construction and use of the garden studio would be minimal at this scale and would not provide sufficient grounds for refusal.

## **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.

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

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

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

### **13. Conclusions and Reasons for Decision**

The proposed garden studio and boundary alterations are considered to be appropriate for planning approval. Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal is acceptable.

It is considered that for the reasons set out in the analysis section, the development does not have an adverse impact on the character or appearance of the area, have a significant harmful impact on neighbours, negatively impact on historic environment, be harmful to biodiversity or impact on highway safety.

### **14. Recommendation**

In respect of the application dated 26.08.2021 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**

Proposed Arrangements 3978 GA02 Rev B received 04/10/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

#### **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: OBSCURE GLAZING**

The windows at loft level on the North and South elevations of the garden studio shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscurely glazed window shall be retained in perpetuity.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwellings in accordance with Policy DEVI of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

#### **4      **CONDITION: STONE AND STONE CLADDING****

##### PRE-COMMENCEMENT

No development shall take place until full details (including samples) of the stone and stone cladding have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and samples.

Reason:

To ensure that the details of the proposed work do not conflict with Policy DEV21 of the Plymouth and South West Devon Joint Local Development Plan (2014-2034) 2019 and the National Planning Policy Framework 2019.

#### **5      **CONDITION: BIRD/BAT BOX / ECOLOGICAL MITIGATION****

##### PRE-OCCUPATION

The installation of 2 enclosed bat boxes/ bird bricks within the fabric of the building.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 179 & 180.

#### **6      **CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/ PROTECTED****

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans in DTS 21.4887.1.AMS and DTS 21.4887.1.TPP and in accordance with section 6.2 of BS 5837:2021 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.

**7      CONDITION: USE RESTRICTION**

The proposed garden studio shall only be used for purposes incidental to the enjoyment of the dwellinghouse as a home gym/cinema and storage space.

Reason:

To ensure that no adverse effect upon the amenities of the neighbourhood may arise out of the proposed development in accordance with Policies DEV1 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) and the National Planning Policy Framework 2019.

**INFORMATIVES**

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

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

**2      INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

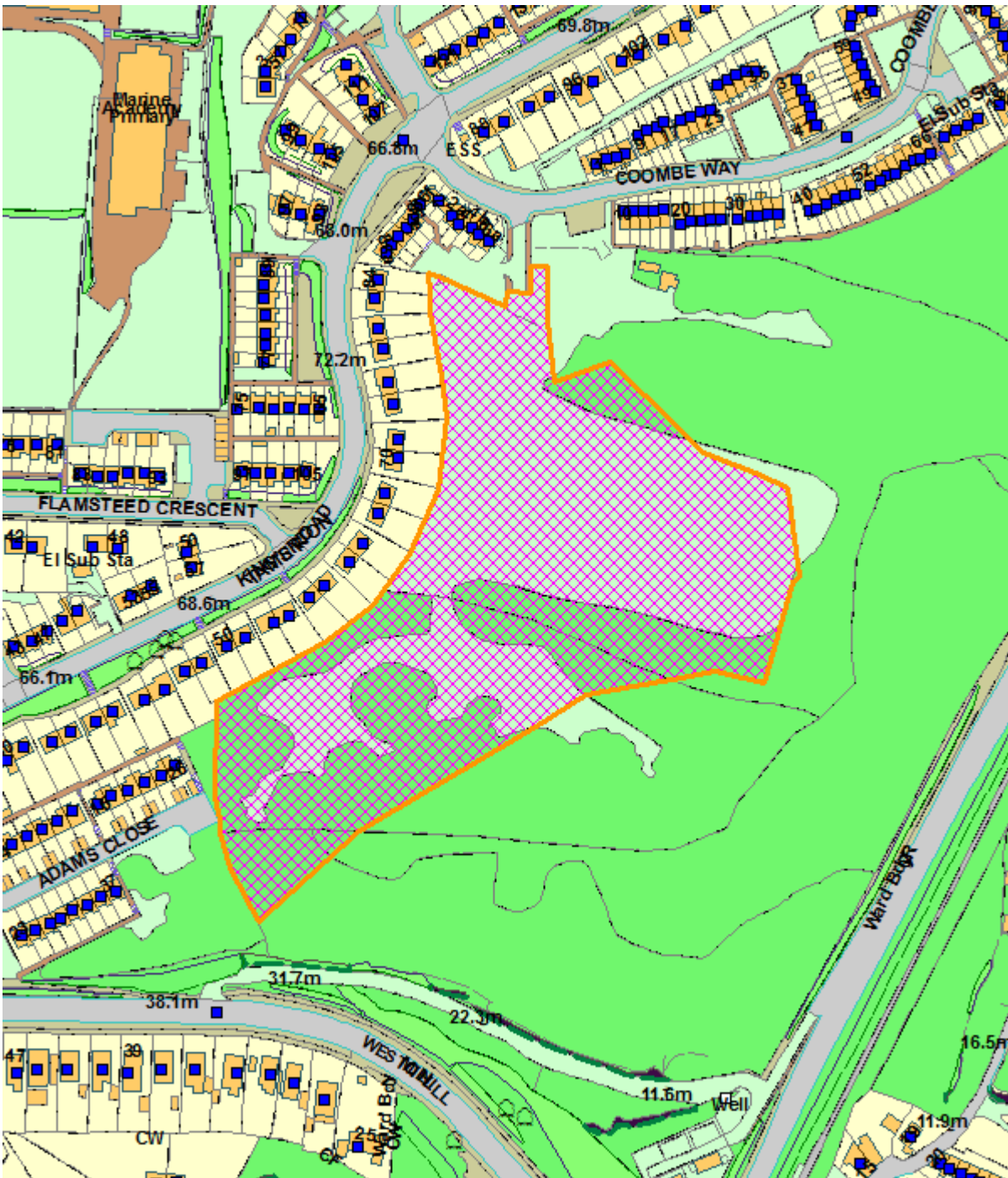
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/01038/OUT	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	09.06.2021	<b>Ward</b>	ST BUDEAUX
<b>Site Address</b>	Land Off Coombe Way Kings Tamerton Plymouth		
<b>Proposal</b>	Outline application for 70 affordable net zero energy homes and 1 small commercial unit (flexible use), with all matters reserved except access		
<b>Applicant</b>	PEC Homes		
<b>Application Type</b>	Outline Application		
<b>Target Date</b>	<b>08.09.2021</b>	<b>Committee Date</b>	<b>09.12.2021</b>
<b>Extended Target Date</b>	<b>12.11.2021</b>		
<b>Decision Category</b>	More than 15 Public Comments/Mem Refer		
<b>Case Officer</b>	Mr Chris King		
<b>Recommendation</b>	PS106 Grant subject to S106 Outline		



This application has received more than 15 letters of representation contrary to officers' recommendation, and has been referred to planning committee by Ward Cllrs.

### **I. Description of Site**

The application site is Greenfield in character, located in the Kings Tamerton area of the St Budeaux Ward, to the north of the City Centre. Access is provided from Coombe Way via an existing road spur to the north of the site. Coombe Way links to Kings Tamerton Way, which serves as a local distributor. Adams Close (cul-de-sac) is located at the southern end but with no formal means of passage. Informal tracks have been observed 'criss-crossing' the site.

The west of the site is bounded by the rear gardens of properties along Kings Tamerton Road, the north of the site separated from a number of houses within Coombe Way, the east of the site is bounded by dense, unmanaged woodland and the south of the site adjoins Adams Close.



Measuring 2.56ha, the site undulates in numerous directions however the overriding topography is the sites slope to the east-southeast towards the St Budeaux Bypass (A3064) and Weston Mill Hill. As such, the site presents itself as a 'hillside', which can be viewed from a number of vantage points on the eastern side of the Bypass (North Prospect/Burrington Way Business Park). The site presents a mixture of unmanaged scrub-grassland, bushes, trees and hedgerows.

## **2. Proposal Description**

Outline application for 70 affordable net zero energy homes and 1 small commercial unit (flexible use), with all matters reserved except access.

## **3. Pre-application Enquiry**

None

## **4. Relevant Planning History**

19/01772/OUT - Hybrid Application comprising two parts: Part 1: Full Planning Permission for the erection of 30no. Dwellings (Class C3) with associated works and infrastructure. Part 2: Outline Planning Permission for up to 38no. Affordable homes (minimum 21no.) (Class C3) with all matters reserved except access - Withdrawn as the applicant was unable to sign the S106 agreement.

18/00193/OUT - Hybrid Application comprising two parts: Part 1: Full Planning Permission for the erection of 30 Dwellings (Class C3) with associated works and infrastructure. Part 2: Outline Planning Permission for 21 Self Build Plots (Class C3) with all matters reserved except access - Withdrawn to allow the applicant to undertake further survey work relating to drainage and landscape.

87/01406/30 - Outline application to develop land for residential purposes (Regulation 4 proposal) - Granted Conditionally.

## **5. Consultation Responses**

Economic Development - No objections, but require an Employment and Skills Plan to be submitted and approved.

Education - No comments received.

Environment Agency - No comments received.

Housing Delivery Team - No objections subject to further details reserved by conditions and S106 agreement.

Lead Local Flood Authority - No objections subject to further details reserved by conditions.

Local Highway Authority - No objections subject to further details reserved by conditions.

Low Carbon Team - No objections subject to further details reserved by conditions.

Ministry of Defence (MOD) Safeguarding - No objections.

Natural Infrastructure Team - No objections subject to further details reserved by conditions and S106 agreement.

Office for Nuclear Regulation (ONR) - No comments received.

Police Architectural Liaison Officer - No objections.

Public Health - No objections subject to financial contribution for the improvement of local health services.

Public Protection Service - No objections subject to further details reserved by conditions.

South West Water - No objection to surface water being managed in accordance with the submitted drainage strategy, subject to detailed drainage design being submitted for prior approval.

Urban Design / Historic Environment Team - No objections subject to further details reserved by conditions.

## **6. Representations**

The Local Planning Authority received a total of 80 letters of representations; 58 of which object to the planning application and 22 offer support.

The objections are summarised as follows:

### Material planning issues

#### *Traffic, Highways and Transport*

- o Kings Tamerton Road is already a danger for pedestrians with speeding cars. Introducing more cars to the area will worsen this.
- o There are a lack of safe pedestrian crossings throughout the area.
- o Large logistical vehicles for construction of new development won't fit down Kings Tamerton Road as it is narrow.
- o More cars in the area will put children's lives at risk as many of them walk to school
- o Adding more traffic onto the small entrance of Coombe Way is unsafe as this area is already congested.
- o Questions whether traffic calming could be introduced along Kings Tamerton Road.
- o Road surfaces have become increasingly worn which will get worse with more vehicles.
- o The highways survey was carried out only in February which is a generally quiet month. Regular highways surveys must be done throughout the year.
- o Access for emergency services will be restricted.
- o Inaccurate number of Coombe Way dwellings listed in the Transport Statement. This impacts the percentage increase of traffic movement at the Coombe Way junction with Kings Tamerton Road.
- o The unreliable bus service will not appeal to new residents, so they will revert back to private car use causing on-street parking issues.
- o At present there is lack of an exit road from the estate - Questions over whether a road would be formed linking the proposed estate with Weston Mill Road.

#### *Parking*

- o Coombe Way and Kings Tamerton Road are already narrow and difficult to drive on due to parked cars.
- o Severe parking issues on Kings Tamerton Road around the primary school. These will be worsened by the new development.
- o Noted that the unsafe car parking experienced in the area was not mentioned in the Transport Statement dated 4 June 2021 submitted by the council.
- o Car parking space shouldn't be provided as people shouldn't be encouraged to have a private car.
- o On-street parking issues - no way of controlling how many cars are parked on-street per dwelling.

#### *Residential / environmental amenity impacts*

- o High buildings would cause shadowing and loss of light for existing residents.
- o Resident's properties would be overlooked by new houses and apartments causing privacy issues.

- o The proposed apartments are out of character for the area. Would negatively impact the aesthetic pleasure of the area.
- o The development will lead to an increase in air pollution which is detrimental to health.
- o Noise and disturbance.
- o The street is currently regarded as peaceful with little road noise, but it is believed the development will bring with it noise.
- o Noise disturbance during construction will decrease the standard of living for residents for many months.
- o Dirt and dust created from construction will decrease quality of life for residents.

### *Surface Water Drainage and Flooding*

- o Drainage is already an issue. The existing infrastructure won't be able to cope with the extra volume of waste water from new development.
- o The development needs its own drainage infrastructure and cannot rely on existing drainage system.
- o The proposed drainage solution could greatly impact the nearby Ham Woods Local Nature Reserve.
- o Nearby watercourses such as Ham Brook are already poorly maintained with obstructions. Adding the run-off from 70 new homes would exacerbate issues with this.
- o The development will cause harm to Weston Mill Village due to increased water runoff leading to a risk of flooding. Flood risk in this area is already high.
- o A full survey of the capacity of existing drainage systems must be done at Weston Mill creek. From this an assessment should be made on the effect of increased discharge on houses in Weston Mill village. Measures should be put into place to mitigate against flooding in Weston Mill village.

### *Wildlife and biodiversity*

- o The site is home to a large amount of flora and fauna and is an important habitat for many species.
- o Local wildlife such as bats, bees, birds, foxes and deer is already being disrupted by drainage works. Fears that more wildlife will leave the area due to the development.
- o Deer and foxes will walk on the roads more often, causing road traffic incidents.
- o There are limited green spaces left in the area for residents to walk in and enjoy.
- o Reduction of hedgerows is not being mitigated against within plans.
- o An area of natural beauty should not be taken away from the residents as it is vital for health and wellbeing.
- o Argued that the council should be making better use of existing housing stock or brownfield sites within Plymouth.
- o Loss of trees means higher levels of CO<sub>2</sub>.
- o The land adjacent to the site must be designated as a Local Nature Reserve with long-term management. Without this designation and commitment to manage the site, the application cannot provide mitigation to compensate for loss of green field site. As the LNP is out of the red line boundary, it should be established and commitment to manage it should be made before grant of any permission.

### *Community/health facilities*

- o Available spaces in schools are already low which will be made worse by the development.
- o Doctor's surgery - already overfilled so adding more residents would make it impossible to get an appointment, impacting existing residents' quality of life.
- o 3 year waiting list for the NHS dentist in the area.
- o Lack of community facilities for all ages.
- o Current bus service is very poor and needs improvement before this development is approved.

### *S106 and Maintenance*

- o Questions over there being no mention of Section 106 agreement

- o What Section 106 contribution is the council willing to provide to the community?
- o Questions over who would maintain the proposed recreational areas and prevent vandalism and littering.

### *Planning History*

- o It is argued that on more than one occasion planning permission has been refused for this site so there are questions as to why it has been chosen for development again.

### *Housing numbers, type and delivery*

- o The JLP indicates a development of 40 dwellings, yet the application proposes 70. Must be showed how this is not over-development.
- o Lack of provision for the needs of the elderly (the area is diverse in age), disabled people and children.
- o Questions raised over why the housing stock is proposed to be for new starters only.
- o Argued there should be a mixture of social and private housing - Issues raised over the fact all the housing will be affordable.
- o Kings Tamerton already has enough social housing.
- o The developer has not yet proved how the properties will be net zero
- o The current application states that PEC will develop the eastern part of the site but there is uncertainty over who will develop the western site - matter of concern as there is lack of information over housing design and no reassurance for neighbouring properties
- o Building heights must be clarified.

### Non-material planning issues

- o A pleasant view has been valuable to many during the pandemic.
- o House prices will drop because of construction work.
- o Perceived depreciation in value of property due to loss of view.
- o Need assurances from the council over the vetting process for the houses. The council must assure residents that only people of good behaviour live in the estate to avoid issues of ASB and crime.

The letters of support are summarised as follows:

- o The land has been identified for housing for some time and is allocated for development in the Joint Local Plan policy PLY58.3.
- o There is a recognised and urgent need for more affordable housing in line with policies DEV7 and DEV7 of the Joint Local Plan which this development will help to address.
- o Would bring wider benefits to the community by opening up access to existing green spaces and responding to needs on site including informal play areas, allotments and community spaces.
- o Other benefits include a potential car club or E-bike hire
- o Will support the Council's target of Plymouth having net zero emissions by 2030.
- o The project aims to deliver a net gain in biodiversity with potential for a local nature reserve.
- o Development of high quality eco housing should be a priority and this is a chance for Plymouth to set an example for other developers to follow.
- o Residents of net zero houses benefit from very low running costs. This means they would have more money to spend in the local economy.

The application was re-advertised following the submission of updated documents. Ten further letters were received, with the following new comments being made:

- o Development will result in a loss of biomass and will increase global warming.
- o Not enough school places.
- o Commendable to see such concern for the environment and world global
- o Warming, perhaps it might be easier to plant trees in the field.
- o Inaccurate transport survey.

- o Revisions do not address the under provision of parking.
- o Object to a commercial property in a residential area.
- o Empty buildings and brownfield sites should be prioritised over greenspaces for development.

The application was re-advertised for a third time following the submission of a viability appraisal. Four further letters have been received which make the following new observations:

- o Will help achieve the councils carbon emissions targets
- o Proposal lacks detail on Phase 2
- o Should this have been a full application, rather than an Outline so the full impact could have been assessed.
- o Land value of £1 will grate on residents.
- o £70k S106 offer seems low and will need to be explained.
- o LNR designations detail is insufficient.

### **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. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than the parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 19th January 2021 MHCLG published the HDT 2020 measurement. This confirmed Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance (2019), and the scale and urgency of the climate change emergency, and Plymouth City Council's Declaration on Climate Emergency (2019) for a carbon neutral city by 2030. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Supplementary Planning Document 2020 (JLP SPD)
- Developer Contributions Evidence Base 2020
- The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO)

## **8. Analysis**

1. This application has been considered in the context of the Plymouth and South West Devon Joint Local Plan 2019 (the Joint Local Plan), the National Planning Policy Framework (the NPPF) and other material policy documents as set out in Section 7.

2. Paragraph 2 of the NPPF highlights that "planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise." Para 2 adds that the NPPF "must be taken into account in preparing the development plan, and is a material consideration in planning decisions".

3. The Joint Local Plan forms the Councils statutory development plan. This application turns upon the following strategic objectives contained within the Joint Local Plan:

- SO1 - Delivering the spatial strategy;
- SO11 - Delivering high quality development;
- SO12 - Delivering infrastructure and investment;
- SPT1 - Delivering sustainable development;
- SPT2 - Sustainable linked neighbourhoods and sustainable rural communities;
- SPT3 - Provision for new homes;
- SPT9 - Strategic principles for transport planning and strategy;
- SPT12 - Strategic approach to the natural environment;

4. The application has been assessed against the following Joint Local Plan development policies:

- PLY58.3 - Coombe Way & Kings Tamerton Road (Site allocations in the south of Plymouth);
- DEV1 - Protecting health and amenity;
- DEV2 - Air, water, soil, noise, land and light;
- 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 - Provisions for local employment and skills;
- DEV20 - Place shaping and the quality of the built environment;
- DEV23 - Landscape character;
- DEV26 - Protecting and enhancing biodiversity and geological conservation;
- DEV27 - Green and play spaces;
- DEV28 - Trees, woodlands and hedgerows;
- DEV30 - Meeting the community infrastructure needs of new homes;
- DEV32 - Delivering low carbon development;
- DEV33 - Renewable and low carbon energy (including heat);
- DEV35 - Managing flood risk and water quality impacts;
- DEL1 - Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy.

5. The principle issues relating to this Outline application are considered to be:

- Access and Layout
- Transport, Highways and Parking
- Landscape, Biodiversity and Green Space
- Residential Amenity
- Housing Mix and Tenure
- Low Carbon Development and Climate
- Surface Water Drainage and Flood Risk

Principle of Development

6. This Outline application seeks consent for 70 Net-Zero dwellings spread across two phases. Phase 1 would deliver 40 dwellings whereas Phase 2 would deliver the remaining 30 dwellings. All matters have been reserved except access, which is proposed to be provided via Coombe Way.

7. The site is allocated in the Joint Local Plan, by way of policy PLY58.3. Identified as 'Coombe Way & Kings Tamerton', the policy seeks to deliver an estimated 40 dwellings as well as providing contributions towards convenient pedestrian and cycle access to the forthcoming Local Nature Reserve (LNR).

8. Although not a brownfield site, i.e. it is not previously developed land; the site is not allocated (protected) in the Joint Local Plan as Green Space (as defined through Policy DEV27). Although officers are aware of the informal use of this site by local residents, this land is not intended to provide such a function. However, and in recognition of these concerns, Policy DEV58.3 includes a requirement to improve access to the LNR. This will provide wider amenity benefits for both existing and future residents when compared to the current informal situation.

9. As such, and contrary to a number of letters of representations, the principle of residential development has been established on this site. The allocation for housing has been through the examination process, and officers note that no objections were received contesting its suitability for housing during the Regulation 19 consultation process.

10. Officers note the concerns raised within the submitted letters of representation which identify the uplift on unit numbers compared to the policy allocation within the Joint Local Plan. Notwithstanding any technical matters which will be discussed further in the report, officers have considered these concerns very closely.

11. The evidence that underpinned the allocation capacity refers to a pre-application (live at the time) that was guided by a Council Site Planning Statement (SPS) as part of the successful 'Plan for Homes' initiative. SPS' don't address all the issues which may need to be considered during the course of an application and don't establish policy, but can assist the development process by bringing together the key planning and design issues. They aren't legally binding and haven't been through a formal consultation process.

12. Having reviewed the SPS, it clearly refers to the fact that the site is constrained and the developable area is a maximum of 2Ha and a potential capacity of 41 dwellings. As such the quantum of development included in the policy allocation was informed by the SPS and not the Strategic Housing Land Availability Assessment (SHLAA) as it was considered a more detailed assessment of the developable area/quantum than the SHLAA.

13. For comparison, the capacity assumptions where developable area formulas and density assumptions are used, the SHLAA identified an unconstrained capacity of 119 dwellings but refers to a constrained capacity of 40 dwellings informed by the detailed SPS (and pre-app).

*NB: a SHLAA is a technical exercise to determine the quantity and suitability of land potentially available for housing development. It is not a site allocations exercise; and its purpose is to provide a robust indication of aggregate housing capacity at local authority level.*

14. Officers note that the SPS refers to 2, 3 and 4 bedroom 2 storey homes whereas this Outline application includes a significant number of apartments. The key issue therefore has been for officers to establish whether the proposal for extra homes is essentially on the same developable area. For example, and consider density per hectare (dph) 70 dwellings (houses and apartments) on 2Ha is a more efficient use of land (35dph) than 40 dwellinghouses on 2Ha (20dph).

15. The applicant has also assessed the density per hectare. They shows that the density for 40 homes (allocation figure) would be 11dph, whereas the PEC Homes application would be 20dph (or alternatively 28dph for just the red line boundary). This is below the typical density of Kings Tamerton (around 33dph) and lower than common practice on new housing schemes (35dph or above).

16. Paragraph 124 of the NPPF states that:

*"Planning policies and decisions should support development that makes efficient use of land, taking into account:*

*a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*

*b) local market conditions and viability;*

*c) the availability and capacity of infrastructure and services - both existing and proposed - as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*

*d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*

*e) the importance of securing well-designed, attractive and healthy places."*

17. The Joint Local Plan champions the need for effective use of land, prioritising brownfield sites. Although not a brownfield site, it has been allocated for housing development. Increasing the quantum of development on this site is likely to reduce the burden in the future on other greenfield sites so optimising the way in which the site is developed is important at a strategic and local level, promoting sustainable development.

18. When considering the above in the context of the Illustrative Masterplan, whereby Phases of the development are annotated, it would show that a smaller development could result in an incomplete/ineffective use of the site. The principal spine road traversing the site, framed by dwellings either side, creates a pattern of development that relates to the surrounding built form connecting Coombe Way to Adams Close. Leaving the southern parcel (Phase 2) of the site undeveloped would not fulfil the entire allocation.

19. This same Masterplan presents a situation that provides strengthened buffers to the properties along Kings Tamerton Road; as well as clearly showing a significant degree of separation from the properties along Coombe Way and Adams Close. Much of the 'developable' area is being left to public amenity space, demonstrating that the proposal, if approved, could result in a well laid out scheme.

20. The figure of 40 dwellings was based on a conservative approach, assuming the site was heavily constrained. The SHLAA formulas took no regard for constraints and arrived at 119 dwellings. The applicant has thoroughly analysed the site, its context, topography, and features and has presented a scheme that sits somewhere in the middle between the constrained allocations and the unconstrained formula.

21. Officers are satisfied that the applicant has presented an acceptable density, and that the uplift in units does not result in 'overdevelopment'. Therefore the principle of 70 dwellings on this site is considered acceptable.

#### Illustrative Layout and Design

22. The application has been supported by a number of documents to aid the LPAs consideration of the likely suitability of a scheme. It is important however to note that these details are for illustrative



purposes and could be changed should consent be granted with detailed design and layout being reserved matters.

