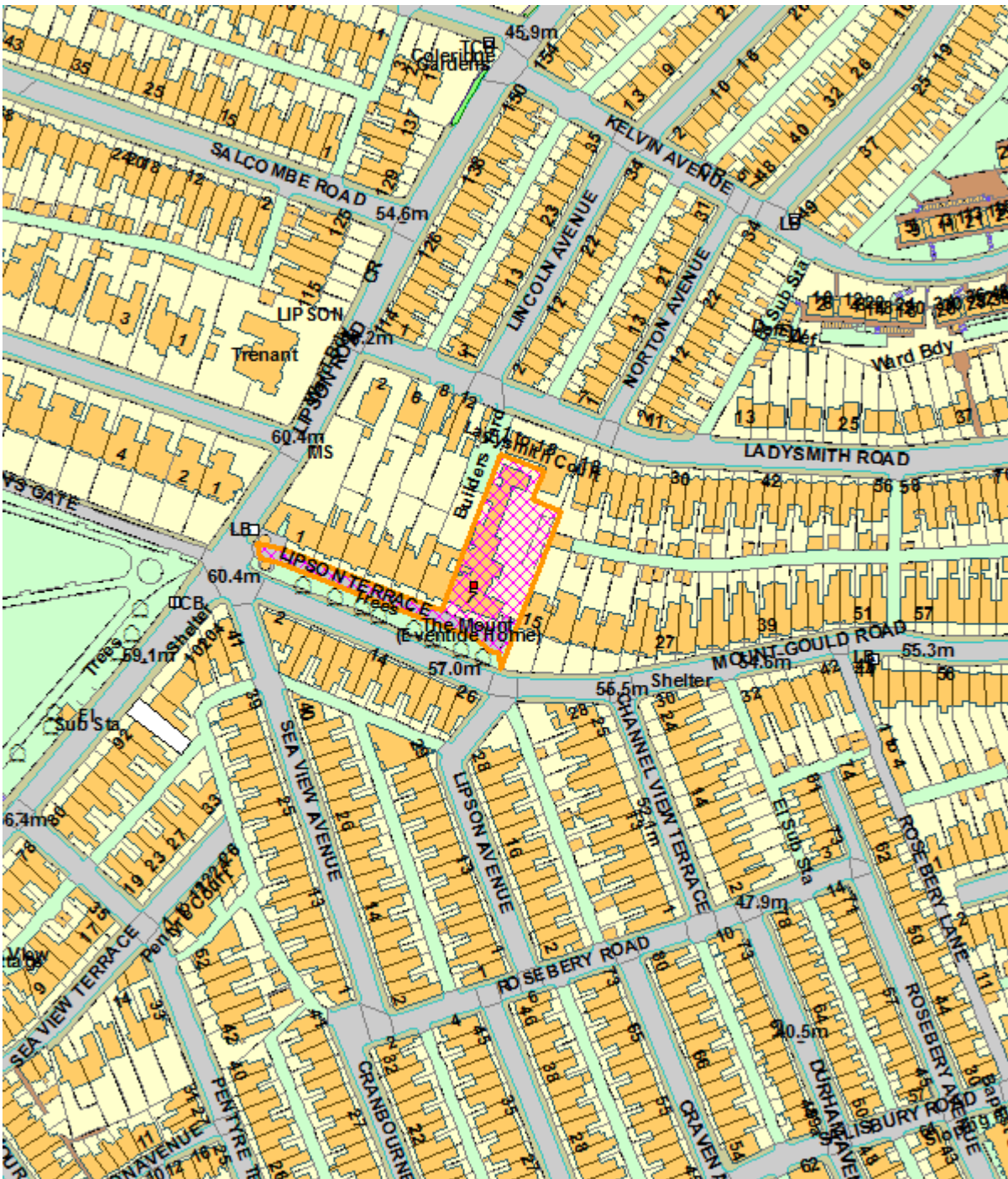


PLANNING APPLICATION OFFICERS REPORT



Application Number	22/01157/FUL	Item	01
Date Valid	20.07.2022	Ward	SUTTON AND MOUNT GOULD
Site Address	7 Lipson Terrace Plymouth PL4 7PR		
Proposal	Change of use and conversion of former carehome into 14no apartments (Class C3), associated car parking, communal gardens and cycle and refuse storage (re-submission of 21/01544/FUL)		
Applicant	Guy Pennington		
Application Type	Full Application		
Target Date	19.10.2022	Committee Date	09.03.2023
Extended Target Date	12.12.2022		
Decision Category	Councillor Referral		
Case Officer	Miss Amy Thompson		
Recommendation	Grant conditionally subject to a S106 with delegated authority to Director of SPI to refuse the application if the S106 is not signed within the agreed timeframes (3 months)		



This application has been referred to planning committee by Councillor Aspinall and Councillor Dann

1. Description of Site

The Mount, 7 Lipson Terrace is a very large end terraced property with significant rear extensions located at the end of a private road in the Mount Gould neighbourhood. The property is part of a planned terrace of houses listed grade II, the listing description from 1975 notes that the former No.8 is now combined with the subject property, No. 7.

2. Proposal Description

Change of use and conversion of former carehome into 14no apartments (Class C3), associated car parking, communal gardens and cycle and refuse storage (re-submission of 21/01544/FUL)

3. Pre-application Enquiry

None.

4. Relevant Planning History

21/01544/FUL- Change of use and conversion of former care home into 14no apartments (Class C3), associated car parking, communal gardens and cycle and refuse storage- Withdrawn

20/01054/EXUS - Establish existing use of property as Class C2 ,Residential institutions - Certificate issued.

20/00433/FUL- Change of use from former care home into 17 residential units (Class C3), associated car parking, and communal gardens with bike and waste bin storage - Refused due to lack of affordable housing and failing to mitigate impact on infrastructure, additional traffic movements giving rise to highway safety concerns, inadequate parking provision and insufficient information on the impact on trees and non-compliance with the 20% target reduction in the regulated carbon emissions. Appeal dismissed under appeal reference APP/NI 160/W/20/3265144

20/00434/LBC - Internal and external works associated with the change of use to 17 residential units - Granted conditionally.

08/02011/