23. As noted, access is proposed from Coombe Way and the Illustrative plan proposes a single main spine road to Adams Close. Dwellings are arranged either side of the road, and the central point of the development is marked by a gentle bend in the road along with the placement of a small commercial/community unit. A range of greenspaces are interspersed around the site, reducing the impact of the built form. Private gardens are shown, further adding to the openness of the layout. The use of green and blue space buffers the eastern edge of the development where it meets the Greenspace/LNR.

24. As noted, the scheme now includes a small commercial facility, improving the sustainability credentials of the development whilst also providing opportunities for community space. A condition has been imposed to ensure only appropriate uses come forward.

25. The site is challenging from a topographical perspective being a hillside. The submitted sections give an idea of how the development could be cut into the site to achieve practical levels. The indicative scale of the properties are considered acceptable for the site i.e., a mix of two and three storeys. Whilst appearing feasible, officers welcome the submission of more detailed analysis as part of the reserved matters applications to ensure that building heights are kept as low as possible.

26. It is important to note that views are not protected however the Illustrative Masterplan shows that adequate separation can be achieved from existing properties when considering the JLP SPD ensuring that outlook is preserved. Reserved Matters applications will need to clearly demonstrate compliance with the JLP SPD to ensure outlook and access to light, particularly to properties along Kings Tamerton Road, is retained.

27. The Councils Urban Design officers have considered the site, its context and the illustrative masterplan and make no objections. Officers understand that the final design of the scheme will be awarded through a design competition, and this should naturally raise the standards. However, and noting that it is at Outline stage, it has been agreed to include a condition that specifies a set of design principles. Each Reserved Matters application will need to set out how it meets these ensuring the design is appropriate for the site and fits the net-zero / Energiesprong ethos that underpins the application. Furthermore, and to promote community safety, a Secure by Design condition has been imposed to ensure each Reserved Matters application makes every effort to create a safe and secure community.

28. Concerns have been raised over the level of detail provided with respect to Phase 2 however officers are satisfied that the Masterplan shows clearly how this will integrate with Phase 1; and a range of conditions have been imposed to ensure consistency across the whole development. This also includes a condition to ensure that final landscaping plans are submitted for consideration in the event Phase 2 does not come forward.

#### Housing Mix and Tenure

29. The Outline application proposes 70 affordable homes (100%) and the illustrative details show the following mix across both phases:

*Phase 1 - 40 dwellings*

6 x 1b apartments

16 x 2b apartments

8 x 2b houses

10 x 3b houses

*Phase 2 - 30 Dwellings*

6 x 2b apartments  
12 x 2b houses  
9 x 3b houses  
3 x 4b houses

30. The above shows an indicative level of 40% apartments and 60% dwellinghouses.

*Affordable Housing Policy Context*

31. The Joint Local Plan makes provisions to deliver at least 19,000 new homes in the Plymouth Policy Area by 2034, of which 4,550 should be affordable (Policy SPT3 Provision for new homes). The Housing Delivery Team (HDT) therefore welcomes the application and supports the principle of development.

32. The Councils policy for affordable housing delivery is set out in Policy DEV7 (Meeting local housing need in the Plymouth Policy Area) of the Plymouth and Southwest Devon Joint Local Plan Joint Local Plan 2014-34 (JLP) and supported by the JLP Supplementary Planning Document (2020) (SPD).

33. Policy DEV7 requires at least 30% of the total number of dwellings to be affordable homes on developments of more than 10 homes. In this case, at least 21 of the dwellings should be secured as Affordable Housing in perpetuity.

34. Paragraph 4.79 of the JLP Supplementary Planning Document (SPD) sets out the Council's preferred tenure mix, which is 65% social rent and 35% affordable home ownership tenures such as shared ownership.

35. Paragraph 4.80 states that it may be possible to consider affordable rent units in lieu of social rent where viability considerations reduce the proportion of AH.

36. Paragraph 64 of the National Planning Policy Framework requires 10% of the overall number of homes on major developments to be affordable home ownership tenures; although 100% affordable housing schemes are exempt from this requirement.

*Housing Delivery Analysis*

37. The initial proposal was for a 100% affordable rent development. Paragraph 63 of the NPPF and the aforementioned local policy requirements/guidance seek to create sustainable, mixed and balanced communities comprising a mix of market and affordable housing. As such, the officers' preference would be to see a mixed tenure development comprising indistinguishable market, affordable home ownership and rented affordable housing units integrated across the site. The applicant was challenged on the rationale behind a 100% affordable rented scheme and advised that:

- 1) Providing social rented units would add significant pressure on the viability of the scheme; and
- 2) Shared ownership, and to some extent social rent, would make it difficult for the applicant to levy the 'Energiesprong' comfort charge that is required to fund the development.
- 3) Concerns regarding enforceability of the comfort plan on shared owners could undermine the viability of the development.

38. Officer's held further discussions with the applicant and requested viability evidence to demonstrate that the development could not accommodate social rented units. Further, the HDT challenged the applicant to include a proportion of shared ownership units to contribute to creating a more sustainable, mixed and balanced community with opportunities for home ownership.

39. The applicant has responded positively by submitting a viability appraisal to the Council's Viability Officer and by agreeing to provide 7no. shared ownership dwellings. On review of the evidence, officers accept that it would not be financially viable to provide social rented units on the site. This is in part caused by the development's reliance of grant and the reduction of social rent grant rates as a result of Plymouth not being considered a priority area for the Government's 'levelling-up' agenda. Officers therefore accept affordable rent in lieu of social rent in accordance with paragraph 4.80 of the SPD.

40. The inclusion of 7no. shared ownership units results in an overall tenure mix comprising 90% affordable rent units and 10% shared ownership. However, planning policy can only require 30% affordable housing, which would generate a requirement for 21no. affordable housing units of which 7no. would be shared ownership. The balance of the dwellings (49no.) are to be provided as additional affordable homes that will make a significant contribution to meeting local housing need.

41. There is a significant need for affordable housing in Plymouth with the number of households on the register increasing by over 1,500 since the start of the pandemic.

42. Policy DEV7 also seeks to deliver a wide choice of house types and it identifies smaller (1 bedroom) dwellings and larger 4 bedroom and executive homes as areas of particular housing need. The figures below show there are currently 8,689 households in Plymouth awaiting rented affordable housing (as of 01/11/2021):

1 bed - 4,944  
2 bed - 2,176  
3 bed - 1,151  
4 bed - 350  
5 bed - 57  
6 bed - 8  
7 bed - 3  
Total - 8,689

43. The illustrative details show that the development seeks to provide a mix of 70no. one, two, three and four bedroom homes to help meet this need. In particular, officers welcome the inclusion of 3no. four bedroom homes in the mix as there is a high demand, yet lack of supply of larger properties as stated in Policy DEV7.

44. The HDT recognises the significant additionality and innovation that this development provides over and above planning policy and Building Regulations, which includes levels of affordable housing far in excess of policy and net zero carbon homes. If built, this will be a flagship development that will help to deliver the Council's Climate Emergency Action Plan commitments and to lead the way on Plymouth's journey to net zero.

#### *Affordable Housing Summary*

45. Officers consider that the proposal accords with, and far exceeds, the requirements of Policy DEV7, and the development justifies minor relaxation of the SPD guidance on preferred tenure mixes in order to achieve innovative and sustainable development and to meet local housing need. Officers acknowledge the concerns raised within the letters of representation and have secured some homeownership within the scheme. The inclusion of further shared ownership or open market dwellings is not considered necessary to make the development acceptable.

#### *Accessible Homes*

46. Policy DEV9 (Meeting local housing need in the Plan Area) of the JLP requires at least 20% of dwellings to meet national standards for accessibility and adaptability (Category M4(2) of Building

Regulations) on developments of five or more homes; and at least 2% to meet national standards for wheelchair user homes (Category M4(3)) on developments of 50 or more dwellings.

47. The application details initially provided limited information on M4(2) and M4(3) provision. However, a policy compliant level of accessible housing has been secured through the S106 agreement, full details of which will be secured by condition.

#### Low Carbon Development

48. The applicant PEC has developed a design brief based on the principles of One Planet Living, Building for Life and the Energiesprong New Build Performance Specification. The Accompanying Design and Access Statement sets out PEC Homes ambitions:

*49. "PEC Homes wants to bring forward affordable, high quality, well designed, cooperative and sustainable housing. It has a framework of design principles that embody these values and will be used to steer the design decisions on its development projects. PEC Homes' ability to achieve much of these will depend on its ability to implement a range of best practice solutions already being used elsewhere. But the need to deliver zero carbon housing in a replicable and affordable manner means it has to disrupt and innovate. To do things differently PEC Homes intends to use the 'Energiesprong' approach.*

*The Energiesprong ('energy leap') approach was initiated by the Dutch Government in 2010 and developed by Dutch housing, construction and manufacturing industries. Since 2015, over 12,500 net zero homes have been delivered in the Netherlands, including retrofit and new build. The approach has been adapted and is being used in France, Germany, Italy and the UK, with the support of governments and the EU.*

*Over 100 net zero home retrofits have been completed or commissioned so far in the UK (including 16 in Devon), and an 11 home new build project is underway in Scotland. The Kings Tamerton project will be the first new build project in England and is therefore a flagship project of national significance."*

50. The proposal is clearly innovative and is an excellent approach to tackling the Councils Climate Emergency Declaration and ambitions of being carbon neutral by 2030.

51. In relation to Policy DEV32, the applicants have provided an Energy Statement, setting out the general approach as the development will be procured through a performance specification approach (Energiesprong) to achieve net zero energy. At this stage however it cannot determine the precise levels of renewable energy generation on site in relation to fabric measures. The applicants propose not to use gas infrastructure, so that the development will be electrically led, as government has proposed for all new housing from 2025.

52. In overall terms the development will significantly exceed the requirements set out in policy DEV32, in particular meeting DEV32.3- DEV32.5, and is therefore compliant and supported.

53. As the application is at Outline stage, further details will be available at the Reserved Matters application stage and should be provided, via condition to confirm the carbon emissions reductions and the mix of renewable energy and fabric to achieve this (over and above building regulations), but also the associated solar modelling, once the layout details and orientation are fixed.

#### Access

54. The DMPO defines 'Access' as "the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network."

55. The Local Highway Authority (LHA) considers Access to be satisfactory in principle. In considering access, the associated accessibility of the site, and traffic impacts, also need to be taken

into account. Notwithstanding a perhaps relatively low vehicle multi-modal trip assignment, and forecast, the LHA considers accessibility and traffic impacts associated with 70 dwellings to be satisfactory in principle and unlikely to result in a demonstrably harmful impact.

56. The LHA notes that the site is located in the residential area of Kings Tamerton, with a few local amenities, a local shop, and schools, within a reasonable and convenient walking distance of the application site. The site is approximately 1.3 kilometres away (uphill) from the local shopping centre in St Budeaux Square, and approximately 5.5 kilometres from the City Centre, via North Prospect Road. In considering accessibility, and sustainable travel, the surrounding hilly topography of the site location would be likely to discourage some forms of sustainable travel such as walking and cycling, which must be reasonably be taken into account.

57. However, the pedestrian and cycle initiatives are considered positive in supporting and maximising opportunities for sustainable travel. With some filtered permeability providing access for pedestrians and cyclist between the new street and Adams Close. Furthermore, the Illustrative Masterplan indicates walking and cycling access points to the east and south providing increased connectivity and permeability for pedestrians and cyclists between large parts of Kings Tamerton and Ham Woods LNR, and a connection to the traffic free cycle path along St Budeaux Bypass. Although the topography might be steep, an extension of the foot / cycle path toward St Budeaux Bypass would be welcomed and would also support the application aims to realise the ten One Planet Living Principles.

58. The site is located close to a convenient bus service (No 16) on Kings Tamerton Road. The service is half hourly during the working day, with one bus every two hours during the evenings, Monday to Saturday, and one per hour on Sundays. Referring to the JLP SPD Accessibility diagram, the site location has an accessibility level of approximately 40% by bus. In terms of sustainability, the location is considered to be no more, or less sustainable, than any of the other nearby surrounding houses where new occupiers may be expected and likely to establish similar means and patterns of transport and travel.

59. It is noted that traffic flows along Kings Tamerton Road, including for busses are constrained by the long lines of informal on-street car parking that occurs both sides along the street. A situation that in order to ensure adequate and safe access for, emergency vehicles, refuse collection lorries, and deliveries, should not be replicated by the under provision of car parking in the new streets of the development.

60. In response to some matters raised on the LHA's initial consultation response the applicant sought to provide further detail. This information now also includes '1 small commercial unit, for flexible use', along with amended illustrative parking details. These further details indicate that the level of off-street car parking would be increased from the initial proposal of 118 parking spaces, up to 125 parking spaces (which includes substituting 12 integral garages, with car-ports, to create usable parking spaces). This would bring the proposed off-street car parking provision up to twelve parking spaces below the indicative maximum number. Referring to the application details, and taking into account the sustainable initiatives including the proposed Car Club, and electric cycle provision/charging points, then on balance the slightly below maximum off-street parking provision could be supportable and has been secured through the S106 agreement.

61. Officers note that concerns have been raised over the adequacy of the transport information. The Local Planning Authority (LPA) is aware that some of the imagery used in the Transport Statement is 'out of date'. However, planning decisions and transport assessments are based on data, not photos. Photos are a snapshot in time which can paint a misleading or inaccurate picture of, in this case, highway conditions. The images were included as an illustration of the character of the

surrounding streets and accord with the site visits that were undertaken in 2018. They have no influence on the traffic surveys.

62. To add further, the traffic survey at the junction of Coombe Way with Kings Tamerton Road was undertaken on 19 February 2018 between 0800 and 0900 hours as indicated in paragraph 3.1 of the Transport Statement. Although this data is now approximately three and a half years old, Local Authorities are hesitant to accept surveys during the COVID period as they are not a representative of normal traffic flows. And in this case there are no other adjacent new development(s) that would change travel patterns. As such, the data has been accepted by the LHA as representing a valid picture of the traffic situation.

63. It is important to note that the LHA has not raised an objection to the documents submitted and as such, the officers are satisfied with what has been submitted in terms of traffic assessment. In addition, officers have visited the site at both peak AM and PM periods, both to observe traffic and drive within it. The 'severe' situation described in many of the letters was not observed.

64. Para 111 of the NPPF states that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." In this case the impacts of the development are not considered unacceptable or severe.

65. Finally, consideration has been given by officers to the suggestions of an additional access in the south of the site, linking to Weston Mill Hill. Such an access is considered unviable due to the topography and the significant impact this would have on the Greenspace and trees.

66. Much of the detailed highway works will be included through the Reserved Matters applications or conditions. However, and as baseline position, officers are satisfied that the access, indicative parking and sustainable travel initiatives will ensure that the development accords with Policy DEV29 of the Joint Local Plan and will not result in a severe impact.

### Surface Water Drainage and Flood Risk

67. The proposed 2.47ha greenfield site is located in Flood Zone 1 and at a low risk from fluvial and tidal flooding.

68. Surface water flood risk mapping provided by the Environment Agency indicates a low risk of flooding to the site itself from a 1% AEP (1 in 100 year return period) flood event. There is a flow route identified in Coombe Way that has the potential to impact on the site through the access road to the proposed development.

69. The site is located in a Critical Drainage Area where the Environment Agency considers the drainage network is at or close to capacity.

70. Environment Agency LiDAR indicates that the south part of the site slopes steeply from north west to south east at a slope of approximately 1 in 8. BRE365 recommends infiltration drainage is not used for sites sloping greater than 1 in 10 due to the risk of re-emergence. Public sewer records indicate that there are no surface water sewers in the vicinity of the site.

71. A Flood Risk Assessment (FRA) has been submitted for the proposed development. Infiltration tests have been completed that show two rates within the site with  $1.7 \times 10^{-4}$  m/s recorded for the top half of the site and  $4.9 \times 10^{-6}$  m/s for the lower half of the site. The FRA states that the difference in these rates is due to different geological formations, and concludes that infiltration drainage would be unsuitable due to the risk of surface water re-emergence and failure.

72. The surface water strategy is to dispose surface water to a SWW sewer at an attenuated rate of 10l/s with attenuation storage provided by tanks and ponds and swales.

73. The connection point shown on the drainage strategy plan indicates a SWW foul sewer in Adams Close. An alternative connection point to a surface water sewer in Weston Mill Hill is also described but not confirmed. Modelling results have been submitted that support the design standard of 1 in 100 year return period with a 40% allowance for climate change. An additional increase in rainfall of 10% is also included as an allowance for urban creep.

74. The Lead Local Flood Authority has considered the drainage solution, as set out above, and concluded that the proposal would accord with policy DEV35 of the Joint Local Plan subject to further information reserved by condition.

75. Any further assessment of the drainage solutions will of course take account of both on and off site flooding addressing the concerns highlighted in the letters of representations. For example, in an extreme event that exceeds the design standard, the applicant will need to demonstrate a surface water exceedance flow route that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. These exceedance flows will need to be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas

76. Furthermore, details will need to be submitted showing how and when the drainage system is to be managed and maintained, and any future adoption proposals should be submitted. This will ensure that measure are put in place over the long term to prevent future issues as a result of deign failure.

77. Finally, the applicant will need to demonstrate to the Lead Local Flood Authority that South West Water has been consulted on the design and has agreed the proposed connections and rates.

#### Natural Infrastructure

78. The application site is a Greenfield site; and whilst not allocated Green Space it does sit adjacent to Kings Tamerton South Neighbourhood Green Space with the Ham Woods LNR within a short distance. In accordance with local and national policy, the development is required to deliver 10% Biodiversity Net Gain (BNG). In addition, and as set out on the Joint Local Plan site allocation, development will need to provide convenient pedestrian and cycle access to the adjacent (forthcoming) Local Nature Reserve. Finally, and as part of the LPAs assessment of this Outline application, landscaping, visual impact and trees have been considered.

#### *Biodiversity Net Gain (BNG)*

79. The BNG EclA Addendum seeks to deliver 14.93% net gain in area habitat units and 4.39% net gain in hedgerow units through on-site and off-site measures. Together officers consider the scheme to meet the SPD requirement of delivering a 10% net gain. The off-site delivery will be secured through a S106 contribution to deliver 15.78 biodiversity units uplift.

80. In line with 'Land off Coombe Way: BNG EclA Addendum (dated 22/10/2021)' we require the delivery of the off-site BNG to commences within the first appropriate planting season preceding the main construction. To ensure the scheme delivers against it BNG ambitions a number of conditions have been imposed.

#### *Green Space*

81. As stated previously officers consider the proposed landscaped edge to the development, as shown in the Illustrative Masterplan, to provide an appropriate edge treatment to the adjoining

Green Space and welcome the inclusion of the various entry points into the Kings Tamerton South green space.

82. In line with JLP policy PLY58.3 the scheme is required to deliver convenient pedestrian and cycle access to Ham Woods Local Nature Reserve. The current scheme proposes access into the adjoining Neighbourhood Green Space, but does not demonstrate wider connectivity on the submitted Illustrative Master Plan.

83. However the previously submitted Ecological Impact Assessment (EclA) and the newly submitted BND EclA addendum refer to the delivery of a new Local Nature Reserve (LNR) within Kings Tamerton South Neighbourhood Greenspace including potential access routes. The Addendum note includes an indicative phasing in relation to the delivery of the LNR and its habitat improvements. To address the access requirements the LPA has secured a S106 contribution to deliver the LNR access routes, to ensure the scheme complies with JLP policy PLY58 point 3.

84. Officers require the applicant to complete Open Space Audit Forms for every proposed new green space within the site, and this has been conditioned as they will be dependent on the landscape detail design. Officers also expect all new open spaces to meet their respective size and typology value and quality threshold (as set out in the SPD and the Plymouth and Plymouth Urban Fringe Open Space Assessment for further detail).

#### *Landscape, Visual Impact and Drainage*

85. The Illustrative Masterplan and Design and Access statement provide a good standard of design. However we feel there are certain issues that require further detailed design, however we are happy for these issues to be addressed through appropriately worded conditions. The areas of concern are the following:

- \* further information on how levels will be addressed on this site especially in phase I
- \* stronger Landscape mitigation measures including the need for tree planting within open space and along the streets.
- \* Further integration of SuDS measures, such as the use of tree pits as bio-retention areas.

86. Subject to the above details, officers are satisfied that the Illustrative Masterplan shows a promise in how the development can integrate into the landscape.

#### *Trees, Woodlands and Hedgerows*

87. The Arboricultural Impact Assessment (AIA) identifies that due to the limited number of trees of quality within the site, a detailed impact assessment is not considered necessary. Officers agree with this approach.

88. To facilitate the development, tree removals entail approximately 20 metres of 'U' quality hedge (G15) and one tree (T6), and two 'C' quality trees (T2 and T5) all of which is a negligible impact. Additionally, there is a hedge group of 'B' quality holly within the garden of plot 12 which are also proposed for removal because it would be impracticable to keep them within the garden.

89. The AIA identifies good potential for new tree planting within the site and there is an opportunity to lay and replenish the hedgebank (G16) on the west boundary.

90. The privately owned ash tree, (T4) in the northwest corner has deteriorated in physiological health since a previous assessment in 2018; showing symptoms indicative of ash dieback so is likely to be removed in the next few years. Furthermore, the hedge G16 will probably require pruning on a regular basis but this would be low impact, therefore the overall potential for future problems associated with trees is low.



91. Following the comments made in the AIA, post site clearance updated tree constraints information and an updated tree protection plan has been conditioned with no tree removal to take place until this information has been provided.

92. Requirements for new tree planting has been included within the soft landscape proposals for the LNR and the various reserved matters and shall offer mitigation for the number of trees lost on site in accordance with JLP SPD as a minimum so as to accord with policy DEV28 of the Joint Local Plan. This has been reinforced with an informative.

#### *Summary*

93. Following amendments to the scheme the Natural Infrastructure Team no longer object to the application providing the appropriate mitigation is secure. At Outline stage, and subject to conditions, the proposal is therefore considered to accord with Strategic Objectives SPT2 SPT11 & SPT12; and Policies DEV20, DEV23, DEV26, DEV27 and DEV28 of the Joint Local Plan and the NPPF.

94. Contrary to the letters of representation, this development will facilitate local open space improvements making access to adjacent Green Space more convenient. When compared to the current unmanaged, inaccessible fields/scrubland, the community benefits are clear.

95. Furthermore, the onsite measures set out in the supporting documents indicates a high level of outside greenspace, including allotments, orchards, informal play, and blue space creating a positive landscape response to the this important local site.

#### S106 Agreement and Viability

96. Policy DEL1 of the Joint Local Plan states that the LPA "will take a positive and strategic approach to the use of their powers in relation to planning consents, planning obligations or agreements and, for Plymouth, the Community Infrastructure Levy (CIL), in order to accelerate the delivery of development and secure developer contributions to meet the infrastructure needs of the city."

97. Policy DEL1, point 4 adds that the LPA will maximise "the effectiveness of developer contributions secured through prioritising their use as a match funding / gap funding source, linked to other infrastructure funding, and through programming spend in accordance with a 'Plan for Investment and Infrastructure'."

98. Point 5 adds that the LPA will require "robust viability evidence to be submitted where a developer contends that planning obligations sought, including for affordable housing, would make a proposal economically unviable. The LPAs will seek an open book approach in these cases. In determining whether or not to grant planning permission, the LPAs will have regard to the overall economic, social and environmental benefits of the development and whether, on balance, some relaxation of planning obligations is justified."

99. Having undergone a detailed Viability Appraisal (VA), the conclusion is that the viability and deliverability of the scheme is entirely dependent upon grant funding. All planning 'asks' place an additional burden on the deliverability of the scheme, but it is still reasonable to require necessary contributions to ensure that the LPA is satisfied that the balance of material planning considerations is acceptable. The applicant has offered to secure £202,378 of S106 contributions towards the Local Nature Reserve, Biodiversity Net Gain and Health. Any additional contributions will place significant additional risk that the scheme cannot be delivered.

100. Officers are of the view that this represents a fair and reasonable agreement to mitigate the impacts of the development, whilst retaining confidence that such obligations will not prevent the proposed development from being delivered. Officers are also of the view that this addresses the

concerns raised in the letters of representation over the impacts of the development on the community.

### **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).

In addition, officers are aware that the land is owned by Plymouth City Council and the Viability Appraisal shows a land value of £1.

### **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.

In the context of Policy DEL1, and the conclusions officers' have drawn from the submitted VA, it has been agreed with the applicant to secure £202,378 of financial obligations through a S106 agreement to mitigate the impacts of the development:

- £87,166 Contribution towards the delivery of footpaths within the proposed LNR in line with JLP policy PLY58.3. This will assist in the delivery of formalised routes within the proposed LNR
- £84,529 Contribution for off-site BNG delivery to be policy compliant. This will include the delivery of habitat improvements (including measures to slow worm receptor site) within the proposed LNR to ensure the development delivers a sufficient net gain in accordance with JLP policy DEV26
- £30,683 Contribution for the development of the Health and Wellbeing Hub situated at the Jan Cutting Healthy Living Centre ensuring local improvements towards health care infrastructure.

In addition to the financial contributions, all of the Affordable Housing and Accessible Dwellings will be secured within the S106 agreement; as well as the number car parking spaces. A S106 management fee of £8,004 has been secured to cover the ongoing management of the agreement.

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

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability. The application actively seeks to provide a range of accommodation types and tenures, including accessible housing thus meeting the varied needs of the community.

### **13. Conclusions and Reasons for Decision**

The principle of development has been established through the adoption of the Joint Local Plan; and although this presents an uplift on the site allocation estimate, officers are comfortable that the impacts are not severe and have been adequately mitigated (through both conditions and financial contributions).

The proposal represents sustainable development, delivering a wide range of Affordable Housing whilst responding positively to the Climate Emergency and Plymouth City Councils ambition of being Carbon Neutral by 2030. The enhancements to public Greenspace and the LNR will provide wider community benefit, not just those living in the new dwellings.

Therefore, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and officers conclude that the proposal accords with policy and national guidance and is therefore recommended for conditional approval subject to the signing of a S106 agreement.

### **14. Recommendation**

In respect of the application dated 09.06.2021 it is recommended to PS106 Grant subject to S106 Outline.

### **15. Conditions / Reasons**

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

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

Impermeable Area and Drainage Designation Plan 1719 0120 Rev P2 received 04/06/21

Drainage Layout Sheet 1 1719 0500 Rev P2 received 04/06/21

Drainage Layout Sheet 2 1719 0501 Rev P2 received 04/06/21

Drainage Layout Sheet 3 1719 0502 Rev P2 received 04/06/21

Site Location Plan 200106 L 01 01 - received 04/06/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

#### **2      **CONDITION: APPROVAL OF RESERVED MATTERS****

##### **PRE-COMMENCEMENT**

Approval of the details of layout, scale, appearance, and landscaping, (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

**3      CONDITION: SUBMISSION OF RESERVED MATTERS**

Plans and particulars of the reserved matters referred to in condition (2) above, relating to the layout, scale, appearance and landscaping; shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

**4      CONDITION: TIME LIMIT FOR SUBMISSION**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

**5      CONDITION: TIME LIMIT FOR COMMENCEMENT**

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

**6      CONDITION: SURFACE WATER DRAINAGE**

**PRE-COMMENCEMENT**

No development shall take place until the following Surface Water Drainage system details have been submitted to and approved in writing by the Local Planning Authority:

- a) Public sewer records indicate that the proposed connection for the surface water drainage is a foul sewer. The LLFA only supports surface water discharge to a surface water sewer. Discharge of surface water to a foul or combined sewer is not supported by the LLFA unless written confirmation from SWW of the connection and the discharge rate is submitted.
- b) In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas
- c) A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the construction and demolition phases.
- d) Details should be submitted of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted.

Prior to the occupation of each phase it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the approved details. 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; and to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

Justification: Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

## **7      CONDITION: FURTHER DETAILS**

### PRE-COMMENCEMENT

Prior to the commencement of each Phase of the development hereby approved, details in accordance with the Councils SPD of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: Car Parking Provision and Layout, Provision of Electric Vehicle Charging Points, and Cycle Parking. 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 DEV29 of the Plymouth and South West Devon Joint Local Plan 2014 - 2034 (2019) and the National Planning Framework.

Justification: Necessary to ensure the development meets the needs of residents in terms of parking, cycling and EVCP.

## **8      CONDITION: STREET DETAILS**

### PRE-COMMENCEMENT

Prior to the commencement of each Phase of the development hereby approved, 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 DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Framework.

Justification: To ensure that adequate street details are provided to meet the needs of all highway users.

**9 CONDITION: CODE OF PRACTICE/ CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

PRE-COMMENCEMENT

Prior to the commencement of each Phase of the development hereby approved, a detailed Code of Practice and Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority for written approval. The documents shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The highway works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policies DEV1, DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

Justification: To ensure that a suitable construction method is established that minimises disruption and adverse impact to local residents.

**10 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)**

PRE-COMMENCEMENT

No development shall take place (including demolition, ground works, and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The CEMP shall take account of the measures outlined within LAND OFF COOMBE WAY, KINGS TAMERTON - ECOLOGICAL IMPACT ASSESSMENT (dated 04/06/21) and 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. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- g. Method statements to demonstrate how the new drainage system and water environment is protected during construction.

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 Policies SPT11, DEV26 and DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

Justification: To ensure that environment is adequately protected during the construction phase.

## **11 CONDITION: HIGHWAY DILAPIDATION SURVEY**

### PRE-COMMENCEMENT

No works shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic.

Reason:

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework

Justification: Necessary to ensure that any damage to the local highway network is reported and rectified.

## **12 CONDITION: ADAPTABLE AND ACCESSIBLE DWELLINGS**

### PRE-COMMENCEMENT

Unless otherwise agreed in writing and prior to the commencement of each Phase, a plan shall be provided which shows the location of the Adaptable and Accessible Dwellings and access details which demonstrate that they are accessible.

Prior to the occupation of each of the accessible dwellings an independent verification report shall be provided which confirms that the properties have been constructed to the required specification. The report shall also set out the qualifications of the examiner to undertake the verification.

The properties shall remain as M4(2) and or M4(3) compliant in accordance with the approved details.

Reason:

To provide a range of housing types to meet the needs of local residents in accordance with Policy DEV9 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

Justification: To ensure adequate accessible housing is delivered and retained.

## **13 CONDITION: ENERGY STRATEGY**

### PRE-COMMENCEMENT

Prior to the commencement of each Phase of the development hereby approved, evidence shall be provided to the Local Planning Authority for written approval to confirm the carbon emissions reductions and the mix of renewable energy and fabric (over and above Part L of the building regulations), to meet the strategy set out in PEC Homes supporting Energy Statement (dated

28/05/2021). This shall include details of the associated solar modelling, and confirmation of the how the design meets the Energiesprong New Build Performance Specification and Net Zero.

The approved strategy shall be implemented prior to the occupation of the first dwelling of that Phase.

Reason:

To ensure that adequate low carbon measures are incorporated into the details design in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

Justification: To ensure that development achieves the necessary carbon reductions.

## 14 **CONDITION: LANDSCAPE DETAILS**

### PRE-COMMENCEMENT

No development shall take place within each phase of the development until the details of the landscape works for that phase have been submitted to and approved in writing by the local planning authority. The landscape works shall accord with the biodiversity net gain measures and phasing as outlined within the 'LAND OFF COOMBE WAY: BNG ECIA ADDENDUM (dated 22/10/2021)'.

The proposals shall be fully coordinated with proposed underground service, explore means of integrating SuDS measures into the development and incorporate tree planting along the streets and within the areas of public open space to reduce landscape visual impacts from the development. The landscape works shall include:

1. Soft landscape details:
  - a. Full soft landscape specification including all plant species and their size (to HTA standards), soil details, implementation specification, establishment care and defects period.
  - b. The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference. We expect plans to demonstrate sufficient rooting volume for all proposed trees and prove there is no conflict with proposed services.
  - c. Planting details (1:20 scale or as appropriate) including (but not limited to) tree pit details and level details surrounding existing tree demonstrating how the RPA of the tree will be protected.
2. Hard Landscape Details:
  - a. Drawings identifying the arrangement of proposed hard landscape elements including (but not limited to) paving materials, street furniture, play equipment and boundary treatment materials (min 1:200 scale) and proposed and existing site levels
  - b. A specification of the hard landscape materials (e.g. paving materials), street furniture, play equipment and any boundary treatments.
  - c. Boundary treatment details (1:20 scale or as appropriate) including (but not limited to) the boundary treatment of the rear gardens backing onto Blackies Wood, rear garden fences including hedgehog passages, and front garden boundary treatments.
3. Sections (min 1:200 scale) demonstrating how the various parts of the design come together. All sections shall include proposed levels and shall show existing ground levels in a red dashed line.
4. A phasing plan showing when the various parts of the design will be delivered.



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. Any dead, dying, severely damaged or diseased planting shall be replaced with a period of 5 years.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

Justification: Necessary to ensure the landscaping details are agreed early so as not to result in degradation of the design.

## **15      CONDITION: UPDATED ARBORICULTURAL SURVEY**

### **PRE-COMMENCEMENT**

No development beyond scrub clearance shall take place until an updated Arboricultural survey, tree constraints plan and tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The survey and the plans shall detail how trees are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations and will set out the required mitigation planting to mitigate any tree loss on site.

The measures contained in the approved information shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance Policy DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

Justification: Necessary to reduce the impact of the development trees.

## **16      CONDITION: EMPLOYMENT AND SKILLS PLAN**

### **PRE-CONSTRUCTION**

Prior to any construction works commencing on each Phase hereby approved, an Employment and Skills Plan shall be 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 DEV19 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

**17      CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN**

PRE-DAMP PROOF COURSE (DPC)

Each Phase hereby approved shall not proceed beyond DPC level until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. 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 for both the landscape elements and the biodiversity features.
- 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 (we expect at least a 30year funding plan to be included). 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 and the required Biodiversity net gain. 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 Policies SPT12, DEV20, DEV23 & DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**18      CONDITION: GREEN SPACE DELIVERY WITHIN THE DEVELOPMENT BOUNDARY**

PRE-DPC

Each Phase hereby approved shall not proceed beyond DPC level until completed open space assessment forms for each proposed green space within that phase (excluding private gardens) have been submitted to and approved in writing by the local planning authority. The forms shall be completed in line with the adopted SPD and Plymouth's Policy Area Open Space Assessment and shall demonstrate that the proposed spaces will meet both value and quality thresholds for their typology and size thresholds unless otherwise agreed in writing with the LPA. The assessment process should inform the detailed design and maintenance of the green spaces.

Reason:

To ensure an appropriate standard of green space provision is delivered in accordance with Policies SPT2 and DEV27 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**19 CONDITION: RESIDENT'S BIODIVERSITY INFORMATION PACK**

PRE-OCCUPATION

No Part of each phase of the development shall be occupied until a Resident's Biodiversity Information Pack and a programme for its distribution for that phase have been submitted to and approved in writing by the local planning authority. The information pack shall provide information on:

- o What biodiversity measures have been included in the properties and why e.g. which species are they meant to attract;
- o How to best care for these measures; and
- o Advice on how to increase wildlife value in your property

The programme shall outline how the information packs will be distributed amongst future residents. The approved resident's Biodiversity Information Pack shall be distributed in accordance with the approved programme.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Policies SPT11 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**20 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 cars.

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 Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**21 CONDITION: SECURE BY DESIGN**

PRE-OCCUPATION

Each reserved matters application shall be accompanied by a Secure by Design Statement. Each phase of the development shall be constructed to achieve compliance of the Secured by Design Gold award. (Previously known as part 1), and shall not be occupied until evidence has been submitted to the Local Planning Authority for writing approval.

Reason:

To ensure that satisfactory measures are put in place to design out crime, in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**22 CONDITION: ECOLOGICAL MITIGATION**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with reptile mitigation strategy and Protected / Notable Species Enhancements as detailed within the 'LAND OFF COOMBE WAY, KINGS TAMERTON - ECOLOGICAL IMPACT ASSESSMENT (dated 04/06/21)' and the biodiversity net gain measures and phasing as outlined within the 'LAND OFF COOMBE WAY: BNG ECIA ADDENDUM (dated 22/10/2021)'.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance Policies SPT11 & DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**23 CONDITION: PHASE 2 NON DELIVERY COMPLETION WORKS**

In the event that a Reserved Matters application relating to Phase 2 of the development hereby approved is not submitted and agreed by the Local Planning Authority within the given time frame as required by Condition 4 of this permission; or in the event that an application for Reserved Matters has been submitted and approved for Phase 2 but is not implemented within given time frame as required by Condition 5 of this permission then the applicant, developer or their successor shall submit and implement a detailed Landscaping scheme to complete address the land between Phase 1 and Adams Close.

Reason:

To ensure that these areas are finished to a high standard using good quality materials in accordance with Policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**24 CONDITION: DESIGN PRINCIPLES**

Each Reserved Matters application shall be accompanied by a design statement setting out how it accords with following design principles:

- o Architecture, including housing type, mix and relationship to the streets and spaces/ gardens.
- o Materials and local distinctiveness.
- o Street design principles, including hard and soft/ lighting/ car parking/ managing speeds/ shared surface.
- o Open space design principles- including hard and soft/ drainage/ play.
- o Incorporating green elements into the design (e.g. green roofs/walls, PV panels)
- o Working with the Mobility Hubs team to develop the site indicated in the Illustrative Masterplan.

Reason:

To ensure that the development is delivered to highest standard of design with guaranteed consistency across all phases, in accordance with Policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**25 CONDITION: SPECIFIED USE RESTRICTION - FLEXIBLE COMMERCIAL SPACE**

The proposed commercial premises shall be used for Classes E(a), E(b), E(f), F2(a) and F2(b) and for no other purposes (including any other purpose in Classes E and F; 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). For avoidance of doubt, the permitted uses are as follows:

- E(a) Display or retail sale of goods, other than hot food
- E(b) Sale of food and drink for consumption (mostly) on the premise
- E(f) Crèche, day nursery or day centre (not including a residential use)
- F2(a) Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres
- F2(b) Halls or meeting places for the principal use of the local community

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 Policies DEV1, DEV2, DEV16, DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**26      CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/  
PROTECTED**

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and/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 the trees on site are protected during construction work in accordance with Policy DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

**27      CONDITION: UNEXPECTED CONTAMINATION**

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

**INFORMATIVES**

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

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

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructuralevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

## **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 the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

## **3 INFORMATIVE: ILLUSTRATIVE DETAILS**

In granting this outline planning permission, the Local Planning Authority has had regard to the details shown for illustrative purpose on the submitted plans and drawings, and would expect the principles shown to be reflected in any subsequent application for the approval of reserved matters.

## **4 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.

## **5 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.

## **6 INFORMATIVE: TREE PLANTING**

The applicant is advised that the quantum of tree replacement to mitigate the loss of trees being felled for development, as shown in the Tree Survey Schedule within the Arboricultural Impact Assessment 18.15.2.AIA, will need to accord with the Table 28 of the Plymouth and South West Devon Supplementary Planning Document 2020.

## **7 INFORMATIVE: BATS AND BIRDS**

Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the trees should be undertaken prior to the commencement of works to determine if any bats or birds reside in the trees. No works should occur while birds are nesting which may be at any time between the month of March to September

inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Further advice on bats is available from The Bat Conservation Trust 0845 1300 228.

## **8 INFORMATIVE: SUPPORTING DOCUMENTS**

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

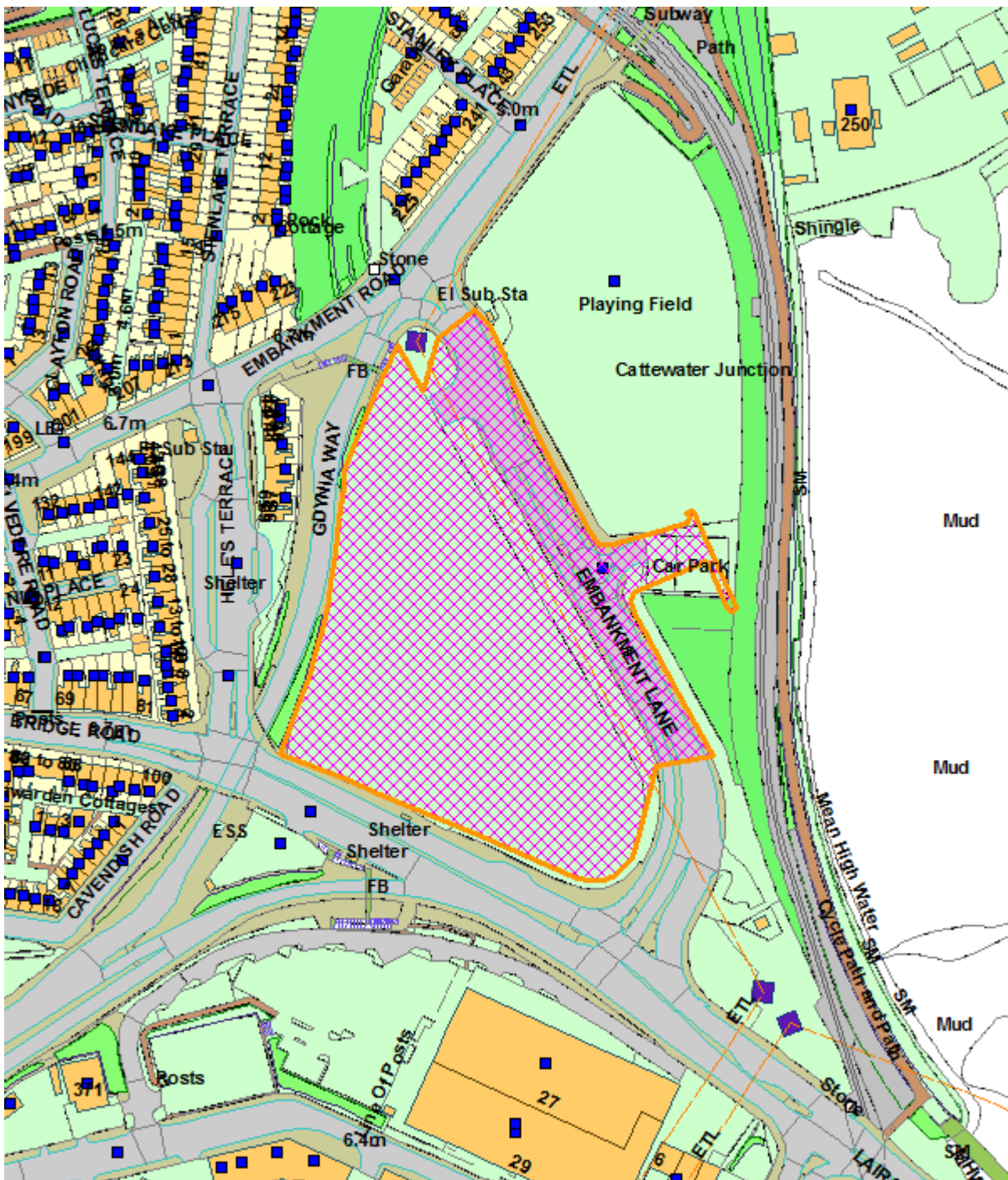
- SK202021 ILLUSTRATIVE MASTERPLAN
- 200106 L 0203 Rev H ILLUSTRATIVE CAR PARKING
- 200106 SE 0201 Rev C INDICATIVE CROSS SECTIONS
- 200106 L 02 02 Rev C INDICATIVE HOUSING MIX
- 200106 L 02 05 Rev C INDICATIVE LANDSCAPE & DRAINAGE PLAN
- 21.3310.1.TAP TREE CONSTRAINTS APPRAISAL
- 21.3310.1.TPP TREE PROTECTION PLAN
- BNG CALC 03
- ARBORICULTURAL IMPACT ASSESSMENT
- COMMUNITY INVOLVMENT
- ECOLOGICAL IMPACT ASSESSMENT
- ENERGY STATEMENT
- FLOOD RISK ASSESSMENT
- GROUND INVESTIGATION REPORT
- HOUSING STATEMENT
- KINGS TAMERTON DESIGN AND ACCESS STATEMENT
- LANDSCAPE AND VISUAL APPRAISAL
- LANDSCAPE AND VISUAL APPRAISAL - APPENDICIES
- PEC HOMES RESPONSE LETTER
- PRELIMINARY ENVIRONMENTAL RISK ASSESSMENT/PHASE I DESK SURVEY
- SECURED BY DESIGN STATEMENT
- ARBORICULTURAL APPRAISAL
- BNG ECIA ADDENDUM
- TRANSPORT STATEMENT
- COOMBE WAY BNG ECIA ADDENDUM 2
- EXPLANATORY NOTES TO ACCOMPANY FINANCIAL VIABILLITY SUMMARY
- VIABILITY APPRAISAL



# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	21/00218/FUL	<b>Item</b>	<b>04</b>
<b>Date Valid</b>	12.02.2021	<b>Ward</b>	SUTTON AND MOUNT GOULD
<b>Site Address</b>	Former Western National Bus Depot, Embankment Road Plymouth PL4 9LQ		
<b>Proposal</b>	Mixed use development of a hotel (CI), 4 x retail units (E(a)) including a home store, small convenience store, bike shop and retail shop, a restaurant with drive through (Sui Generis), coffee shop with drive through (Sui Generis), together with formation of vehicular access, associated car parking, landscaping & associated works		
<b>Applicant</b>	Goldmix Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>14.05.2021</b>	<b>Committee Date</b>	<b>09.12.2021</b>
<b>Extended Target Date</b>	<b>14.01.2022</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Alistair Wagstaff		
<b>Recommendation</b>	Grant Subject to S106 Obligation		



## **I. Description of Site**

The application site lies just to the North West of Laira Bridge and is approximately 2 km from the City Centre. It is located on the cusp of the Cattedown and Prince Rock areas of the city. The site was formally used as the Western National Bus Depot which has since been demolished. The site is 21,635sqm in size and mostly vacant although a small fair does operate on the site sporadically. The site is allocated in the Joint Local Plan (JLP) under Policy 56(4). The site is located in flood Zone 3 and in a critical drainage area.

The application site is roughly triangular in shape and the boundary of the application area on the North West and South West abuts the existing highway. On the North Eastern edge, the site boundary extends out to include an element of the Highway (Embankment Lane) and also extends across to the Prince Rock Playing Pitch site. On this side the boundary extends beyond the applicants ownership to the verge of the site and highway which are both Highway Maintained at Public

Expense (HMPE) and the Price Rock Playing Pitch site which is owned by Plymouth City Council (PCC).

The site is in essence an island encompassed on all sides by the road network, with Embankment Lane to the east, A379 Laira Bridge Road to the south and A374 Gdynia Way to the west. Currently the only access to the site is from Embankment Lane for pedestrians and vehicles. In terms of permeability, the site has a raised pedestrian and cycle bridge to the north crossing Gdynia Way with a further pedestrian crossings across Hele's Terrace and Embankment Road. To the East there are two pedestrian crossings, one half way up Embankment Lane and the other at the bottom crossing Embankment Lane, providing access to the north side of Laira Bridge Road. In the same location a southward crossing provides safe passage across Laira Bridge Road. On the Southwest corner of the site, two further pedestrian crossings provide access south across Laira Bridge Road and west across Hele's Terrace. In this area of crossroads, Gdynia Way travels under the road level in an underpass. There is a bus stop eastward direction on the southern boundary of the site.

The site itself is relatively flat with the main area formed of a concrete slab. The surrounding area is a verge, with an element of over grown self-seeded vegetation to the north of the site. In terms of levels, the central part of the site is flat but slopes slightly downwards from south to north. In relation to the surrounding land levels the site is almost at ground level in the south east corner, to the south west it is nearly a storey lower than Hele's Terrace and Laira bridge road, yet higher than Gdynia way. As you move north along Gdynia Way the road raises above the site, the same happens along Embankment Lane. In terms of the closest residential properties on Hele's Terrace and Embankment Road, the site is at a sunken level. At the closest point the residential properties are approximately 15 meters from the site boundary.

In terms of the surrounding area, Faraday Mill lies directly to the south, which is a commercial/light industrial park and beyond that is the area of Cattedown which is predominantly an industrial area. To the north and west lies a network of residential neighbourhoods comprising Prince Rock, St Jude's, Mount Gould and Lipson. To the east is Prince Rock Playing Pitches with the River Plym and Plymstock Beyond.

## **2. Proposal Description**

The application proposes a mixed use development of a hotel (C1), 4 x retail units Use class E(a) including a home store, small convenience store, bike shop and retail shop, a restaurant with drive through, use class Sui Generis, a coffee shop with drive through Use class Sui Generis, together with the formation of vehicular access, associated car parking, landscaping & associated works.

The scheme proposes the provision of 6,258sqm gross internal floor space in 7 units supported by 193 parking spaces. The proposed site layout is as follows: a new principle vehicle and pedestrian access point is provided on Embankment Lane, opposite the existing access to the Prince Rock Playing Pitch site with a new junction provided, which provides all movement vehicle access into the site and also the opposite site through the new junctions provision. The access will slope down on a ramp from Embankment Lane into the site, given the difference in levels.

The site is laid out with three buildings fronting Embankment Lane, the hotel to the north of the new entrance and two drive-through units to the south. The remaining four units are contained in one L-shaped building which sits in the western corner of the site. The building is under a single roof structure but contains two undercover walkways, one which is ramped up to the corner of the site where Hele's Terrace meets Laira Bridge Road and one small one which provides access from the site to Laira Bridge Road.

Pedestrian and cycle access is provided in the north east corner, west corner and south west corner of the site, connecting to existing crossing facilities to the wider area. A central walkway runs north west to south east through the site, with a paved walkway also wrapping around the frontage of the main building and a raised table shared space linking to one of the drive through restaurants.

The main building contains 4 units as follows:

Unit 4 is a retail cycle hub which is 350sqm, split over 2 storeys and includes a small ancillary café. The building is at the southern end of the wider building with its main entrance facing the coffee shop (building 3) and a small second entrance providing direct access to the landscaped plaza with cycle track facilities. Across the covered walkway is unit 5, identified as a shop which is 150sqm, the unit faces into the covered walkway with two entrances, with its 3 external elevations principally glazed. Unit 6, which is identified as a convenience store is 445sqm in size, it has predominantly glazed elevations with an entrance in from the central walkway which is the corner of the wider L shaped building. The connected section of buildings 5 and 6 have a service area with access on the principle north east elevation. Unit 7 which is a retail unit, is identified as a Home Store and is 1,486sqm and forms the other part of the L shape, but ends with at an angle cube section; it has 3 entrances, one on to the central area of the site, one into the covered walk way and one on to Laira Bridge Road. The three elevations are principally glazed, however the cube detail which provides the back of house is mainly cladded, although the elevation facing the entrance way contains green walls and signage zones.

The building has a glulam (glued laminated timber) wooden Roof detail, which features under the main walk way and as a projecting canopy. Solar panels are proposed on the roof and individual letter signage to the cycle unit. The buildings materials are Sinusoidal (metal) cladding in red, glazed windows with grey frames with an area of dark grey laminated glazing.

Unit 1 is proposed for a Hotel at 3270sqm with 88 bedrooms. It is 6 storeys in height and the building is to be principally (above ground floor) constructed with a Portland stone cladding tile with glazed windows and timber effect window bars as a design detail. Inset lighting panels are a design feature of this building. The south east and north west corners of the building have large sections of green walls wrapping around the corners. The ground floor is a mixture of a granite wall, reflective ceramic glass with a timber Glulam canopy and walling detail. The roof slopes downwards from north to south. From Embankment lane the building is at approximately first floor to pavement level.

Unit 2 is a drive-through restaurant of 390sqm in size over two storeys. The building is principally glazed with windows and ceramic backed glazing which is complimented with a timber effect bar screen on the upper floor. There is an external seating area on the first floor and the building is cubist in its shape.

Unit 3 is a drive-through coffee shop of 167sqm. The building has a curved green roof design on a glulam wood frame. The glulam frame extends to ground level, covering the drive-through lane with a tensile awning on the other side. The building is principally curtain wall glazing with timber effect cladding

The built form is supported by a detailed landscaping strategy, which includes a grassed strip, windflower meadow and a native species of hedgerow along Embankment Lane. Trees and landscaping run along the central northwest to south east walkway (including along the side of the hotel, with additional planting in the car parking areas). A large Plaza area with raised planters with seating and cycle practise area is located in the south east corner.

### **3. Pre-application Enquiry**

The site has been the subject of a number of pre-application enquiries dating back to 2017. 17/01726/MAJ was for a mixed use scheme including a hotel, pub and a range of retail units. This pre-application was considered in detail and as the scheme developed, concerns were raised regarding the fact that different buildings lacked a shared design approach. There was also concern that the scheme, developed to include a larger food store, raised concerns over its compliance with the sequential test and retail impacts on surrounding proposed and allocated centres.

In 2019 a new pre-application came forward (19/00989/MJR) for two large format retail units, one for a supermarket and the other for a home store. The LPA raised significant objections to the scheme in terms of its design and potential impacts of both the retail sequential test and impact on centres, including the city centre. Following this the applicant has worked positively with the LPA towards the scheme, which is currently the subject matter of this application.

### **4. Relevant Planning History**

93/01263/OUT Develop land by erection of non-food retail warehouse with associated car parking, service roads, junction improvements and off site highway works. - Refused - allowed at appeal

96/00563/REM Erection of 4645 sq. metres of non-food retail warehouse development (approval of means of access as reserved matter) - grant conditionally.

97/00857/FUL Erection of new warehouse and a flammable goods store - granted conditionally

99/00863/FUL Erection of six non-food retail units and a fast food outlet - granted conditionally

00/00302/FUL Use of vacant site for 12 months, part of site being used for sale of new and used motor vehicles and part for general open storage - Refused

04/00664/FUL Variation of condition 18 of planning permission 99/0863, relating to erection of six non-food units and a fast food outlet, so as to allow a different type of pedestrian crossing in Laira Bridge Road - Grant conditionally

### **5. Consultation Responses**

South West Water - No objections and proposed drainage strategy has been agreed. Note - no buildings or alterations to ground cover will be permitted within 3.5m of a public sewer which crosses the southern part of the site.

Historic England - No comment

Health and Safety Executive - site is not in consultation zone of a major hazard site or pipeline.

Natural England- development is within zone of influence of Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA and development is likely to impact upon it. Specific measures will be required to prevent such harmful effects from occurring and permission should not be granted until such time as the implementation of these measures has been secured. Recommended HRA screening undertaken. HRA screening has been undertaken and contribution secured in line with PCC approach to mitigating impacts.

Public Protection:

Air Quality - an Air Quality Assessment has been submitted which identifies that any impact will be negligible and a Construction and Environmental Management Plan (CEMP) will be required.

Noise - A noise impact assessment has addressed concerns in relation to the construction phase, and that impact caused by traffic is negligible. The hotel must have a minimum noise attenuation of 43 dB (A) and conditions are recommended to provide residents with protection from plant noise.

Land Quality:

A Phase I report has been submitted, which concludes that the overall land contamination risk is low, provided that mitigation measures are incorporated during the redevelopment. A remediation plan will need to be conditioned.

Conditions recommended

Lead Local Flood Risk Authority - The site is in Flood Zone 3, a critical drainage area and shown on EA maps as being at high risk of tidal flooding and in terms of surface water, at a low risk from flooding. The site is in area of potential for contaminated land and public sewers are in the vicinity. The site is in Preliminary Flood Risk Assessment (PLRA) Blue Square, and at risk of surface water flooding as flooding has been recorded in Gdynia Way.

Sequential and Exception tests have been completed and the proposed development is appropriate for its location. Embankment Lane provides sufficient defence against flooding from the River Plym and provides third part flood defence. Drainage strategy confirms SWW approval of free discharge to their Sewer, a 615m<sup>3</sup> +15m<sup>3</sup> capacity for surface water storage is provided and modelling results indicate drainage system designed for 1 in 100 year design with 40% allowance for climate change.

Further detail require via conditions

A surface Water Exceedance flow route should be identified to ensure increased flood risk off site does not accrue. Detail to be provided of how water environment is protected from pollution with Oil interceptors. Ground investigations are required and detail of the management of the drainage system.

Further response details acknowledge previous conditions still required.

Environment Agency (EA)- Initially object due to lack of acceptable Flood Risk Assessment, the site is in Flood Zone 3 and as an allocated site the sequential test and part 1 of exception test is passed but not part 2, it should be demonstrated that development is safe for its lifetime without increasing flood risk elsewhere. Embankment Lane is not a formal flood defence and no details of it are provided and the residual risk of flooding should a breach occur need to be provided. Other details required are raising finish floor levels, flood warning and an evacuation plan and flood resilient construction.

Further response- objection removed following further information conditions required on flood risk implementation and contamination.

Urban Design - Initial advice acceptable with conditions- key points raised

Current scheme is an improvement on previous submissions, the application goes some way to addressing pedestrian permeability, connections and active street frontage. Consider the scheme is only acceptable in entirety, do not support isolated buildings or zones coming forward individually. Quality of material is imperative, require details of all to be provided through conditions to ensure the scheme works together. There are concerns over the hotel façade treatment. Urban Design welcome the green wall but recommend further improvement. Main building - the canopy links the built form but elevation 7G is blank and requires improvement. Landscaping starts to link the buildings but further detail is required of hard and soft landscaping. Further detailed comments based on themes of National design guide provided.

Further response provided updating initial advice, acceptable with conditions- key points raised in addition to those previously provided. The scheme is only considered acceptable if delivered in full, detailed conditions required for materials and their junctions and finishes.

We would suggest conditions to the following items: materials and detailing, bin stores and refuse, hard and soft landscaping, lighting, street furniture, boundary treatments, wayfinding and graphics

Historic Environment - based on Archaeological Assessment, it is considered the area has very low archaeological value, no further mitigation is required.

Police Designing Out Crime - Southern Entrance Laira Bridge Road has potential for antisocial behaviour and gathering point particularly with Fast-food facilities on site. Recommend comprehensive CCTV system, security staff, good lighting, decorative coping stones, litter management plan for site and surrounding footpaths, deterrent measures for boy racers in the evening in the car park, formed as a management plan.

Economic Development- Broadly supportive, the scheme will contribute to visitor accommodation, note useful cycle links and provision. No issue with majority of uses, but concerns over home store which should be conditioned to limit goods sold.

Employment and Skills Plan is required through condition.

Education Department - no objections or contributions required.

Local Highway Authority -

Initial comments - accessibility and permeability through the site is good, access route beyond can be convoluted. Substantial concerns with submitted information and evidence identified, including road safety, tracking for large vehicles and traffic modelling. Evidence is inadequate assessment of impacts.

Further response

Significant engagement required during application to ascertain true impacts of the scheme.

- Site layout allows for internal stacking of vehicles, beyond what is envisaged for drive-through although it may block other spaces at busy times.
- Tracking information demonstrates adequate space when full road widths are used although this is undesirable, service provision is tight and limited and as such a service management plan is required.
- Parking levels are within the threshold stipulated within the SPD and disabled and motor cycling space are to be secured by conditions with 10 EV charging spaces, with a further 15 enabled for the future, 65 cycle spaces are also required. Recommend that electric cycle parking is also required.
- Traffic modelling has been challenging to resolve particularly due to COVID and a rise in fast-food patronage. The LHA worked with applicants to establish data, it is acknowledged that the modelling is a divergence of accepted practices and original submission were not reliable. Updated information considered more realistic and reliable.
- Existing highway network currently at high capacity and over and above its practical capacity at certain junctions at all times of peak demand, and therefore congested scheme includes mitigation including bus layby and dedicated right turn at Laira Bridge Road/ Embankment Lane junction, providing small improvement. At the times of peak demand the development would be expected to noticeably add to the current queues at the traffic signals by between 2 - 5 cars. A section 106 is required to help the network.

Conclusion of LHA is that the additional draw and negative impacts on the function of the major road networks are unwelcomed and would add to the existing traffic queues. However, the residual

cumulative impact would not be considered 'severe'. Therefore, from the advice contained in paragraph 109 of the National Planning Policy Framework (NPPF), the development should not be refused on highway grounds, and a recommendation of refusal could not be sustained, and in planning terms is apparently unlikely to be considered as significantly adverse

Street Services- . No objection to the delivery of landscaping in HMPE, but a permit to carry out any works is required and maintenance needs to be established.

Low Carbon City Team - Reviewed energy statement with measures to save 20% carbon saving, but these are estimations. An updated energy strategy is required with scheme detail. Concerns raised over detail on resource minimisation and climate resilience.

Outstanding matters discussed with consultee and conditions to be added is agreed.

Building control - a building regulations application will be required.

Natural Infrastructure - Initial Objection due to insufficient information required:

- Completed Open Space Assessment Audit Forms for the on-site delivered green spaces
- Clarification on the potential uplift in maintenance requirements of PCC land
- Additional ecological survey information
- Clarification of Net Gain calculation and use typologies therein
- Updated EclA , including firmed up enhancement measures and proposals map showing where the various habitats will be delivered with area measurements
- Landscape strategy
- Coordinated drainage strategy.

Following updated submission information.

Updated response - No objection to the proposed development given that appropriate mitigation is included within the development, as detailed in the conditions below. Conditions and S106 contributions required

Key Points for conditions:

- Proposals extend beyond the red line boundary. The land affected is within the ownership of PCC, therefore we recommend PCC Street services are consulted about any changes to PCC land
- Due to lack of delivery of 10% net gain, a S106 contribution will be required towards Grassland Improvements at Blagdon's Meadows
- Updated drainage strategy is required to incorporate landscaping requirements

Habitats Regulations Assessment - Screening undertaken, conditions required and on the basis of the appropriate financial contributions being secured to the Plymouth and South West Devon Joint Local Plan Strategic Access Management and Monitoring Strategy (SAMMS) and a CEMP being agreed prior to construction, Natural England concurs with the authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites.

## **6. Representations**

Public comments

Total	73
Object	53
Support	19
Neutral	1



Against

- Site visitors will be largely car born, creating traffic problems and impact on highways safety, specific concerns over takeaway uses.
- Area already faces significant traffic and congestion, the proposal will further compound the situation impacting on residents and Prince Rock school, elderly resident's in Heles Terrace and the proposal will further increase traffic from Sherford and Plymstock.
- East End Traffic improvements have not worked and traffic has increased with the scheme adding further to it.
- The proposed traffic lights will make congestion worse.
- Lack of scheme parking and staff parking impacting on surrounding areas and residential parking.
- Transport assessment does not include all potential traffic and congestion issues in wider area.
- Recommended left turn in to site from Laira bridge road.
- Creation of pollution including light, noise, and odour and increased vehicle emissions.
- Smell of hot-food takeaways and restaurants.
- The Hotel development is too high.
- Development will impact on neighbouring residential amenity including privacy, outlook, create overlooking and blocking light, specific concerns on Heles Terrace resident's.
- Plymouth has committed to climate emergency, and reduce carbon footprint this and other schemes undermine this approach.
- Lack of recreation facilities and open space in area.
- Impacts on Embankment Road shops and local businesses.
- Scheme and specifically takeaways will create litter problems.
- There is no demand for more hotels in the city.
- No more takeaways are needed.
- Construction impacts.
- City has too many generic out of town locations they don't add to the cities offer or sense of place.
- Council should take climate emergency and biodiversity seriously, the site should be given back to nature.
- Such development should be focused in city centre.
- Scheme promotes driving contrary to Plymotion campaign.
- Light and noise pollution will impact on wildlife and fossil fuel emissions are leading cause of bird deaths.
- Support redevelopment but not a hotel and drive thru's.
- Development will undermine role of city centre, council as continually granted consent for out of town location to detriment of the city centre with online shopping and COVID the role of the centre is seriously undermined.
- Site is too small for development proposed.
- Support the cycle hub concept.
- Flood risk issues.
- Cycle hub could cause conflicts with surrounding traffic.
- More trees are needed in the area with more mature planting.
- Takeaways are bad for public health.
- The land is contaminated.
- Drive thru's create anti-social behaviour.
- The development is of poor quality.

Neutral

- Like the idea of redevelopment but concerned over 2 drive thru's and the need for these and traffic impacts.
- Drive thru's will not serve the community well and does not promote health ethos.

For

- Development is eye-catching and cycling and other facilities will serve local area.
- Initially against proposal, but will help local economy and cycling should be encouraged.
- Benefits of the proposal outweigh the negatives.
- Area is in need of regeneration and support regeneration of brown field site.
- Shortage of hotels in area and benefits to tourism offer.
- Development will increase employment opportunities.
- Support new retail.
- Support cycle hub and could link to other facilities.
- Welcome new convenience store and site will provide facilities for local residents.
- Site is currently an eyesore.

None Material Planning Points

- Surrounding cycle lanes are in poor state of repair or poorly designed.
- Land should be used to improve junctions and then should build a skate park, pump track and affordable homes.
- Development will block views.
- Support current ad-hoc use for funfair site should be used for other such things going forward such as events.
- Who would want to stay in a hotel here?
- Location of hotel is baffling.
- Hotel can be used for people visiting me.
- Loss of views would make me need to move.
- Hele's Terrace has already lost gardens to the road scheme.
- Hope it looks better than the barcode.
- Already enough fast food in Plymouth.
- Hotel guest may use bus lanes and get tickets, the Southwest has a reputation for being overzealous with parking tickets.
- Hotel guest may feel cheated with view over former Chelson Meadow giving a negative impression of the city.
- Hele's Terrace should only have been for bus and local traffic.
- Site should be used for sheltered accommodation and low rise flats.
- Pier at Millbay should be a coastal park.
- Concerns raised of flood barrier scheme in area and traffic issues.
- The playing pitch site should be a wild flower meadow, with seating and a park.
- A more upmarket hotel should be sought.
- The site could be left unfinished if the hotel does not work out.

One representation noted that site notices were only put up in limited locations which were easily missed, development should be well published. In this regard 10 site notices were placed surrounding the site at obvious locations with consideration given to the visibility to surrounding occupiers. A press advert was also placed. This was repeated for 2 further re-consultations.

**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. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: Supplementary Planning Document.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The following policies are relevant to the determination of the application SPT1, SPT5, SPT6, PLY56, DEV1, DEV2, DEV6, DEV16, DEV19, DEV 20, DEV2, DEV6, DEV20, DEV23, DEV26, DEV27, DEV28, DEV29, DEV31, DEV32, DEV35 and DEL1 of the Joint Local Plan, the Supplementary Planning Document, NPPF, NPPG and National Design Guide.
2. The considerations relevant in the determination of this application are: The principle of development, design and layout, landscaping amenity, land contamination, flood risk and drainage, retail and town centre considerations, low carbon and sustainability, hot food takeaway, highways and ecology.
3. This planning application is the result of a significant amount of pre-application engagement to develop the scheme. Further negotiations have taken place during the application process with changes made to the landscaping of the scheme, the design of the hotel building and one of the elevations of the main building. Additional supporting information has also been submitted with specific further information on the highways impacts of the scheme.
4. The application has been Screened under the 2017 EIA regulations and been concluded to not be EIA development.

### Principle of Development

5. The application site sits within the urban area of the city and has remained vacant for a number of years since the former Western National bus depot was cleared. Planning permission has previously been granted on the site for retail purposes, however these consent were not able to be implemented due to the new transport network which was implemented as part of the Eastern Corridor scheme, which created the current Embankment Lane road.
6. The site is allocated within the Joint Local Plan in Policy in policy PLY56.4, this is for a mixed-use development incorporating commercial uses (potentially small scale local retail leisure and or hotel). As such the redevelopment of the site for a mixed use scheme is acceptable in principle. In terms of the specific uses proposed, some elements are considered to accord with the policy and others are not specifically. In terms of the Hotel, this complies with the policy wording, the convenience store/ supermarket and small retail unit are also considered to fall within the definitions of small scale local retail, which would meet the needs of the surrounding area.
7. The larger unit, proposed at 1,486sqm gross which is advised for the sale of homeware does not accord with the policy wording. Nor does the two Sui Generis drive-thru restaurants and the cycle shop which, while small scale, serve a potential wider catchment. As such, while the principle of redevelopment is established, further detailed consideration is required of specific elements and their impact notably in terms of retail considerations, residential amenity and highways impacts.

### Design and Layout

8. The design and layout of the scheme is a key consideration in the planning balance and has been considered in that context. In considering this the design guidance in the NPPF, NPPG, national design guide and the policy requirements of PLY56.4, DEV20 and the section 6 (place shaping) of the adopted SPD have all been considered.

9. Significant design evolution has taken place through 2 pre-applications with 3 schemes considered. Following 2 schemes which were not considered appropriate, the developer has worked collaboratively with the LPA and consultees to develop a much more enhanced scheme.

10. The scheme has been to the design review panel twice, once in 2018 and once in October 2020 based on the current scheme. This second panel welcomed the scheme noting improvement in terms of layout and design and that the scale appropriately reflects a gateway to the city. It also welcomed the green roof and the glulam roofs that help unify the scheme. In terms of the hotel, it supported the simple design but recommended improvement to the end elevation and use of a natural stone finish. In terms of the drive-through unit, it recommended a commonality of materials should be considered. Improvement to pedestrian route and landscaping were also discussed and ecological and biodiversity enhancements. Further scheme development has taken place informed by the feedback and also engagement through the pre-application and application process. These views have also been given by the Urban Design Officer.

11. In terms of the design of the buildings, it is considered that the scheme is well connected in terms of the building designs and this is a significant improvement on previous schemes which did not tie in well together. As identified in the consultation response from urban design, the final detail of materials and their finish and connections to each other will be fundamental to the delivery of a high quality scheme. These matters will be conditioned and it is important that the individual buildings have a commonality of materials which work together. The use of timber and timber effect detailing on the buildings including the Glulam roof, timber roof structure to the coffee shop, upper floor cladding of the takeaway unit and detailing of the hotel will be key to achieving a successful commonality and such detail will need to be considered together to achieve a quality development.

12. The design of the scheme corresponds well to the surrounding road network using a mixture of frontages with glazing and landscaping to address the streets. The position on Embankment Lane is more set back than that to Laira Bridge Road and the site to the majority of the road slopes downwards here. The landscaping proposal provides an enhanced setting with the buildings behind. The frontage of the hotel at ground floor is not ideal with the undercroft car parking, however when viewed through the landscaping and with people's eyes being drawn to the first floor which is at eye level, this is considered acceptable.

13. Improvements have been made during the application to the elevation of the main building which faces the principle entrance way, introducing a green wall and signage zones which have broken up this once bland elevation, this also helps to tie in the building to the hotel with its green walls and 1 of the drive-thru's with a green roof. The hotel building has been amended since submitted and the change of materials and improvement of the green walls has led to an improved design, as recommended by colleagues in urban design and the Design Review Panel. This building helps to provide a high-quality arrival from Embankment Road and marks the entrance in to the more central area of the city. Overall subject to conditions, the design of the scheme is considered acceptable as a whole. There is however a concern that if only parts of the scheme came forward in isolation, the quality of the scheme and its acceptability could be altered, as such a joint implementation condition is recommended to ensure all buildings are completed to finished shell to ensure they are constructed. It is also included that the pedestrian and cycle links through the site should be finished to ensure appropriate access is delivered.

14. In terms of the layout of the scheme, this has been the subject of extended negotiations. The resultant scheme is considered to provide a good approach to the scheme and one where pedestrians and cyclists can move freely through the site and be connected from all sides. Movement between the uses is also achieved and the raised table feature between the centre walkway and the first drive-through restaurant provides a clear priority for pedestrians. The new plaza area with cycle facilities and a mix of hard and soft landscaping is considered a strong positive of the scheme,

creating a more inviting environment which will encourage dwelling and use from each of the component uses. It is also consider to provide an attractive setting and approach to the scheme from Laira Bridge. Likewise, the central walkway with landscaping features is a positive of the scheme and breaks up the dominance of car parking. The final design of this area and landscape details will be required through conditions. One area of weakness in the layout, is the lack of pedestrian crossing to the coffee/takeaway units, however this is able to be secured through condition to ensure it is easily accessible to pedestrians.

15. The landscaping approach to the site is an important element of the success of the scheme, with consideration of both hard and soft landscaping features working with and supporting the built form which is key to the overall success of the scheme. The scheme provides a range of planting and landscaping, with tree planting along key routes and frontages which help contribute to the sense of place and success of the overall form of the development. These also help in relation to the recent changes set out in the NPPF. Detailed comments of these have been received from both the natural infrastructure and urban design teams, both during pre-application and this application and subject to conditions, the overall the layout of the scheme is supported.

### Amenity

16. The proposal sits on an island site, separated from the surrounding area by a busy highway network. Nonetheless, consideration of the scheme on resident amenity is a key consideration and has been the subject of significant amount of representations, particularly from the residents of Hele's Terrace with a wide range of concerns set out. In considering the impacts on amenity, policies DEV1 and DEV2 of the JLP and guidance in the adopted SPD are key considerations.

17. In terms of the schemes impact on air quality, the public protection consultation has advised that the impact on air quality will be negligible and that no further action is required based on the information submitted. In terms of construction phases, a construction and environmental management plan has been required to ensure the resident's amenity is protected during this period.

18. In terms of noise and odour, the scheme will introduce more active uses in the area and it is important that these matters are considered and acceptable. In terms of noise based upon the submitted reports, public protection have required that the hotel use must have a minimum noise attention of 43db (A), this will be conditioned.

19. In terms of the schemes impact on the surrounding areas residential amenity it is important that the scheme does not unduly impact on the residents. In this regard there are a number of factors which need to be considered. In terms of creating an acceptable relationship in terms of outlook, overlooking and protecting amenity it is considered that the scheme is acceptable. The development is well spaced from the surrounding residential uses and in terms of dominant features this focuses on the proposed hotel. This is set back over 30 meters from the properties and it is considered that this change to the surrounding area is acceptable in terms of outlook. In terms of overlooking from the hotel, given the distance which exceeds the guidance in the SPD it is consider acceptable in terms of its relationship to the residential properties.

20. No details of the extraction and ventilation for the properties has been provided and these are important in limiting the impact on residents through their control. As recommended by public protection, a condition requiring that these systems do not generate noise (LAeqT) emanating from plant, including any air conditioning, ventilation or extract systems which exceed the background noise level (LA90), including the character/tonalities of the noise at any time as measured at the facade of the nearest residential property would be required.

21. Concern has been raised by both letters of representation and the architectural liaison officer regarding litter generation both within and surrounding the site. It is acknowledged that the uses

proposed do have the potential to generate high levels of litter, and as such a condition requiring litter bins and litter picking is recommended to manage this. The architectural liaison officer has also raised concerns over the potential for people to congregate under the covered walkways and for 'boy racers' to congregate in the car parking area causing anti-social behaviour. To ensure this is appropriately dealt with, a site wide management plan is required to ensure that such issues are managed and to reduce the impacts on the surrounding residents.

22. The hours of operation of the units is also an area of concern and while physically separated from the surrounding area it is important to ensure these are limited to reduce disturbance, including that of the movement to and from the site, conditions limiting these are therefore recommended as set out by the public protection consultation response. The final aspect which needs to be considered relates to deliveries and waste collection as this can be a disruptive activity. Conditions limiting these have been recommended by public protection however, these differ from those recommended by the Local Highway Authority, whose concern relates to highway impacts. There is an important balance to strike in these two areas of concern. It is also acknowledged that the different uses on site will have different requirements for deliveries and collections. As such, it is considered that further information on waste collection and deliveries should be the subject of conditions requiring a waste collection and deliveries strategy which set out the times, locations and mitigation measures to reduce the impacts on both residential amenity and the highway network.

23. As such and given the consideration above, the schemes impact on amenity is considered to be acceptable in the context of policies DEVI, DEV2, the adopted SPD and NPPF, subject to appropriate conditions which would manage impacts to an acceptable form.

### Land Contamination

24. Given the sites previous use, it is important to ensure that the potential for land based contamination is considered in accordance with the policy requirements of DEV2. A Phase I report has been submitted in support of the application by the applicant. This report concludes that the overall land contamination risk is low in the context of the redevelopment of the site. This report has been reviewed by public protection and provided that mitigation measures are incorporated during the redevelopment, they raise no objection to the application. A remediation plan will need to be agreed prior to construction commencement to ensure this is properly managed. Subject to this, the management of contamination is considered acceptable in relation to policies DEVI and 2 of the JLP.

### Flood Risk and Drainage

25. Ensuring that the site itself, proposed occupiers and users are safe from flood risk is a key consideration, as well as ensuring that any displaced surface water does not impact surrounding properties. This is important to ensure that the requirements of the NPPF, policy DEV35 and the guidance in the SPD are met. The site is in Flood Zone 3, a critical drainage area and shown on EA maps and as identified by the LLFA response as at high risk of tidal flooding and in terms of surface water is at a low risk from flooding. The recent road scheme which created Embankment Lane is a flood defence measure, but the site does sit at a lower level to this and as such the impacts of over topping need to be considered. The application is supported by a flood risk and drainage strategy which has been reviewed by the case offer, LLFA and EA. The first consideration relates to the sequential test set by the NPPF and DEV35. In terms of other potential sites at less risk of flooding, it is acknowledged that the site is allocated for development however, there are other allocated sites where development could go, it is therefore important that the exception test be considered. This has been reviewed by both the LLFA and EA including further information, given the concerns raised by the EA. Subject to conditions, including setting appropriate finished floor levels, it is considered that the exceptions test is passed.

26. In terms of the wider drainage consideration, the submitted flood risk and drainage strategy confirms South West Water approval of free discharge to their Sewer for the scheme, the proposed drainage system which provides 615m<sup>3</sup> +15m<sup>3</sup> capacity for surface water storage and that the drainage system is designed for 1 in 100 year event with 40% allowance for climate change. This is considered acceptable in terms of the strategy proposed, subject to a further details condition of the final system, its maintenance and detail of surface Water exceedance flow route to ensure increased flood risk off site does not accrue. Details are also required of how water environments are protected from pollution with oil interceptors, ground investigations, details of the management of drainage system and an evacuation plan and flood resilient construction of the scheme will also be required.

27. South West Water have advised that a public sewer crosses the southern part of the site and no buildings or alterations to ground cover will be permitted within 3.5m of it. The proposed scheme will alter land within this area and as such consultation on the final detail on hard and soft landscaping will need to be consulted with SWW at the discharge of condition stage.

28. On balance in terms of flood risk and drainage, the scheme is acceptable subject to conditions which ensure the final scheme details and its drainage system accords with the requirements of Policy DEV35 and the guidance in the NPPF and SPD.

#### Low Carbon and Sustainability

29. Ensuring new development is sustainable is a key consideration as set out in Policy DEV32 of the JLP and the NPPF, it is also important to note that the Council has declared a climate emergency. The sustainability of the scheme has also been the subject of a number of letters of representation.

30. The application is supported by an Energy Statement which sets out the schemes commitment to delivering a 20% reduction in carbon saving as required by policy DEV32 through the use of solar PV and Air Source Heat pumps. This has been reviewed by colleagues in the Low Carbon team. They have requested an updated Energy Statement through conditions, as the current scheme is not specific in its detail, given the lack of the end tenants of the scheme. The consultation has also raised that details of the schemes climate resilience and resource minimisation have not been covered in the submitted energy strategy. In this regard and as set out above in the flood risk and drainage section, the development will (subject to conditions) be resilient to flood risk which helps meet this policy requirement. It is however the case that the scheme could be further developed in relation to the construction process and ongoing use to further reduce the use of materials and resources. As such, in addition to an updated energy strategy this should also provide further detail on how the schemes sustainability can be increased. It is considered that this additional information can also be secured by condition, which will ensure the policy requirements are met and a sustainable development is achieved.

31. In terms of the sustainability of the development, a number of the representations raised specific concerns over the location of the development and that it creates a car borne destination. While the specific transport considerations are covered below, in terms of sustainability it is acknowledged that the development does include drive-through restaurants and other destinations which can be travelled to by private vehicle, including drive-through facilities. This is the case as with many developments, the proposal does however provide opportunities to access the site by more sustainable means including both walking and cycling, with key routes surrounding the site provided for access and there is also a large surrounding residential population. In terms of the policy considerations, while the development does include car borne facilities, it does not preclude or discourage more sustainable travel. As such, subject to further detail secured through conditions, the proposal is considered acceptable in terms of sustainability and low carbon development in accordance with policy DEV32 and the guidance in the SPD and NPPF.

Retail and Town centre

32. In considering the scheme there are three key interrelated retail considerations. These are (1) the compliance with the sequential test, (2) the impact of the scheme on the vitality and viability and investment in the network of centres, both required by the NPPF and DEV16, and (3) how the scheme impacts the spatial retail strategy as set out in the Joint Local Plan. In considering these matters, Officers have sought the advice of Avison Young who provide retail planning advice to the Council. They have provided an advice note and it is considered in the officer report below.

33. In terms of the retail strategy this is set out in policies SPT5 and 6 of the JLP. SPT5 identifies that proposals which meet compelling 'qualitative' needs for retail development will be considered favourably and that the focus on the strategy is to continue the improvement of the overall provision of retail floorspace within the City Centre, to protect and strengthen its regional shopping role is central to this strategy. While SPT6 sets out that the provision of new retail floorspace and other main town centre uses will be positively planned for, having full regard to the sequential hierarchy of centres. DEV16 then requires that development proposals, including retail and town centre uses should be considered in the context of their support for the spatial strategy of the local plan and the sequential hierarchy of centres, it also requires a sequential and impact assessment. Before a viewpoint can be provided on the schemes compliance with the spatial retail strategy, the specific consideration of the sequential and impact assessment need to be considered.

Sequential Test

34. The role of the sequential test is to establish if there are more sequentially preferable sites that the development should be located in within the catchment area and whether they are suitable and available for the development. This includes those sites located within and on the edge of existing centres and as part of proposed/allocated centres, such as that of the Saltram Meadow development, which are within the primary catchment area that the development could locate. As part of the consideration of the sequential test in this instance, consideration needs to be given to the allocation which covers the site, as development which accords with the development Plan is not required to adhere to the sequential test. Policy PLY56.4 allocates the site for mixed-use development, incorporating commercial uses (potentially small scale local retail, leisure and/or hotel). The scheme proposes the following component uses:

Hotel (C1) 3,270sqm

Drive through fast food restaurant (sui generis) 390sqm

Drive through coffee shop (sui generis) 167sqm

Shop (E(a))(cycle hub) 350sqm

Shop (E(a)) 150sqm

Shop (E(a))(convenience store) 445sqm

Shop (E(a))(home supplies) 1,486sqm (comparison goods 810sqm, convenience 540sqm)

35. In terms of the hotel, this complies with the policy wording. The convenience store/ supermarket and small retail unit are also considered to fall within the definitions of small scale local retail, which would meet the needs of the surrounding area.

36. The larger unit proposed at 1,486sqm gross which is advertised for the sale of homeware does not accord with the policy wording. Nor does the two Sui Generis drive-thru restaurants and the cycle shop, which while small scale, serve a potentially wider catchment and as such, the requirement for the sequential test needs to be applied. That being said, part of the material consideration is that some element of the scheme accords with the site policy.

37. In terms of the sequential test undertaken by the applicant, this focuses on the assessment of the large retail unit only. It is questioned why the two drive-thru restaurants have been excluded



from the assessment given they also do not accord with the site allocation. It is also questioned, given the Rushden Lakes Secretary of State Decision and the Scotch Corner Secretary of State Decision which the applicant has referenced, which consider the assessment of the whole scheme and approach to disaggregation, why only part of the scheme proposed has had the sequential test applied rather than a more flexible version of the whole scheme, which would have (subject to a flexible approach being undertaken) been considered reasonable to the LPA.

38. In terms of applying the sequential test by the applicant, a number of the assumptions are questioned by officers and there are a range of issues raised with the test provided, notably that the Plymstock Broadway centre is discounted due to it having a Lidl store in it, with no justification for this given. It is also the case that the former Coop store at 59 The Broadway which is currently vacant has not been considered. While planning consent has been granted for change of use and alterations of the vacant unit to provide 2no. units including a clinic (Class A1-A3 & Class D1), public house (Class A4) & gym (Class D2) under reference 17/02505/FUL, the units are still vacant. It is also the case that the centre's car park has not been considered. Although it is considered by officers that its loss would be a consideration, given its key role in serving the centre in terms of the suitability and availability of the site.

39. The assessment also discounts the proposed Saltram Local Centre, stating it falls outside the primary catchment area. The position on the Saltram Meadow centre being outside the primary catchment area is not considered accurate as the sites are approximately 1300 metres apart along road ways and as the crow flies only 1000 meters apart. The applicant's assessment also discounts a number of city centre sites including those allocated in the Joint Local Plan. This position is also questioned and Officers consider that many of these allocations could be considered suitable and available. Given these shortcomings in accordance with the requirements of Paragraph 91 of the NPPF, the application could be refused for failing to comply with the sequential test. Before looking to this option Officers have considered where it is their view that there are any sequentially preferable sites for the development. A 10 minute drive time catchment which has in-part been used by the applicant is considered reasonable and as such Officers have considered whether there are any sites which could accommodate the proposal with a degree of flexibility in this catchment area. Officers are satisfied (having considered the applications assessment and the knowledge of the area) that, with the exception of the City Centre, Plymstock Broadway and the proposed Saltram Local Centre, that there are no sequential preferable sites.

40. In terms of the Plymstock Broadway, the proposal (even including flexibility) would not be able to locate here. In terms of the former coop unit, given its limited size, this site is not considered suitable. In terms of the centre's car park, given its role in serving the centre it is not considered to be available for development.

41. In terms of the proposed allocation at the Saltram Neighbourhood, this includes a local centre based around a new Market square. The outline consent for the scheme and its S106 are very specific regarding the content of the centre, its make-up and uses allowed. This includes former A class uses and live work units under residential flats, a supermarket with flats above and two buildings in the market square itself (one for health purposes the other for up to 4 retail units). Policy PLY50 identifies the LPA's support for the implementation of the existing planning permissions and strategic masterplan relating to Saltram Meadow. In terms of this scheme's ability to locate there, given the restriction on the centres configuration and uses it is not considered that these would accord with the local centres required deliverables and as such, it is not considered to be either suitable or available for the proposal.

42. Sequentially this then leaves the allocated sites within the City Centre PLY7-15, clearly as SPT5 and 6 direct such development to the City Centre to support its role and function as a regional centre. It is also the case that the mix of uses could be reconfigured to any number of the sites

within Colin Campbell Court (PLY7) and the former Debenhams building (PLY8) being obvious sites. The City Centre sites could therefore all be considered potentially suitable for the redevelopment and a number are also available on the open market, in the Councils control, demolished or unoccupied. However, consideration does need to be given to the fact that the proposed site is allocated and the allocation PLY56.4 does allow for a number of uses, meaning they do not need to pass the sequential test. It is also the case that flexibility needs to be considered in relation to the proposed scheme in relation to these sites. It is not considered that the scheme even allowing for a substantial degree of flexibility could be amended to accord with the policy requirements of the JLP in relation to the form and scale of the building, nor accord with the overarching requirement of Policy PLY6 point 2 in relation to 'Respects and celebrates the centre's mid-twentieth century built heritage, including the Beaux Arts grid of the 1943 Abercrombie Plan'.

43. As such, the LPA is satisfied that without disaggregation, or more than a reasonable degree of flexibility to the proposed scheme, there are no potential sequentially preferable sites which are suitable and available in the Primary Catchment area. As such, notwithstanding the lack of agreement with the applicants sequential test following officers assessment, it is considered that the sequential test can be considered to be passed.

#### Impact

44. It is important to understand what impacts the proposal could have on the network of centres. In terms of considering the impact of the scheme on the network of centres, including the city centre and proposed local centre at Saltram Meadow the council have sought the guidance of Avison Young (AY), who have advised the council on other retail applications. The applicant has submitted an assessment which AY and Officers have reviewed. In terms of the assessment of impact these are required for scheme over 500sqm for retail and 2500sqm gross for leisure and office, considering the impacts on both the investment in and/or the vitality and viability of an existing centre or prejudice, the deliverability or investment in a proposed centre. It is important to note that those elements of the scheme which accord with the policy allocation PLY54.6 as set out above do not need to be considered, given they comply with the development plan.

45. In terms of the impact, Officers and AY consider that the impact of the following units should be considered: unit 7 Homeware store; the cycle store; and the units for food and beverage. The applicant's assessment however, only considers Unit 7 of these but also includes assessment of the supermarket unit. In terms of the rest of the data used in the applicants assessment, the following points are noted: it has been based on the Council 2017 retail study using zone 2 as its primary catchment area (although includes turnover of stores outside this zone), the assessments design year is 2026. In principle AY have advised that on balance this approach provides a reasonable structure for the assessment, but they do have issues with some of the datasets used by the applicant and lack of inclusion of assessments of some units, which should have been included and as such conclude it is only a broad bush assessment of the impact. Having reviewed the information, the following conclusions have been provided in the advice from AY:

- Do not consider that the comparison goods floorspace element of the proposal is likely to materially affect the impact on defined 'town centres' beyond any impact which may accrue from other commitments / recent store openings.
- The cycle store, while having a wider than local catchment area, but with the strong growth which the cycle retail sector is currently experiencing, any diversion is likely to be spread thinly across existing facilities and it is unlikely that the health of any defined 'town centre' will be materially affected by this element of the proposal.
- In relation to the three proposed food and beverage units, they will have a wider than local catchment area and is likely to mean that the pattern of trade diversion becomes more diverse across the city and, subject to the imposition of suitable conditions over their operation/function, we do not consider that these units are likely to have a material impact upon the health of nearby centres.

- We consider that the Council could, on balance, conclude that there is unlikely to be a significant adverse impact upon nearby defined 'town centres' and therefore meet the provisions of policy DEV16 of the development plan and paragraph 89 of the NPPF.

46. Having considered the advice provided and the potential impact of the proposals on the network of centres it is concluded that, notwithstanding the short coming of the assessment provided by the applicants, that the proposal is unlikely to have a significantly adverse impact on the network of centres.

#### Retail Strategy

47. Having considered the sequential test and impact assessment, it is now important to consider the impacts the proposal would have on the overarching strategy in the City provided through SPT5, SPT6 and DEV16. In this regard, the fact that elements of the proposal accord with the strategy through the allocation of the site under policy PLY56.4 is an important consideration which supports commercial use on the site. Those elements which are not in accordance with the allocation are however still important to consider. The unit identified as a cycle store again could support the city centre if located in it which the council's retail strategy seeks as the focus for retailing. That said, the unit is limited in its scale and on balance is not considered to be detrimental to the overarching strategy. This leaves the homewares store. A number of these including B&M and Home Bargains have been delivered in the city in recent years, mostly in out of centre locations. It is however the case that recently a B&M store has gone in to the former BHS unit in the city centre showing that such units can successfully trade and contribute to the offer and appeal of the city centres retail offer. On balance the proposals in this location is not consider demonstrably harmful to the overarching strategy. These conclusions are however, specific to the role and function of the units being in accordance with the information submitted and were, for example one of the units to be a comparison goods store such as a Next or TK Max then the conclusion would be different. It is therefore important that these are units are controlled by condition to limit their use.

#### Hot-food Takeaways

48. The proposal includes 3 units which include the provision of hot food takeaway. Policy DEV6 of the JLP precludes the provision of hot food takeaways within 400 meters of a secondary school. To protect the school food environment. There are no secondary schools within 400 meters of the proposed site and as such the proposal accords with the provisions of DEV6.

#### Highways

49. The application site sits a key point in the Highway network serving the Eastern part of the City and key arterial route in to the city from the A38 through Marsh Mills along Embankment Lane (A374) and also from Plymstock and beyond through Billacombe Road and Laira Bridge. The site is also highly constrained in its accessibility by the impacts that the road network surrounding it has on pedestrian and cycle access. The site is also allocated in the Joint Local Plan through Policy PLY59.4. In determining the highways impacts of the scheme, the key policy considerations are PLY59.4, DEV29 and the guidance in the NPPF chapter 9. The proposal has been the subject of extensive public representation with many of these raising concerns on the highway network and the schemes impact. It is evidently an important consideration in determining the application. The Local Highway Authority (LHA) have alongside planning officers been engaged with substantial discussions with the applicant during and before the application in relation to highways matters to ensure the impacts of the scheme are properly considered.

#### Pedestrian and Cycle Access

50. Pedestrian and cycle access is provided in the north east corner, west corner and south west corner of the site connecting to existing crossing facilities to the wider areas. This enables pedestrians and cyclists to access the site from the surrounding area, utilising the existing crossing and bridge access points. Within the site, a central walkway runs northwest to southeast through

the site, with a paved walkway also wrapping around the frontage of the main building and a raised table shared space linking to one of the drive through restaurants. In terms of the layout of the scheme, it is considered to provide a good approach where pedestrians and cyclists can move freely through the site and be connected from all sides of the surrounding area. Although as set out in the response from the LHA, these connections can be convoluted. It is however considered that the scheme takes all steps available to improve connectivity as required by Policy DEV59.4. It is also acknowledged that the site is connected by the wider cycle network and has good connectivity to both the local, and national cycle routes, and is well placed to encourage cycling as both a sustainable means of travel.

51. Within the site, movement between the uses is also achieved and the raised table feature between the centre walkway and the first drive-through restaurant provides a clear priority for pedestrians. One area of weakness in the layout, is the lack of pedestrian crossing to the coffee/takeaway units however, this is able to be secured through condition to ensure it's easily accessible for pedestrians. Subject to this, the scheme is considered acceptable in terms of its access by pedestrians and cyclists.

### Internal Vehicle Layout and Access

52. The internal layout of the site for vehicles is via Embankment Lane to serve the site as required by policy PLY59.4. This is via a new junction which serves the site and provides access to the neighbouring site, Prince Rock Playing Pitches, allocated under Policy PLY59.5. The new proposed junction layout includes the applicants land ownership, the extent of HMPE and part of the Prince Rock Playing Pitches site (PLY59.5) which is owned by the Council. While there is no objection to the design of the junction, given that part of it is beyond what the applicant can deliver within the ownership and HMPE, it is considered necessary to condition the application to ensure sufficient elements of the junction are delivered to ensure safe operation of the site and highway network.

53. From the junction, the layout for the site provides a gyratory one-way route through the site to the food and coffee, drive-through takeaways, with a right hand turn providing access towards the hotel and service yard for the main buildings. The layout has been negotiated during the pre-application process and is designed to provide space to allow up to an estimated 38 - 42 cars to queue within the site. This is to ensure stacking particularly from the takeaway facilities would not stack back and obstruct the highway network, which would be a significant concern. It is acknowledged that at busy times, long queues from the drive-through takeaways could (as identified by the LHA) cause stacking for these uses to cause inconvenience to other customers coming and going from the retail park, a situation that is not uncommon from drive-throughs and is considered on balance acceptable, as the key issue is to protect the wider highway network from potential impacts of stacking.

54. In terms of servicing, all servicing would be via the main site entrance to the retail park on Embankment Lane that would also be used by customers. The consultation response from the LHA identifies that the application wheel tracking drawings indicate that the proposed servicing arrangements are constrained, but just adequate to accommodate larger service and delivery vehicles. This is however based on the fact that in places, vehicles would need to utilise the full width of the internal roads. This is not desirable, but due to the constrained site is considered acceptable as it is within the private site. As recommended by the LHA, a condition would be required to ensure servicing is managed by way of a Service Management Plan. This would ensure the conflict between service and general site access is managed.

55. The turning area in the service yard for the retail units takes the form of a 'tight banjo' that is constrained by the adjacent bank of car parking spaces. However, the tracking plans show this can be accessed by an articulated lorry. In terms of servicing by larger vehicles to the Hotel, these would

be carried out by utilising part of the adjacent retail service yard for turning, and/or, part of the access road itself. As per the above given the site constraints and as recommend by the LHA a Servicing Management Plan will be required to ensure potential conflict with customers and their vehicles are properly managed.

#### Parking and Cycle Provision

56. The proposed layout provides a total of 186 car parking spaces which is in line with the Councils parking standards set out in the SPD which would, as set out in the consultation response from the LHA as being indicating 144 - 288 range. At present the layout does not show disability parking spaces, which would need to be identified and marked out at a ratio of 10%, along with provision for motorcycle parking at a ratio of 5% as required by the LHA and these would need to be secured by way of a panning condition.

57. The scheme would provide 10 Rapid Electric Vehicle Charging Points (EVCP) and a further fifteen (15) should also be provided with passive wiring to facilitate additional future EVCP provision. The LHA have advised that fast EVCP is required for the scheme and the details of this will also be conditioned to ensure that the best facilities are provided to meet the needs of the scheme going forward.

58. In terms of cycling facilities, cycle parking for staff would need to be provided in accordance with Council SPD policy and the LHA have advised that up to 65 cycle parking spaces should be provided. The details of the distribution throughout the site and final location would be conditioned to ensure that this appropriately serves all the units proposed. It has also been recommended by the LHA that electric cycle charging facilities should be provided and recommends that at least 4 spaces should be provided. This is considered reasonable and to link well with the cycle facilities provided on site and the proposed cycle store and has been agreed with the applicant as a condition.

#### Highways Network Considerations

59. As set out above, the site is at an important part of the highway network serving the City, particularly along the Eastern Corridor and this part of the City. The local area already suffers the results of this and the existing impacts of the development in this area has been a significant area of concern in the representations. These issues have been identified to the applicants throughout the pre-application and application process by both the LHA and the planning officer to ensure the requirement of policy DEV29 is properly considered. Fundamental to this is that the Transport Assessment (TA) and associated Traffic Modelling appropriately consider the scheme and its impacts. This has been the subject of detailed discussions and as set out in the LHA original consultation response, there were significant concerns with the applicant's original data. This matter has been difficult to resolve due to the COVID pandemic causing huge fluctuations in travel and vehicle flows since March of 2020. This has restricted the availability of actual data and data collection opportunities and also made understanding the apparent growth in the fast food sector and drive-thrus, difficult to robustly quantify. Given this extensive engagement of the LHA, the applicants' highway consultants and traffic modelling consultants on both sides have been required to ensure the LHA have realistic and credible traffic impact predictions and forecasts for the area and developments to advise on.

60. Based upon this information which has now been brought together and submitted by the applicant, the LHA have advised that the proposed development would have a direct material impact on two of the already busy, and congested at peak times, primary arterial roads; Embankment Road, and Laira Bridge Road and the connecting signalised road junctions of Heles Terrace (x2, north & south), Embankment Lane, Finnigan Road, and The Ride. They also set out that the major road network in the area is already currently running at a high capacity, and over and above its practical capacity at certain junctions at times of peak demand, and is therefore congested. Given this

situation, it is important to establish if proposed mitigation which has been proposed by the applicant would help alleviate the situation on the network.

61. As part of the scheme as now submitted, mitigation measures to help manage the increased vehicle movements generated by the scheme have been provided. This includes the provision of a bus stop on Laira Bridge Road (eastern direction). This provision would allow buses to stop to allow passenger to disembark without holding up and blocking the traffic when it is in the bus stop which currently happens. The scheme also proposes a new dedicated right turn stage (with an additional traffic light signal head) for in-bound vehicles turning right from Laira Bridge Road onto Embankment Lane which would access the site. This simultaneously gives extra green time for outbound traffic to turn left from Embankment Lane, onto Laira Bridge Road. The LHA have advised that these measures would only provide a small improvement in the capacity, which would be insufficient to bring the traffic flows and capacity to within normal accepted parameters and that at times of peak demand, the development would be adding to the current queues at the traffic signals by between 2 - 5 cars. Given this situation, to further mitigate the impacts of the scheme the LHA have requested a section 106 contribution to enable this development to be achieved on this part of the already busy, and congested at times, part of the major road network. The contribution requested would be towards delivering improvements on and adjacent to the A374 between, and including, Marsh Mills roundabout and Exeter Street, and on and adjacent to the A379 between Elburton Road and Embankment Lane, including Finnigan Road.

62. Even with both the mitigation provided by the scheme and a S106 contribution it is considered by both the LHA and the planning officer that the scheme would have an adverse impact on the highway network. As part of this it does need to be acknowledged that based upon the information provided and considered by the LHA, the impacts of the scheme are only a marginal increase on the existing impacts faced by the network currently and predicted going forward. In coming to a view on this scheme and its impacts, it is important that not just the local policies but also those of the NPPF are considered. In relation to the national policy set out in the NPPF, in most cases the national policy guidance provides a more simple and balanced consideration of the implementation of the policy requirements. However, there are a few policy areas where a higher bar of the impacts of development are required in the NPPF; this is the case with considering the impacts on the Highway network with para 111. setting out the following:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

63. The impacts of this, is that in making the decision on whether the negative impacts of the scheme should warrant the refusal of the application, a negative impact is not sufficient to refuse an application. The impacts of the development must be considered severe.

64. In this regard the LHA advise is as follows:

'Although the additional draw and negative impacts on the function of the major road network from this apparently opportunistic development are unwelcomed, and would add to the existing traffic queues, the residual cumulative impact would not be considered 'severe'. Therefore, from the advice contained in paragraph 109 of the National Planning Policy Framework (NPPF), the development should not be refused on highway grounds, and a recommendation of refusal could not be sustained, and in planning terms is apparently unlikely to be considered as significantly adverse. But rather where the traffic impacts would need to be mitigated by highway works, including by further additional highway works funded by way of a Section 106 contribution in accordance with the Council's approved scale of charges.'

65. This is a difficult and on balanced consideration which needs to be given, and in this regard the guidance of the LHA authority and the concerns raised by the letters of representation have been considered. The officers consideration and advice to Members of Planning Committee is that the scheme will have an negative impact, but subject to the mitigation proposed through conditions on the application and the securing of a S106 contribution towards the scheme requested, that the scheme would have an adverse impact on the highway network, but that that impact is not in officer opinion 'severe' and as such would not warrant the recommendation of the refusal of the application.

#### Highways Conclusion

66. Given the consideration set out above, it is considered that the scheme is acceptable in relation to highways and access matters subject to the securing of a s106 contribution and the conditions set out. In terms of the Highway network, in accordance with the requirements of the NPPF para 111, it has been concluded by the LHA and planning officers that the impacts are not severe. On this basis, the scheme is considered to comply with the requirements of the JLP Policies PLY59.4 and DEV29 and the requirements of Chapter 9 of the NPPF.

#### Ecology and Biodiversity

67. Ensuring the development is acceptable in ecological terms is an important consideration in terms of the development of the site. In this regard policies DEV26, DEV27 and DEV28 and the guidance of the SPD are relevant. Since the original submission, further environmental information has been provided dealing with a number of shortcomings with the data originally submitted, as identified by the Natural Infrastructure team which has included improvements to the landscaping scheme.

68. In terms of the scheme as now developed and as set out in the Landscape section above, the scheme is considered in principle to represent a good quality scheme which works well with the built form. This includes the use of native species in the landscaping proposals. Concerns have been raised in the consultation response from the Natural Infrastructure.

69. One of the concerns has been where the scheme delivers the requirement for a 10% net gain for biodiversity to be delivered, as required by the Councils SPD. The site is providing extensive new planting, including elements of green walls and a roof however this is not delivering a 10% net gain based upon the DEFRA Metric assessment. The Natural Infrastructure team have therefore requested a S106 contribution to ensure this is delivered through grassland improvements off site. This is considered reasonable and a contribution amount has been agreed.

70. Both Natural England and the Natural Infrastructure Team consultation responses have raised concerns in relation to the schemes potential to impact on the integrity of the Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites. A standard approach to managing these impacts has been agreed, with relevant development required to provide a financial contribution to mitigate the impacts through a contribution towards the implementation of the Plymouth Sound and Estuaries EMS Recreation Mitigation and Management Scheme. In terms of this scheme, a figure of £20,822.56 based upon the number of hotel bedrooms has been calculated and this will be secured through S106 contribution. In accordance with this the application has been the subject of a Habitats Regulations Assessment - screening undertaken and subject to the contribution and condition requiring a Construction and Environmental Management Plan, Natural England have concluded that the proposed developments will not have an adverse effect on either the SAC or SPA.

71. To ensure that the landscaping and ecological matters are appropriately secured a number of detailed conditions are required. This includes a Construction and Environmental Management Plan, a Landscape and Ecological Management Plan, maintenance of green walls and roofs and that the drainage strategy is amended to ensure it integrates into the overall drainage strategy. In addition to

these matters, conditions also need to be ensured so that the proposed landscaping, which is within the site but outside the applicants' control, which is in Highway Maintainable at Public Expense (HMPE) land is both delivered and managed to ensure a comprehensive scheme. Subject to the conditions, the application is considered acceptable and to comply with the requirements of Policies DEV26, DEV27 and DEV28 and the guidance of the SPD.

72. Habitats Regulations Assessment - Screening undertaken, conditions required and on the basis of the appropriate financial contributions being secured to the Plymouth and South West Devon Joint Local Plan Strategic Access Management and Monitoring Strategy (SAMMS) and a CEMP being agreed prior to construction, Natural England concurs with the authority's conclusion that the proposed developments will not have an adverse effect on the integrity of Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA European sites.

### **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 proposed development by virtue of its use and location is not liable for Community Infrastructure Levy.

### **11. Planning Obligations**

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

The following contributions are required for the proposed development

£527,597.76 the total amount of for addressing the impacts of the Development as follows:

£497,062 - Highway contribution towards funding improvements on and adjacent to the A374 between, and including, Marsh Mills roundabout and Exeter Street, and on and adjacent to the A379 between Elburton Road and Embankment Lane, including Finnigan Road.

Schemes include:

- Major Road Network (MRN) Improvements on and adjacent to the A374 between and including Exeter Street, Cattedown roundabout and Marsh Mills roundabout
- Improvements on and adjacent to the A379 between Elburton Road and Embankment Lane
- Improvements to the Strategic Cycle and Walking networks, including the Embankment Cycle- Pedestrian path
- Improvements to and adjacent to the Pomphlett roundabout
- Improvements to Finnigan Road
- Pomphlett to The Ride scheme

£20,822.56 Plymouth Sound and Estuaries European Marine Site (EMS) Recreation Mitigation and Management Scheme;



£9,713.20 for the delivery of off-site ecological features to ensure a 10% net gain for biodiversity to include grassland improvements at Blagdon's Meadows

Plus a £2,001 S106 Management Fee

In terms of the Highways contribution, it is noted that the initial requested contribution was for £586,365. Following discussions with the LHA and applicant it was agreed that the works proposed on the highway network by the applicant which total £89,303.15 could be considered and as such the highways ask was reduced to £497,062. This is considered reasonable by both the Local Highway Authority and planning officers.

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

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability

### **13. Conclusions and Reasons for Decision**

This application has been considered in the context of the development plan being the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The following key policies have been considered in the determination of the application SPT1, SPT5, SPT6, PLY56, DEV1, DEV2, DEV6, DEV16, DEV19, DEV 20, DEV2, DEV6, DEV20, DEV23, DEV26, DEV27, DEV28, DEV29, DEV31, DEV32, DEV35 and DEL1 of the Joint Local Plan. As well as the guidance contained in the Supplementary Planning Document, NPPF, NPPG and National Design Guide. The key considerations that have been considered are; The Principle of Development, Design and Layout, Landscaping Amenity, Land Contamination, Flood Risk and Drainage, Retail and Town Centre considerations, Low Carbon and Sustainability, Hot Food Takeaway, Highways and Ecology.

In this regard, Officers consider the proposal is in principle acceptable and that the schemes' design, layout and landscape creates a good quality proposal for the site and wider area. That in relation to the amenity of the surrounding area, subject to appropriate conditions the scheme is considered acceptable in preserving the residential amenity of the surrounding properties and future hotel guests. In terms of land contamination, flood risk and drainage, Officers are satisfied that the proposals are acceptable subject to conditions. The same is the case for low carbon and sustainability, subject to the details being secured by planning conditions.

In terms of the retail and town centre considerations, Officers are satisfied that without disaggregation or more than a reasonable degree of flexibility to the proposed scheme, there are no potential sequentially preferable sites which are suitable and available in the Primary Catchment area and considered that the sequential test can be considered to be passed. In terms of Impact, the proposals are unlikely to have a significantly adverse impact on the network of centres and that in relation to the retail strategy, on balance the proposal in this location is not considered to be demonstrably harmful to the overarching strategy.

In terms of Highways and Access, Officers consider the scheme provides a good quality solution to the site in its context in terms of pedestrian and cycle access and are satisfied with the proposed internal vehicle layout and access arrangements and also the parking and cycle provision proposed subject to conditions. In terms of the Highways Network Considerations, it is considered that the scheme is acceptable in relation to highways and access matters subject to the securing of a s106 contribution and the conditions set out; this is subject to the acknowledged impacts of the scheme on the highway, but that in accordance with the requirements of the NPPF para 111 it has been concluded by the LHA and planning officer that there are impacts, but that on balance these are not

considered to be severe. On this basis, the scheme is considered to comply with the requirements of the JLP Policies PLY59.4 and DEV29 and the requirements of Chapter 9 of the NPPF.

As such, having considered the above in detail and Officers having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 it is concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval subject to the signing of a S106 agreement securing the funding set out in section 11.

#### **14. Recommendation**

In respect of the application dated 12.02.2021 it is recommended to Grant Subject to S106 Obligation.

#### **15. Conditions / Reasons**

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

##### **I      CONDITION: APPROVED PLANS**

Site Location Plan LBD BP XX XX DR A 050 001 Rev P0 received 05/02/21  
Building 2 Plans and Elevations LBD BP XX XX DR A 050 009 Rev P0 received 05/02/21  
Building 3 Plans and Elevations LBD BP XX XX DR A 050 010 Rev P0 received 05/02/21  
Glulam Roof Detail LBD BP XX XX DR A 050 014 Rev P0 received 05/02/21  
Proposed Hard Landscaping LBD BP XX XX DR A 050 015 Rev P1 received 15/03/21  
Proposed Roof Plan LBD BP XX XX DR A 050 016 Rev P1 received 15/03/21  
Building Types Block Plan LBD BP XX XX DR A 050 004 Rev P1 received 15/03/21  
Building 4 Plans & Elevations LBD BP XX XX DR A 050 011 Rev P1 received 12/02/21  
Building 7 Plans & Elevations LBD BP XX XX DR A 050 013 Rev P2 received 24/03/21  
Building 5 + 6 Plans & Elevations LBD BP XX XX DR A 050 012 Rev P1 received 12/02/21  
Landscape Masterplan - Open Space Assessment 3483c-CEC-ZZ-XX-DR-L-0003 Rev 04 received 28/07/21  
Landscape Masterplan 3483c-CEC-ZZ-XX-DR-L-0001 Rev 10 received 28/07/21  
Building 1 Plans & Elevations LBD BP XX XX DR A 050 007 Rev P2 received 09/06/21  
Building 1 Plans & Elevations LBD BP XX XX DR A 050 008 Rev P2 received 09/06/21  
Proposed 3D Views LBD BP XX XX DR A 050 017 Rev P1 received 09/06/21  
3D Context Site Sections LBD BP XX XX DR A 050 019 Rev P1 received 09/06/21  
Hotel Extract Elevations and Wall Sections Sheet 1 of 2 LBD BP XX XX DR A 050 021 Rev P0 received 09/06/21  
Hotel Extract Elevations and Wall Sections Sheet 2 of 2 LBD BP XX XX DR A 050 022 Rev P0 received 09/06/21  
Hotel 3D Views in Context LBD BP XX XX DR A 050 023 Rev P0 received 09/06/21  
Swept Path Analysis A379 Bus Lay-by 17283 012 Rev P2 received 18/11/21  
Landscape Masterplan - Biodiversity Net Gain 3483c-CEC-ZZ-XX-DR-L-0002 Rev 02 received 28/07/21  
Visibility to Traffic Signals at Proposed Junction 17283 013 Rev P1 received 18/11/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

**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: EMPLOYMENT AND SKILLS PLAN (ESP)**

PRE-COMMENCEMENT

No development shall take place until an ESP has been submitted to and approved in writing by the Local Planning Authority. The ESP should demonstrate how local people will benefit from the development in terms of job opportunities, apprenticeship placements, work experience and other employment and skills priorities. The ESP should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved ESP unless a variation in the plan is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure employment and skills development in accordance with DEV19 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF 2019

Justification: To ensure the skills development and job opportunities are available throughout the construction of the development.

**4 CONDITION FLOOD RISK AND DRAINAGE DETAIL**

PRE-COMENCEMENT

Prior to the commencement of development the following information should be submitted to and approved by the Local Planning Authority as part of the detail of the final drainage strategy:

a) Details of how in an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is Reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas.

b) Details should be provided that show how the water environment is to be protected from pollution from the parking and access road areas. Oil interceptors should be specified with sufficient capacity for the proposed surface water discharge rate. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual.

c) A ground investigation should also confirm there is no risk of groundwater pollution from contaminated land.

d) Details should be submitted of how and when the system is to be managed and maintained, and any future adoption proposals should be submitted.

e) A suitable Flood Warning and Evacuation Plan shall be submitted to, and approved in writing by the Local Planning Authority, and which:

- includes a commitment to receiving a flood warning and;

- Identifies a safe evacuation route or safe refuge for each of the buildings.
- f) Updated drainage strategy which deal with the integration of the landscaping features and trees into the system.

Once approved the development shall be undertaken and managed in accordance with the approved detail.

Reason:

As required by the Plymouth Local Flood Risk Management Strategy to make the development and surrounding area safe from flooding and ensure appropriate drainage measure are in place in accordance with Policy DEV 35 and the guidance in the NPPF.

Justification: To ensure the development and surrounding area are safe from flooding.

## **5 CONDITION: LAND QUALITY**

### PRE-COMENCEMENT

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until conditions 1 to 3 below have been complied with.

#### **1. Submission of Detailed 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 shall include all works to be undertaken, proposed remediation objectives, 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.

#### **2. Implementation of Approved Detailed Remediation Scheme**

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

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

#### **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. Development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority which has been submitted to and approved in writing until this condition has been complied with in relation to that contamination.

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

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 2 above.

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; and to avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

Justification: 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.

## **6 CONDITION: CODE OF PRACTICE**

### PRE-COMMENCEMENT

No development shall take place, including works of demolition, until a Code of Practice has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including any piling.
- ii. Hours of work.
- iii. Measures to control the emission of dust and dirt during construction including wheel washing facilities.
- iv. A scheme for recycling / disposing of waste resulting from the development.
- v. Pest Control
- vi. Contamination and materials management where applicable

Reason:

To protect the residential and general amenity of the area from noise and dust caused during construction and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

Justification: To protect the residential and general amenity of the area from noise and dust caused during construction.

## **7 CONDITION: ENERGY AND SUSTAINABILITY**

### PRE-COMMENCEMENT

Prior to the commencement of development and updated energy strategy and sustainability strategy shall be submitted to and approved by the Local Planning authority.

The strategy shall set out:

- How the 20% Carbon savings shall be delivered,
- The location and specification of the proposed measures.

- How resource minimisation will be achieved during construction and the Life time of the development
- Measures to increase the schemes resilience to climate change.

Once approved the development should be constructed and operated in full accordance with the approved detail.

Reason:

To ensure a sustainable form of development is secured and one which reduces natural resource use and is adaptable to Climate change and in accordance with the requirement of Policy DEV 32 of the Adopted Joint Local Plan.

Justification: To ensure a sustainable form of development is secured and one which reduces natural resource use and is adaptable to Climate change.

## **8 CONDITION: HARD LANDSCAPING**

### PRE-COMENCEMENT

Prior to commencement of development full details of all the Hard Landscaping Features and surfaces to be used in the construction of the hard landscaping shall be submitted to and approved by the Local Planning Authority. This includes:

- Surfacing materials including pavements, road, raised tables, crossing, and curbs
- Public Realm Features
- Planters
- Statues
- Art
- Signage
- Way finding
- Walls
- Seating
- All material to be used in the Plaza area and associated features.
- Bee posts
- Cycle feature
- Bin stores
- Enclosures including the service yards areas
- Boundary treatments
- Lighting

Reason:

To ensure that a suitable, high quality and uniformed form of development take place that establishes a character and design approach for the Site in accordance with the Joint Local Plan Policies DEV20 and DEV23 the National Design Guide and chapter 12 of the NPPF.

Justification: To ensure that a suitable, high quality and uniformed form of development take place that establishes a character and design approach for the site.

## **9 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

### PRE-COMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the

local planning authority. The CEMP shall take account of the measures outlined within Ecological Impact Assessment & Ecological Mitigation & Enhancement Strategy for Land at Laira Bridge, Plymouth, Devon (Ref: CEC3483d Rev A) for the site and 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), including impacts on water quality.
- 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, and the actions that will be undertaken.
- f. Responsible persons and lines of communication. 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 Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 170 and 175.

Justification: In the interests of the retention, protection and enhancement of wildlife and features of biological interest.

## **10      CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN**

### PRE-COMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. 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 for both the landscape elements and the biodiversity features.
- 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.
- h. Detail of how and by what means landscaping beyond the site ownership will be delivered and maintained

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 Joint Local Plan Policies SPT12, DEV20, DEV23 & DEV26 and Government advice contained in the NPPF paragraphs 170, 174 & 175.

Justification: 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.

## 11 **CONDITION: SOFT LANDSCAPING**

### PRE-COMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) 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 following approved drawings and reports:

- the Landscape Masterplan - Biodiversity Net Gain no. 3483c-CEC-ZZ-XX-DR-L-0002, Rev 02,
- the Ecological Impact Assessment & Ecological Mitigation & Enhancement Strategy for Land at Laira Bridge, Plymouth, Devon (Ref: CEC3483d Rev A), and
- The Landscape Masterplan no. 3483c-CEC-ZZ-XX-DR-L-0001, rev. 10  
be fully coordinated with proposed underground service and explore means of integrating SuDS measures into the development

The landscape works shall include:

- a. Full soft landscape specification including all plant species and their size (to HTA standards), soil details, implementation specification, establishment care and defects period.
- b. The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference. We expect plans to demonstrate sufficient rooting volume for all proposed trees and prove there is no conflict with proposed services.
- c. Planting details (1:20 scale or as appropriate) including (but not limited to) tree pit details, green wall details, and level details surrounding existing trees demonstrating how the RPA of the tree will be protected
- d. Details of how the proposed landscaping outside the applicants ownership shall be installed and maintained going forward

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. Any dead, dying, severely damaged or diseased planting shall be replaced with a period of 5 years.

If an alternative phasing of landscaping is proposed following the approval of this condition these details shall be submitted to and approved in writing by local planning authority and shall include a proportion of the site relevant to the quantum of development in the relevant phase of building works including connection routes through the site.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with JLP policy DEV20 and DEV23 and Paragraph 127 of the National Planning Policy Framework.

Justification: To ensure that satisfactory landscaping works are carried out which contribute appropriately to the sense of place and Character of the area.



## 12 **CONDITION: ARBORICULTURAL METHOD STATEMENT**

### PRE-COMENCEMENT

No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning. The statement shall detail how trees are to be protected during construction and include a tree protection plan. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

#### Reason:

To ensure that the trees on site are protected during construction work in accordance policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 127, 170 and 175 of the National Planning Policy Framework.

Justification: To ensure the trees are protected throughout the scheme. Implementation prior to the opening of any unit the full scheme shall be completed to at least finished shell for the other buildings and the connection routes provided through the site.

## 13 **CONDITION: EXTERNAL MATERIALS BUILDING**

### PRE-DAMP PROOF COURSE (DPC)

Prior to development above damp proof course full details of the relevant building all the external material to be used in the construction of the buildings shall be submitted together including samples and to be approved by the Local Planning Authority. This includes:

- The External finishes, type, colour, specification
- All wood and wood effect material including timber effect cladding which must match or appropriately integrate in to the Glulam roof/canopy system design
- All external lighting on the buildings
- head / sill / jam details, shadow gaps, parapets and canopies (including the undercroft),
- Material junctions
- Green walls and roofs
- Thresholds
- Glazing and Fenestration elements.

If this condition is discharged in part for individual buildings the other building submission must clearly set out how for discharge details accord with those previously approved.

#### Reason:

To ensure that a suitable, high quality and uniformed form of development take place that establish a character and design approach for the Site in accordance with the Joint Local Plan Policy DEV20 the National Design Guide and chapter 12 of the NPPF.

## 14 **CONDITION: GREEN SPACE DELIVERY**

### PRE-DPC

No development shall take place beyond DPC until completed open space audit form for the proposed green space shown on drawing Landscape Masterplan - Open Space Assessment no.

3483c-CEC-ZZ-XX-DR-L-0003 rev04 has been submitted to and approved in writing by the local planning authority. The form shall be completed in line with the adopted SPD and Plymouth's Policy Area Open Space Assessment and shall demonstrate that the proposed space will meet both value and quality thresholds for Green Corridors within Plymouth. The assessment process should inform the detailed design and maintenance of the green space.

Once approved the development shall accord with the approved details.

Reason:

To ensure an appropriate standard of green space provision is delivered in accordance with JLP policies SPT2 and DEV27 and Paragraphs 91 and 127 of the National Planning Policy Framework 2019.

## **15      CONDITION: WINDOW COVERINGS**

### **PRE-INSTALLATION**

Notwithstanding the provision of section 55 (2) (i) of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any provision equivalent to the Act or Order in any statutory instrument revoking and re-enacting the Act or Order with or without modification, Prior to the installation of any Window covering both internal and external applied covers including vinyl or other window coverings which would limit more than 30% of any given windows visibility shall be submitted to and approved by the Local Planning Authority

Reason:

To ensure that a suitable, high quality and uniformed form of development take place and that blank elevations are not created which disrupted public facing areas of the development which establish a character and form part of design approach for the Site in accordance with the Joint Local Plan Policy DEV20 the National Design Guide and chapter 12 of the NPPF.

## **16      CONDITION: SITE MANAGEMNT PLAN**

### **PRE-OCCUPATION**

Prior to the occupation of the first unit on site a Site Management Plan shall be submitted to and approved by the Local Planning Authority providing details of:

- Measure to reduce anti-social behaviour on site (including vehicle congregation in the parking bays at night)
- CCTV
- Lighting (including under canopies and on key routes)
- Provision of litter bins and litter management plan including on surrounding streets
- Security

Once approved the Site shall be managed in full accordance with the approved management plan thereafter.

Reason:

To protect the general amenity of the surround area and in accordance with policies DEV1 and DEV2 of the Joint Local Plan.

**17      CONDITION: IMPLIMENTATION FLOOD RISK ASSESMENT DETAIL**

PRE-OCCUPATION

The development shall be carried out in accordance with the revised flood risk assessment (reference: 17283-FRA|&DS-01 v2) and the proposed mitigation measures set out within paragraph 9.1 as follows:

- There should be no habitable rooms at ground floor level of the proposed hotel.
- The buildings shall be constructed from concrete slabs with steel or concrete frames and metal cladding or other flood resilient and resistant construction up to a level of 5.03mAOD.
- Finished floor levels shall be set at least 300mm above local ground levels where possible.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason:

To ensure the development is safe from flooding and the impacts of Climate Change and in accordance with Policies DEV1 and DEV35 of the Adopted Joint Local Plan.

**18      CONDITION: DETAILS OF NEW JUNCTION & HIGHWAY ACCOMODATIONS WORK**

PRE-OCCUPATION

The development shall not be occupied or brought into use until full details of all highway accommodation works indicated on the approved plans including

- The new traffic signal junction between the proposed service road and the highway that is to be electronically linked to operate in conjunction with the existing signalised SCOOT corridor and associated junctions on Laira Bridge Road
- Closure of the existing redundant site entrance/exit on Embankment Lane
- Relocation of the Bus Stop to and up-grading of the existing Bus Bay that is to be re-used on Laira Bridge Road
- Installation of an additional dedicated right turn signal phase on Laira Bridge Road junction of Embankment Lane,
- Details of the extent of the new Junction that is being constructed and that it ensure the safe operation of the Highway and access and egress from the application site and Prince Rock Playing Pitch Carpark

Have been submitted to an approved in writing by the Local Planning Authority; and the works constructed and implemented in accordance with the approved details. And in accordance with the councils approved specifications.

Reason:

To ensure that an appropriate and safe access is provided and to reduce delays on the major road network, in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

**19      CONDITION: HIGHWAY SAFETY**

PRE-OCCUPATION

Following final completion of the highway works the designers and project managers shall arrange to undertake and sign-off a Stage 3 Road Safety Audit of the highway works, to demonstrate the highway scheme meets current highway standards and safety requirements.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

**20      CONDITION: DEFIBRILATOR PROVISION**

PRE-OCCUPATION

Prior to the Occupation of the principle building details of the location and specification of a Public Access Defibrillator and associated signage shall be submitted to and approved by the Local Planning Authority. Once approved the Defibrillator and signage shall be installed and maintained in accordance with the approved detail prior to the opening of the first unit and be registered with the South Western Ambulance Service Federation Trust (SWASFT) or any other body responsible for their location and recording.

Reason:

In accordance with the requirements of Policy DEV 1 of the Joint Local Plan and to aid in the protection of Public Health Defibrillators.

**21      CONDITION: VENTILATION AND EXTRACTION**

PRE-OPERATION

Prior to the first uses of any building which requires ventilation, extraction or is to be used for cooking of foods, details of the specification and design of equipment to control the emission of fumes and smell from the premises, noise and vibrations shall be submitted to and approved in writing by the Local Planning Authority prior to the equipment installation. The approved scheme shall be implemented before the use of the build commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenity of the area from odour emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

**22      CONDITION: SERVICING, WASTE, COLLECTION & DELIVERIES  
MANAGEMENT PLAN**

PRE-OCCUPATION

The development shall not be occupied or brought into use until details of a Site Wide Servicing and Deliveries Management Plan (SDMP) has been submitted to and approved in writing by the Local Planning Authority and shall thereafter be operated at all times. The SDMP shall contain and set out:

- Detailed procedures and requirements for safely managing service deliveries, Waste Collections and pick-ups, and include consideration of such things as, stopping, parking, loading/unloading, movement of goods, use of Banks-man, identification and assessment of associated risks.
- Servicing, waste, collection and deliveries hours of the units
- Details of a responsible person at the site shall nominated to oversee and ensure the SDMP is complied with at all times.

Should any individual unit require a bespoke SDMP this should be submitted prior to the first occupation and approved in writing by the Local Planning Authority of the unit and include details listed above and how it works alongside the site wide SDMP.

Reason:

Due to the constrained site layout the Service and Deliveries Management Plan would need to be in operation at all times to ensure safety and reduce the risk of potential conflict between delivery and service vehicles, and customer vehicles and pedestrians, in the interests of public safety, residential amenity and convenience in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

## 23 **CONDITION: TRAVEL PLAN DETAILS**

### PRE-OCCUPATION

The use hereby permitted shall be carried out in accordance with details of a Travel Plan which shall be prepared in accordance with prevailing policy and best practice and shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use.

The Travel Plan shall include as a minimum the following elements:

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

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

**24      CONDITION: CAR PARKING PROVISION**

PRE-OCCUPATION

The buildings shall not be occupied or brought into use until the car, and motorcycle, including disability parking spaces shown on the approved plans has been drained, surfaced, and set-out for use including the direction of flow of vehicles to the two drive-thrus in accordance with details to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be altered or 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 Policy DEV29 of the Plymouth and South West Devon JLP 2019.

**25      CONDITION: PROVISION OF ELECTRIC VEHICLE CHARGING POINTS**

PRE-OCCUPATION

Prior to the occupation of the units details for Electric Vehicle Charging points shall be submitted to and approved in writing by the Local Planning Authority including (10) Rapid Electric Vehicle Charging Points along with an additional fifteen (15) parking spaces to be provided with passive wiring ready for future Electric Vehicle charging points to be provided in the future.

Once approved the parking shall be implemented and retained in accordance with the approved detail.

Reason:

To assist in the lowering the carbon footprint of the development in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

**26      CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

Each buildings shall not be occupied or brought into use until space has been laid out within the site for the storage of bicycles in accordance with details previously submitted to and approved in writing by the Local Planning Authority in accordance with the requirements as set out in the Councils SPD to serve the building. 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 DEV29 of the Plymouth and South West Devon JLP 2019.

**27      CONDITION: CYCLE HUB**

PRE-OCCUPATION

Prior to the development being brought into use a Cycle Hub shall be provided that shall include a minimum of four in number (4) Electric Charging Points for e-bikes and scooters. Either by the developer working with an independent commercial provider, or working with the Councils own

cycle hub initiatives. The further details of which to be submitted for approval in writing by the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars, improve sustainability, and help reduce the carbon footprint, in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

## **28      CONDITION: ADDITIONAL PEDESTRIAN CROSSING**

### **PRE-OCCUPATION**

Prior to the occupation of the scheme detail of a safe pedestrian crossing between the main area of the site and the drive through coffee unit shall be submitted to and approved by the Local Planning Authority. Once approved the scheme shall be constructed in accordance with the approved details and be permanently retained thereafter.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

## **29      CONDITION: SCHEME IMPLEMENTATION**

### **PRE-OCCUPATION**

a. Prior to the opening of the first unit to customer units 1-7 shall be constructed to finished shell (i.e the external parts of the building constructed in accordance with the approved plans). The full scheme

Landscaping, parking and connection routes shall also be completed to allow access to and throughout the site.

b. In the case that the full scheme is not wholly completed before the opening of the first unit a detailed delivery strategy for the scheme should be submitted to and approved by the Local Planning Authority prior to the first unit opening, setting out when elements of the scheme are to be completed including landscaping, parking and the final finish of all building in accordance with the approved plans with a detailed time frame for this.

Once approved the development shall be finished in accordance with the approved scheme and its timeframes.

For the avoidance of doubt the advanced opening of units 2 and 3 is not allowed in relation to part b of this condition without confirmed delivery details for the construction and completion of the main retail building on site.

Reason:

To ensure a comprehensive form of development that is appropriate to the site and would not result in an unfinished form of development which would be unacceptable in relation the character of the area to Policy DEV20, chapter 12 of the NPPF and the National Design guide.

**30      CONDITION: PLANT NOISE**

The noise (LAeqT) emanating from plant, including any air conditioning, ventilation or extract systems, shall not exceed the background noise level (LA90), including the character/tonalities of the noise, at any time as measured at the facade of the nearest residential property. All plant installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

**31      CONDITION: NOISE ATENUATION HOTEL BUILDING**

The Hotel Building shall have a minimum noise attenuation provided of 43 dB (A).

Reason:

To protect the residents of the Hotel from Noise and Disturbance in accordance with the Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

**32      CONDITION: HOURS OF OPERATION**

All units (excluding hotel) Hours of operation are restricted to the following times:

- Monday to Saturday 08.00 - 23.00 hrs
- Sunday and Bank Holidays 10.00 - 22.30 hrs

Unless alternative hours are submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from noise and disturbance emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

**33      CONDITION: BIN STORES**

All refuse generated at the premises prior to collection will be stored securely in closed lidded containers in location shown on the approved plans for this use unless other locations have first been identified on a plan which has been submitted to and approved by the Local Planning Authority.

Reason:

To protect the local residents and visitors from odours arising from decomposing food matter, and to reduce the potential for the attraction of pests such as rats, mice, ants, cockroaches and seagulls and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.



**34      CONDITION: PROVISION AND PRESERVATION OF SIGHT LINES**

No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

**35      CONDITION: USE OF LOADING AREAS**

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

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) interference with the free flow of traffic on the highway; in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

**36      CONDITION: ECOLOGICAL MITIGATION**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Landscape Masterplan - Biodiversity Net Gain no. 3483c-CEC-ZZ-XX-DR-L-0002, Rev 02, Ecological Impact Assessment & Ecological Mitigation & Enhancement Strategy for Land at Laira Bridge, Plymouth, Devon (Ref: CEC3483d Rev A) and the completed DEFRA metric for the site.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the NPPF paragraphs 170, 175 and 176.

**37      CONDITION: UNIT 7 RESTRICTIONS ON USE**

The retail floorspace hereby permitted in Unit 7 shall be used only for the sale of home improvement and DIY products, plumbing and hardware goods, timber and building products, paint and wallpaper, garden supplies, furniture, carpets and other floor coverings, soft furnishings, homewares, electrical goods, gas appliances, computers, office equipment and supplies, pets and pet products and motor accessories and shall not be used for any other purpose including those set out in Class E of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or re-enacting that Order with or without modification.

In addition, no more than 40% of the floorspace of Unit 7 may be used for the sale of food items (including confectionary, health and dietary foods, sandwiches, drinks, and snacks), household goods, non-prescription chemist goods, baby products and seasonal goods.

The sale of the following conditions is permitted subject to the maximum floorspace limits specified below:

Clothing	Up to 60sqm
Toys	Up to 60sqm

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

### **38 CONDITION: UNIT 2 RESTRICTIONS ON USE**

The unit shall operate as a drive-through restaurant providing the sale of hot and cold food and drinks for consumption on and off the premises. The sale of these goods can only occur where they are available simultaneously for consumption both on and off the premises.

For the avoidance of Doubt the unit is a Sui Generous Use and as such any changes to its operation and layout require Planning Permission.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

### **39 CONDITION: UNIT 3 RESTRICTIONS ON USE**

The unit shall operate as a drive-through coffee shop and restaurant providing the sale of hot and cold food and drinks for consumption.

For the avoidance of Doubt the unit is a Sui Generous Use and as such any changes to its operation and layout require Planning Permission.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

### **40 CONDITION: UNIT 4 RESTRICTIONS ON USE**

Unit 4 shall be principally used for the sale of cycles, associated equipment, accessories and ancillary uses and shall not be used for any other purpose set out in Class E(a) of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or re-enacting that Order with or without modification.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEVI6 of the Joint Local Plan and Chapter 7 of the NPPF.

**41 CONDITION: UNIT 5 RESTRICTIONS ON USE**

Unit 5 shall not be used for the sale of prepared or heated goods for consumption off the premises.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the Highway network and in accordance with DEV29 of the Joint Local Plan and Chapter 9 of the NPPF.

**42 CONDITION: UNIT 6 RESTRICTIONS ON USE**

Unit 6 shall be principally used for the sale of convenience good and shall not be used for any other purpose set out in Class E(a) of the Schedule for the Town and Country Planning (Use Classes) Order Planning 1987 or any Order revoking, amending or re-enacting that Order with or without modification.

Reason:

To ensure the impact of the proposed store is as assessed and would not have a significant adverse impact of the network of Centre and in accordance with SPT5, SPT6, DEV16 of the Joint Local Plan and Chapter 7 of the NPPF.

**INFORMATIVES**

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

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

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

[https://www.planningportal.co.uk/info/200126/applications/70/community\\_infrastructure\\_levy/5](https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5)

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

**2 INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS**

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. No work within the public highway may commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 & 38 of the Highways Act 1980 entered into. The applicant should contact Plymouth Highways for the necessary approval.

**3 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 the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] [including a Planning Performance Agreement] and has negotiated amendments to the application to enable the grant of planning permission.

Plymouth City Council  
 Planning Compliance Summary – to 30<sup>th</sup> November 2021

Cases outstanding	188
Cases received this month	31
Cases closed this month	44
(No breach identified)	(20)
(Informal/formal action taken)	(24)
Planning Contravention Notices Issued	2
Planning Contravention Notices <u>Live</u>	10
Planning Enforcement Notices Issued	0
Enforcement Notices <u>Live</u>	2
Temporary Stop Notices (TSN) issued	0
Temporary Stop Notices (TSN) Live	0
Advertisement Removal Notice	0
Breach of Condition Notice	3
Untidy Land Notices Issued	2
Untidy Land Notices Live	14
Prosecutions Initiated	0
Prosecutions Live	0

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# Planning Applications Determined Since Last Committee

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
01/11/2021	Refused	21/01312/FUL	Miss Julieanne Warwick	Hardstand	52 Efford Lane Plymouth PL3 6LR	Mr Macauley Potter
01/11/2021	Granted Conditionally	21/01654/FUL	Mr Andrew Wiggins	Two-storey rear extension with first floor Juliette balcony	54 Buena Vista Drive Plymouth PL6 7JF	Mr Paul McConville
01/11/2021	Granted Conditionally	21/01796/FUL	Mrs Annette Johnson	Single storey rear extension inc. removal of existing conservatory	52 Seymour Road Plympton Plymouth PL7 4NZ	Ms Isobel Fardon
01/11/2021	Refused	21/01822/AMD	Mr Douglas Friend	No-material Amendment: Removal of canopy above 7th floor balcony/terrace for application 17/01134/FUL.	Area D (Phase 3B) - Mount Wise Mount Wise Crescent Mount Wise Plymouth	Mr Chris Cummings
02/11/2021	Granted Conditionally	21/01583/TPO	Nathan Carr	Multi stemmed Holm Oak (T1) - Dismantle large twin split stem on property side to just above the split and reduce crown of the tree overhanging the access road by a maximum of 2m to previous pruning points.	Mount Gould Hospital Mount Gould Road Plymouth PL4 7QD	Mrs Jane Turner
02/11/2021	Granted Conditionally	21/01688/FUL	Mr Gareth Mitchell	Erection of rear double garage with home working/gym space above	Harris House, Arcadia Road Plymouth PL9 8EG	Mr Sam Lewis
02/11/2021	Granted Conditionally	21/01716/TPO	Short	2x Monterey Cypress (T1 & T2) - Crown raise to give 5.5m clearance from ground level on west side to appropriate pruning points.	5 Church Road Plymstock Plymouth PL9 9AJ	Mrs Jane Turner
02/11/2021	Agreed	21/01717/CDM	Mr Simon O'Neill	Condition Discharge: Condition 2 of application 19/02044/FUL	7 - 8 Ford Park Road Plymouth PL4 6QY	Miss Amy Thompson

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
02/11/2021	Granted Conditionally	21/01723/FUL	Mr & Mrs Nigel Jude-West	Single storey rear extension	29 Valletort Road Plymouth PL1 5PH	Mr Mike Stone
02/11/2021	Granted Conditionally	21/01763/TCO	Mrs Anita Johnson	Common Alder (STOK002) - Reduce upper crown back to previous pruning points. Bay (STOK005) - Reduce height and lateral spread by 2m to facilitate clearance from footpath and streetlight/bus stop. Ash (STOK006) - Reduce to a height of 5-6m to enable secondary canopy growth. Wild Cherry (STOK12) - reduce back to previous reduction points. Wild Cherry (STOK016) - reduce back to previous reduction points.	Paviland Grange Stoke Plymouth PL1 5PN	Mrs Jane Turner
02/11/2021	Granted Conditionally	21/01765/TPO	Mr Anderson	Chestnut (T1) - Crown lift by 2m over driveway. Lime (T2) - Re-pollard to previous points. Turkey Oak (T3) - Crown lift low hanging branch over driveway by 2m and reduce crown by 1-2m to natural growth points. Chestnut (T4) - Re-pollard to previous points. Eucalyptus (T5) - Remove due to wall damage (not protected by TPO but Conservation Area notification applies).	3 Collingwood Villas Collingwood Road Plymouth PL1 5NZ	Mrs Jane Turner
02/11/2021	Granted Conditionally	21/01774/TPO	Mr Gill	Eucalyptus (T1) - Reduce crown spread by 2m and crown lift by 1.5m. Holly (T2) - Reduce crown spread by 2m and crown lift by 1.5m. Eucalyptus (T3) - Reduce crown spread by 2-2.5m over car park. Eucalyptus (T4) - Reduce crown spread by 2m all around and crown lift by 2m.	1 The Moneycentre 1 Drake Circus Plymouth PL1 1QH	Mrs Jane Turner
02/11/2021	Agreed	21/01925/AMD	Plymouth City Council	Non-material Amendment: Change in location of the compressor housing and external pipework and cables for application 20/01912/FUL	Ballard House, West Hoe Road Plymouth PL1 3BJ	Mr Mike Stone



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03/11/2021	Agreed	20/00060/CDM	Mr Simon Wagemakers	Condition Discharge: Conditions 4, 5, 6, 7, 8, 10, 11, 13 & 16 of application 18/00082/REM	Land At Seaton Neighbourhood (Phase 9) Plymouth	Mr Chris Cummings
03/11/2021	Refused	21/01457/FUL	Mr N Searles	Erection of 2no dwellings and formation of vehicular accesses (re-submission of 20/01712/FUL)	Land At Farm Close (including Parts Of Former Gardens To 12 & 13 Reynolds Road) Plympton Plymouth PL7 4PY	Mr Jon Fox
03/11/2021	Granted Conditionally	21/01558/FUL	Ms Caroline Kung	Change of use of ground floor from retail to 1no flat (Class C3) inc. retention of smaller retail unit at front of building. Internal and external alterations plus alterations to first floor flat (Part - retrospective)	146 Union Street Plymouth PL1 3HL	Ms Abbey Edwards
03/11/2021	Granted Conditionally	21/01581/FUL	Helen Needham	Rear balcony, new French doors and external staircase	33 Cranmere Road Plymouth PL3 5JY	Mr Mike Stone
03/11/2021	Granted Conditionally	21/01674/TPO	Plymouth City Council	Ash (T1 & T2) - Fell due to ash dieback. Cherry (T3) - Fell as dead. Ash (T4) - Reduce to 6m above ground due to ash dieback.	9 Weir Road Plymouth PL6 8RR	Emily Browne
03/11/2021	Granted Conditionally	21/01707/TCO	Marc	Bay tree (T1) - Remove right hand stem (north west) to ground level. Bay tree (T2) - Fell to allow pear tree growth. Apple tree (T3) - Crown clean removing dead and crossing branches not cutting above 25mm in diameter.	63 Mannamead Road Plymouth PL3 4SS	Emily Browne
03/11/2021	Refused	21/01739/AMD	Mr & Mrs Head	Non-material Amendment: Change roof from pitched to flat with sky lantern for application 21/01382/FUL	93 Lakeside Drive Plymouth PL5 2SL	Mr Macauley Potter
03/11/2021	Granted Conditionally	21/01762/TCO	Mr Paul Price	Single stemmed Sycamore closest to road - Fell	5 Woodbine Cottages Dark Street Lane Plymouth PL7 1PR	Mrs Jane Turner

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03/11/2021	Agreed	21/01771/CDM	Claire Sparkes	Condition Discharge: Condition 6 of application 17/01732/FUL	Gables Farm Dogs & Cats Home 204 Merafield Road Plymouth PL7 1UQ	Mrs Karen Gallacher
03/11/2021	Granted Conditionally	21/01797/FUL	Mr C Tucker	New bay window to front elevation	43 Seymour Road Plympton Plymouth PL7 4NY	Ms Isobel Fardon
04/11/2021	Granted Conditionally	21/01499/S73	Mr Graeme Bothwell	Variation of Condition 1 (Plans) & 21 (Roof Additions) and addition of condition (to allow roof plant works to be undertaken prior to certain conditions being discharged) in relation to application 20/00673/FUL	The Laboratory Hoe Road Plymouth PL1 2PB	Mr Paul Webber
04/11/2021	Granted Conditionally	21/01559/FUL	Mr Marcus Lory	Detached garage	12 Bellingham Crescent Plymouth PL7 2QP	Mr Macauley Potter
04/11/2021	Granted Conditionally	21/01686/FUL	Mr Chris Jeffery	Hardstand for off road parking	134 Kings Tamerton Road Plymouth PL5 2BP	Mr Paul McConville
05/11/2021	Refused	21/01029/FUL	Mr Dingle	Demolition of existing buildings and erection of single storey 'drive thru' restaurant	201 Tavistock Road Plymouth PL6 5DA	Mr Chris King
05/11/2021	Granted Conditionally	21/01217/LBC	Mr Peter Hawking-Sach	Roof repairs, tiling of dormer windows, re-instatement of fireplace, basement room conversion, and other minor internal alterations/repairs	1 Pound Street Plymouth PL1 3RH	Mr Sam Lewis
05/11/2021	Permission Granted in Principle	21/01290/PIP	Ms Caroline Kung	New build dwelling (re-submission of 20/01114/PIP)	146 Union Street Plymouth PL1 3HL	Ms Abbey Edwards

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
05/11/2021	Granted Conditionally	21/01292/FUL	Mr Richard Burt	Erection of detached two/part-three storey dwellinghouse (Class C3) together with shared hardstanding	36 Sherford Road Plymouth PL9 8BS	Mr Sam Lewis
05/11/2021	Granted Conditionally	21/01459/FUL	Miss Catherine Legg	Front extension to make a sun lounge (resubmission of 21/00254/FUL)	836 Wolseley Road Plymouth PL5 1JU	Mr Paul McConville
05/11/2021	Granted Conditionally	21/01580/FUL	Mr M Worth	Extension of existing driveway and installation of new flat roof and roof lantern on existing rear conservatory	142 Aberdeen Avenue Plymouth PL5 3UW	Mr Macauley Potter
05/11/2021	Agreed	21/01712/CDMLB	Jean Day	Condition Discharge: Condition 3 of application 20/01550/LBC	3 Friars Lane Plymouth PL1 2LH	Ms Abbey Edwards
05/11/2021	Granted Conditionally	21/01768/FUL	Mr & Mrs Trott	Demolition of detached garage and erection of two-storey side and single storey rear extension	10 Segrave Road Plymouth PL2 3DR	Miss Emily Godwin
05/11/2021	Granted Conditionally	21/01769/FUL	Mr Phil Eyre	Single storey rear and side extension	7 Lang Grove Plymouth PL9 8NP	Miss Emily Godwin
08/11/2021	Agreed	21/01083/CDM	Paul Jakuc	Condition Discharge: Conditions 4 and 5 of application 18/00667/FUL (Appeal Ref: APP/N1160/W/18/3215620)	135 Alexandra Road Mutley Plymouth PL4 7EG	Mr Chris King
08/11/2021	Granted Conditionally	21/01375/FUL	Ian Carnwell	Installation of a modular classroom block (temporary for up to 3no. years)	Pilgrim Primary School Oxford Street Plymouth PL1 5BQ	Mr Sam Lewis

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08/11/2021	Granted Conditionally	21/01473/FUL	A Shepherd	Subdivision of house (Class C3) to create two separate dwellings (Class C3) including additional storey for rear tenement (part retrospective).	21 Neswick Street Plymouth PL1 5JJ	Mr Mike Stone
08/11/2021	Agreed	21/01624/CDM	Aviva Investors Pensions Ltd	Condition Discharge: Conditions 3 (Contaminated Land), 6 (District Heat Network), 8 (Street Details) and 9 (Tree Protection Measures) of application 17/01166/FUL	Derriford Hospital Derriford Road Plymouth PL6 8DH	Mr Chris Cummings
08/11/2021	Granted Conditionally	21/01694/FUL	Mr G Bray	Formation of rear balcony area over existing flat roof	361 Fort Austin Avenue Plymouth PL6 5TG	Mr Macauley Potter
08/11/2021	Granted Conditionally	21/01714/FUL	Mr Christian Kent	Detached merchandise retail unit	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Sam Lewis
08/11/2021	Granted Conditionally	21/01715/ADV	Mr Christian Kent	Signage/graphics for proposed merchandise unit	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Sam Lewis
08/11/2021	Granted Conditionally	21/01725/S73	Miss Hayley Summers	Removal of Conditions 4 (Type of Cooking) & 5 (Odour from Commercial Kitchen Extraction) for application 18/01704/FUL to install a full extraction system	43 Mayflower Street Plymouth PL1 1QL	Mr Mike Stone
08/11/2021	Granted Conditionally	21/01772/LBC	Mr Ben Cheriton	Proposed sub-division of the second floor to accommodate small offices	Melville Building Royal William Yard Plymouth PL1 3RP	Ms Bethany German
08/11/2021	Granted Conditionally	21/01833/FUL	Mr Matt Conyers	Insertion of first floor front window	First And Second Floor Flat, 32 Mount Street Greenbank Plymouth PL4 8NZ	Mr Sam Lewis

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08/11/2021	Agreed	21/01909/CDM	TH UK & Ireland Ltd	Condition Discharge: Condition 8 of application 21/00857/FUL	229 Tavistock Road Plymouth PL6 5US	Mr Chris King
09/11/2021	Split Decision	21/00836/CDM	Phil Rump	Condition Discharge: Conditions 3 & 4 of application 20/00201/FUL	Chard Road Surgery, 63 Chard Road Plymouth PL5 2EQ	Mr Chris King
09/11/2021	Granted Conditionally	21/01591/FUL	Mr Andrew Vanstone	Single storey lower ground floor extension and porch	61 Dayton Close Plymouth PL6 5DX	Ms Isobel Fardon
09/11/2021	Granted Conditionally	21/01684/FUL	Mr Nigel Llewellyn	Garage extension and porch (part-retrospective)	67 Budshead Road Plymouth PL5 2PJ	Mr Paul McConville
09/11/2021	Refused	21/01746/FUL	Mr Tom May	(Part retrospective) Rear balcony on existing flat roof extension.	112 Underlane Plympton Plymouth PL7 1QZ	Mr Macauley Potter
10/11/2021	Granted Conditionally	21/01732/TPO	Mr Mark Meryck	Oak (T12) - Reduce the upper crown by 3.5m, reduce lateral growth over road by 3.5m to natural growth points. Yew (T13) - Reduce the lateral growth by 2.5m to natural growth points. Oak (T14) - Reduce the crown by 3.5m, reduce lateral growth by 4m to natural growth points. Holm Oak (T15) - Reduce vertical height by 3.5m, reduce lateral growth by 3.5m over the road to natural growth points. English Oak (T16) - Reduce laterally by 2.5-3m inline with footpath to natural growth points.	Oakfield, Boringdon Hill Plymouth PL7 4DN	Mrs Jane Turner

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10/11/2021	Granted Conditionally	21/01812/TPO	McCloud	Beech (T1) - Crown reduce back to previous topping points, height reduction of 3.5/4m and reduce lateral canopy spreads back to suitable growth points. Ash (T2) - Crown reduce back to previous topping points and height reduction of 3.5/4m. Beech (T3) - Crown reduce back to previous topping points, height reduction of 3.5/4m and reduce lateral canopy spreads back to suitable growth points. Beech (T4) - Crown reduce back to previous topping points, height reduction of 3m and reduce lateral canopy spreads back to suitable growth points. NB: All lateral growth reductions on T1, T3 and T4 to be carried out in accordance with the details in the submitted Tree Pruning Specification.	Holtwood, Plymbridge Road Plymouth PL6 7LF	Mrs Jane Turner
11/11/2021	Granted Subject to S106	21/00901/S73	Aldi Stores Ltd	Variation of Condition 4 of application 20/00622/S73 (approved under appeal APP/N1160/W/20/3261471) to remove the requirement to install bollards at one end of Torbridge Road	1 Galileo Close Plymouth PL7 4JW	Mr Chris King
11/11/2021	Granted Conditionally	21/01404/FUL	Mr Steven Gaulder	Internal and external alterations inc. internal partitions, new doorways, mechanical and electrical plant and associated works	20 The Barbican Plymouth PL1 2LS	Ms Bethany German
11/11/2021	Granted Conditionally	21/01405/LBC	Mr Steven Gaulder	Internal and external alterations inc. internal partitions, new doorways, mechanical and electrical plant and associated works	20 The Barbican Plymouth PL1 2LS	Ms Bethany German
11/11/2021	Refused	21/01669/FUL	Mr Parker	Demolition of existing garages and construction of enlarged garage with mezzanine floor.	Garages Serving No. 17 & No. 18 Kennel Hill Plymouth PL7 1QE	Mr Macauley Potter

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11/11/2021	Granted Conditionally	21/01722/FUL	Couch	Change of use from dwellinghouse and workshop to residential dwellinghouse (retrospective)	322 Old Laira Road Plymouth PL3 6AQ	Ms Isobel Fardon
11/11/2021	Granted Conditionally	21/01728/LBC	Mr Mike Fisher	Colonnade works	Lyster Court, 2 Craigie Drive Plymouth PL1 3JB	Miss Amy Thompson
11/11/2021	Granted Conditionally	21/01845/FUL	Mr & Mrs Turlej	Single storey rear extension	47 Trelawny Road Plympton Plymouth PL7 4LJ	Ms Isobel Fardon
12/11/2021	Granted Conditionally	21/00722/FUL	Plymouth City Council	Re-development of youth and community centre to provide 10no. residential dwellings and associated works with vehicular access	Morley Youth & Community Centre Broadland Gardens Plymouth PL9 8TU	Mrs Katie Saunders
12/11/2021	Granted Subject to S106	21/00839/S73	Charanna Properties Ltd	Variation of Condition 1 (Approved Plans - to amend elevational treatments and layouts) of application 20/00577/FUL.	2 Armada Street Plymouth PL4 8LU	Ms Marie Stainwright
12/11/2021	Agreed	21/01350/CDM	Sunita Burke	Condition Discharge: Conditions 14 & 15 of application 20/01240/REM	Phase 5, Saltram Meadow Plymstock Plymouth	Ms Marie Stainwright
12/11/2021	Granted Conditionally	21/01490/LBC	Mr Steve Grocutt	Installation of plant runs internally through the building and new plant equipment.	20 The Barbican Plymouth PL1 2LS	Ms Bethany German
12/11/2021	Granted Conditionally	21/01663/FUL	Mr Mark Bignell	4no individual external sleeping pods for emergency overnight accommodation (retrospective)	Hamoaze House, George Street Mount Wise Plymouth PL1 4JQ	Mr Jon Fox
12/11/2021	Granted Conditionally	21/01665/LBC	Mr Mark Bignell	4no individual external sleeping pods for emergency overnight accommodation (retrospective)	Hamoaze House, George Street Mount Wise Plymouth PL1 4JQ	Mr Jon Fox

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12/11/2021	Granted Conditionally	21/01666/FUL	Mr Findlay Black	Porch (part retrospective)	4 Parade Road Plymouth PL5 2NJ	Ms Isobel Fardon
12/11/2021	Granted Conditionally	21/01709/FUL	Mr & Mrs Davies	Raised deck and privacy screen to rear garden area inc associated landscaping (re-submission of 21/00869/FUL)	8 Almeria Court Plymouth PL7 1TX	Mr Paul McConville
12/11/2021	Granted Conditionally	21/01745/LBC	Dr Penny Cooper	Replacement windows and internal alterations inc. demolition of external store	8 Beyrout Place Plymouth PL1 4QY	Miss Emily Godwin
12/11/2021	Granted Conditionally	21/01756/LBC	Ms Jacqueline Berry	Demolition and replacement of rear tenement two-storey wall, replacement uPVC windows in rear first floor sun room, and installation of rooflight in approved rear extension	18 Athenaeum Street Plymouth PL1 2RH	Mr Sam Lewis
12/11/2021	Granted Conditionally	21/01766/LBC	Plymouth City Council	Installation of solar panels on flat roof areas, (resubmission of approval 21/00077/LBC to include external cable run from roof to ground level on southern elevation)	Council House Armada Way Plymouth PL1 2AA	Mr Mike Stone
15/11/2021	Granted Conditionally	21/00561/FUL	Lauren Clatworthy	Single storey ground floor extension inc. removal of glazed conservatory fronting Hartley Avenue.	11 Hartley Avenue Plymouth PL3 5HP	Mr Mike Stone
15/11/2021	Granted Conditionally	21/01458/FUL	Sophie Roberts	Change of use from manager's accommodation to a sheltered apartment for an elderly person	Flat 23, 18 Horn Cross Road Plymouth PL9 9UD	Mr Sam Lewis
15/11/2021	Granted Conditionally	21/01792/FUL	Mr John Cork	Siting of a storage container	Changing Rooms, Tothill Park Lanhydrock Road Plymouth Mount Gould PL4 9HG	Mr Mike Stone



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15/11/2021	Granted Conditionally	21/01795/FUL	Mr Matt Purnell	Single storey rear extension and attached raised terrace	11 Sherford Road Plymouth PL9 8DQ	Miss Emily Godwin
15/11/2021	Granted Conditionally	21/01817/FUL	Mr R Paul	Rear sunroom	12 Charlbury Drive Plymouth PL9 7GD	Miss Emily Godwin
15/11/2021	Agreed	21/01889/CDM	Mr Robbie Brown	Condition Discharge: Condition 39 of application 12/02027/OUT (Phase 13)	Land At Seaton Neighbourhood Plymouth	Mr Chris Cummings
16/11/2021	Granted Conditionally	20/00957/HAZ	Steven Phillips	Hazardous substances consent for storage of gasoline, kerosene and diesel - Variation to approval 10/01067/HAZ	Oakfield Terrace Road Cattedown Plymouth PL4 ORY	Mr Chris Cummings
16/11/2021	Agreed	21/01596/CDM	Mr Lee Le Marquand	Condition Discharge: Conditions 3, 4, 5, 6 & 7 of application 21/00776/FUL	Sir John Hunt Community Sports College Wood View Learning Community 51 Lancaster Gardens Plymouth PL5 4AA	Mr Jon Fox
16/11/2021	Refused	21/01733/FUL	Mr David Bryan	Part single and part two-storey extension with alterations and extension of single storey extension to form a conservatory	30 Frensham Avenue Plymouth PL6 7JN	Mr Paul McConville
17/11/2021	Granted Conditionally	21/01642/TPO	Mr Robert King	Holm Oak (T1) - Reduce mid to lower crown branches on east and west sides by 2-3m (nearest growth point) cuts, where possible not to exceed 75mm diameter. Up to 1m (nearest growth point) cuts may be removed to balance, by discretion of the tree surgeon.	17 Long Down Gardens Plymouth PL6 8SB	Emily Browne
17/11/2021	Granted Conditionally	21/01747/TPO	Mrs Janette Cooper	Copper Beech - reduce crown by 1m to previous pruning points.	2 St Lawrence Road Plymouth PL4 6HN	Mr Chris Dawson

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17/11/2021	Granted Conditionally	21/01805/TCO	Mr Davidson	Willow (previously identified as Eucalyptus) (T1) - Re-pollard to previous points. Magnolia (T2) - Reduce crown by 1.5m all round.	13 Fitzroy Terrace Fitzroy Road Plymouth PL1 5PX	Mr Chris Dawson
17/11/2021	Granted Conditionally	21/01859/TCO	Mr Shannon	T1 - Crab Apple: Re-pollard as part of routine maintenance as tree encroaches over driveway	8 St Michaels Terrace Plymouth PL1 4QG	Emily Browne
18/11/2021	Granted Conditionally	21/01497/FUL	Isy Grigg	Rear extension and raised terrace	6 Shearwood Close Plymouth PL7 4PU	Mr Macauley Potter
18/11/2021	Granted Conditionally	21/01557/FUL	Mrs L Harding	Replacement of existing hospital hotel building with the construction of 2no buildings to provide further accommodation for patients, carers, relatives and healthcare professionals together with a new site access, associated parking and landscaping	7 Blunts Lane Plymouth PL6 8BE	Mr Chris King
18/11/2021	Granted Conditionally	21/01677/FUL	Mr Gary Harris	Hardstand and dropped kerb	56 Aylesbury Crescent Plymouth PL5 4HX	Ms Isobel Fardon
18/11/2021	Refused	21/01764/FUL	Mr Gary Bailey	Single storey front extension (retrospective) and proposed raised terrace.	176 Plymouth Road Plymouth PL7 4NR	Mr Macauley Potter
18/11/2021	Agreed	21/01800/CDM	Plymouth City Council	Condition discharge Condition 35 (Surface Water Drainage) of application 19/00891/FUL to amend drainage details	Norwich Union House 2 St Andrews Cross Plymouth PL1 1DN	Mr Alistair Wagstaff

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18/11/2021	Granted Conditionally	21/01887/TPO	Mr Henry Smith	<p>Compartment 2 Sycamore (T0385) - Fell due to basal decay. Sycamore (T0386) - Remove dead western stem (already fallen so no work required - owner advised to carefully remove soil to restore original ground level). Sycamore (T0387) - Reduce western lateral branches back away from building by upto 2m to give 2m clearance, cutting no greater than 75mm to natural growth points. Sycamore (T0388) - Reduce western lateral branches back away from building by upto 2m to give 2m clearance, cutting no greater than 75mm to natural growth points. Sycamore (T4) - Crown lift lower lateral branches on western side by removing branches at 4m height back to the stem cutting no greater than 150mm, mid crown of the canopy area reduce in by 2m laterally and cutting no greater than 75mm. Compartment 1 Sycamore (T1) - reduce lateral branches by 1m on all sides no height reduction required (amendment agreed with owners 9/11/21). Sycamores (T2 and T3) - Crown reduction vertical height by 1.5m, lateral by 0.5m on all sides (NB: T3 unlikely to be old enough to be covered by TPO) Hawthorn Hedge (H1) - Trim and reduce by up to 0.5m vertical height and lateral (NB: not covered by TPO).</p>	94 Barton Road Plymouth PL9 9RQ	Mrs Jane Turner
18/11/2021	Granted Conditionally	21/01891/TCO	Plymouth City Council	<p>T1 Grey Willow - fell (growing close to historic wall) T2 Holly - fell (growing close to historic wall) T3 Holm Oak - fell (growing on historic wall) T5 Field Maple - fell (in decline). T6, T7 and T8 Turkey Oak - crown raise to 1.5m above ground level. T9 and T10 Rowan - deadwood (exempt work) T11 Rowan - fell (in decline)</p>	Former Battery Site Devils Point Plymouth Devon PL1 3PA	Emily Browne

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19/11/2021	Granted Conditionally	21/01706/FUL	Mr P Smith	(Retrospective) Use of previously approved two-storey side extension as self-contained annexe, raised rear decking with timber stair access to lower garden area.	47 Dayton Close Plymouth PL6 5DX	Mr Macauley Potter
19/11/2021	Granted Conditionally	21/01744/FUL	A & K Purrell & None	Single storey rear extension, replacement porch and garage (with canopy) and window alterations	11 Home Park Plymouth PL2 1BQ	Miss Emily Godwin
19/11/2021	Granted Conditionally	21/01903/FUL	Nigel Yarham	Addition of external wall insulation; plus renewed rainwater goods, windows and canopies	2 - 48 Boons Place Plymouth PL1 5DW	Mr Sam Lewis
22/11/2021	Granted Conditionally	21/01752/FUL	Mr Alistair Stubbs	Two-storey side extension	14 Hooksbury Avenue Plymouth PL7 1XW	Ms Isobel Fardon
22/11/2021	Granted Conditionally	21/01770/FUL	Mr Peter Compton	Two-storey side / rear extension, single storey rear extension and first floor rear balcony.	36 Priory Drive Plymouth PL7 1PU	Mr Macauley Potter
22/11/2021	Granted Conditionally	21/01854/FUL	Mr Andrew Hodges	Garden store and workshop inc. removal of existing garage	12 Westway Church Hill Road Plymouth PL9 9RL	Miss Emily Godwin
22/11/2021	Agreed	21/02023/CDM	Bob Fish	Condition Discharge: Condition 19 of application 19/00133/FUL	North Prospect Phase 4 Dingle Road, Laurel Road, Rosedown Avenue And Myrtleville Plymouth	Mr Chris King
23/11/2021	Agreed	18/00907/CDM	Mr Tony Hopwood	Condition Discharge: Conditions 8, 9, 10, 11, 12, 13, 14 & 19 of application 17/01684/OUT	Home Park Football Ground Outland Road Plymouth PL2 3DQ	Mr Chris King

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23/11/2021	Granted Conditionally	21/01730/FUL	Mr Simon Allen	Ground floor rear extension with lower ground floor garden room and rear raised terrace.	6 Chelwood Grove Plymouth PL7 2AX	Mr Macauley Potter
23/11/2021	Granted Conditionally	21/01776/TPO	Mrs Hiscocks	2x Sycamore (T1 & T2) - Reduce crown spread on southern side by 2-2.5m.	St Marys Church Market Road Plymouth PL7 1QW	Emily Browne
23/11/2021	Agreed	21/02047/CDC	Mark Mun	Compliance with conditions of application 17/01384/FUL	14 Hazelwood Crescent Plymouth PL9 8BL	Mr Chris King
24/11/2021	Split Decision	20/01042/CDC	Amy Crisp	Confirmation of compliance with conditions for application 15/01956/FUL.	North Prospect Phase 3, Wordsworth Road/Wordsworth Crescent Plymouth PL2 2NE	Mr Chris King
24/11/2021	Split Decision	20/01671/CDM	Mrs Amy Crisp	Condition Discharge: Conditions 10, 21 & 31 of application 15/01956/FUL	North Prospect Phase 3, Wordsworth Road/Wordsworth Crescent Plymouth PL2 2NE	Mr Chris King
24/11/2021	Granted Conditionally	21/01294/LBC	Tobias Stevens-Fleming	Installation of gas pipe, requiring lifting of cobbles on White Lane and drilling through exterior wall	Flat 2, 6 White Lane Plymouth PL1 2LP	Mr Sam Lewis
24/11/2021	Granted Conditionally	21/01664/FUL	Mr & Mrs P Rhodes	New parking and turning area as extension to existing driveway (part retrospective)	9 Dunclair Park Plymouth PL3 6DJ	Ms Isobel Fardon
24/11/2021	Granted Conditionally	21/01759/TPO	Mr Richard Foot	T1 Pine - remove crossing branch from southern side and reduce tips of lateral branches on northern side by 1.5m T2 Sycamore - remove dead ivy (consent not required)	2 Treverbyn Close Plymouth PL7 4RJ	Emily Browne

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24/11/2021	Granted Conditionally	21/01804/FUL	Mr Neil Sharpe	Single storey front extension	5 Walnut Drive Plymouth PL7 2ZD	Mr Macauley Potter
24/11/2021	Granted Conditionally	21/01844/TPO	Mr Kevin Roberts	Ash - Fell as dead.	5 Tresluggan Road Plymouth PL5 1RJ	Emily Browne
24/11/2021	Granted Conditionally	21/01851/FUL	Mr & Mrs A Dunn	Two-storey rear extension, side and rear raised terrace and changes to fenestration.	Meadow Cottage Stag Lane Plymouth PL9 8JA	Mr Mike Stone
24/11/2021	Granted Conditionally	21/01853/TCO	Mrs Yvonne Hick	Conifer Trees - Fell as overgrown and growing into the Beech Tree.	The Russells, Old Warleigh Lane Plymouth PL5 4ND	Emily Browne
24/11/2021	Granted Conditionally	21/01856/TCO	Cookney	Ash (T1) - Fell due to ash dieback. Bay Hedge (G1) - Reduce in height to approximately 12ft.	1 Mannamead Rise Mannamead Avenue Plymouth PL3 4SP	Emily Browne
24/11/2021	Agreed	21/02034/CDC	Mr Peter Burford	Confirmation of compliance with condition 2 of application 94/00116/FUL.	4 Greenbank Greenbank Road Plymouth PL4 8QH	Mr Mike Stone
25/11/2021	Granted Conditionally	21/00931/FUL	Mr Tim Marks	Erection of a permanent modular office building to replace 3no. temporary buildings	Land At Devonport Efw Chp Facility Creek Road Plymouth PL5 1FL	Mr Simon Osborne
25/11/2021	Granted Conditionally	21/01383/ADV	Mr Trevor Worth	Non-illuminated folded aluminium panel sign (retrospective)	246 Dean Cross Road Plymouth PL9 7AZ	Miss Emily Godwin

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
25/11/2021	Granted Conditionally	21/01564/FUL	Secretary of State for Defence	Upgrading of mechanical transport fuel installation (MTFI); dismantle and remove existing underground ground tanks and overground installations and replace with a new modern above ground tank	Mtft Facility, Royal Citadel Hoe Road Plymouth PL1 2PD	Mr Jonathan Helm
25/11/2021	Granted Conditionally	21/01799/FUL	Eric Distin	Conversion of existing garage to staff room and office	11 Brest Road Plymouth PL6 5XN	Mr Macauley Potter
25/11/2021	Granted Conditionally	21/01886/FUL	Mr Michael Caffyn-Parsons	Addition of 1no. letting room in existing 6-bed HMO (Class C4) to form 7-bed HMO (Sui Generis) (retrospective)	234 North Road West Plymouth PL1 5DE	Mr Sam Lewis
25/11/2021	Agreed	21/01939/CDM	Mr Brisco	Condition Discharge: Condition 4 of application 21/00296/S73	Annex Of Longreach House Hartley Road Plymouth PL3 5LW	Mr Sam Lewis
25/11/2021	Agreed	21/01980/CDM	Mr I Sleep	Condition Discharge: Conditions 3 & 5 of application 21/00158/FUL	Laira Wharf Boatyard Finnigan Road Plymouth PL4 0SR	Mr Sam Lewis
25/11/2021	Agreed	21/02026/CDM	Mr Colin McBride	Condition Discharge: Condition 14 of application 21/00989/S73	Babbage Building University Of Plymouth Drake Circus Plymouth PL4 8AA	Miss Katherine Graham
26/11/2021	Agreed	21/00983/CDM	Mr David Ridley	Condition Discharge: Conditions 8 (Retaining Walls) and 17 (Cycle Provision - Amenity Space) for applicaiton 15/00958/REM	"Sherford New Community" Land South/Southwest Of A38 Plymouth	Mr Tom French
26/11/2021	Granted Conditionally	21/01820/FUL	Mr Jonathon Kingdom	Proposed rear first floor balcony	73 Windermere Crescent Plymouth PL6 5HX	Mr Macauley Potter

Decision Date	Decision	Application No:	Applicant	Proposal	Address	Case Officer
26/11/2021	Granted Conditionally	21/01849/FUL	Mr Nathan Jaycock	Rear dormer inc. hipped to gable roof	152 Woodford Avenue Plymouth PL7 4QS	Ms Isobel Fardon
26/11/2021	Granted Conditionally	21/01867/FUL	Mr Dean Reynolds	Replacement of existing porch with single storey front extension (retrospective)	20 Walkhampton Walk Plymouth PL6 8QY	Ms Isobel Fardon
26/11/2021	Granted Conditionally	21/01893/FUL	Mrs Margaret Lucking	First floor rear extension and garage conversion	246 Fort Austin Avenue Plymouth PL6 5NZ	Ms Isobel Fardon
29/11/2021	Granted Conditionally	21/01629/FUL	Wm Morrison Supermarkets Plc	Car collection point pod This application is submitted due to the existing temporary permission granted under 19/01816/FUL expiring	15 Pomphlett Road Plymouth PL9 7BH	Ms Bethany German
29/11/2021	Granted Conditionally	21/01829/FUL	Mrs C Giadrini	Construction of additional storey over previously approved single storey rear extension.	77 Aberdeen Avenue Plymouth PL5 3UF	Mr Macauley Potter



# Planning Appeal Decisions between 01/11/2021 and 30/11/2021

<b>Date of Decision</b>	03/11/2021
<b>Ward</b>	Moorview
<b>Application Number</b>	21/00374/FUL
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	2 Woodford Road Plymouth PL6 7HX
<b>Proposal</b>	Single storey side extension
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Jon Fox
<b>Synopsis of Appeals</b>	The Inspector concluded that the front garden facing Woodford Road provides a spacious feel about the plot and that therefore the proposed extension would not be a dominating feature. The proposals would not compromise policy DEV20.

<b>Date of Decision</b>	23/11/2021
<b>Ward</b>	St Budeaux
<b>Application Number</b>	21/00691/FUL
<b>Decision</b>	<b>Appeal Dismissed</b>
<b>Address of Site</b>	120 Fletemoor Road Plymouth PL5 1UJ
<b>Proposal</b>	Rear garage, boundary fence and landscaping (Retrospective)
<b>Appeal Process</b>	Householder Fast Track
<b>Officers Name</b>	Miss Josephine Maddick
<b>Synopsis of Appeals</b>	Planning permission was refused for a rear garage, boundary fence and landscaping. It was considered contrary to JLP policy DEV20 as the size, height and position of the fence on the side boundary of the property, appears overly prominent, bleak and out of character in the street scene. The inspector agreed with the decision, noting that the fence has an unrelenting appearance that dominates views from within the immediate vicinity.

# Planning Appeal Decisions between 01/11/2021 and 30/11/2021

<b>Date of Decision</b>	23/11/2021
<b>Ward</b>	St Budeaux
<b>Application Number</b>	21/00885/FUL
<b>Decision</b>	<b>Appeal Allowed with Conditions</b>
<b>Address of Site</b>	36 Mount Tamar Close Plymouth PL5 2AL
<b>Proposal</b>	Conversion and enlargement of existing garden room into two-storey garden room and playroom
<b>Appeal Process</b>	Written Representations
<b>Officers Name</b>	Mr Jon Fox
<b>Synopsis of Appeals</b>	The Inspector concluded that the impact of the two-storey outbuilding would not significantly harm the neighbours main sitting out area and garden, which are orientated away from, and beyond, the side of the proposed building. The proposals would not compromise policy DEV1.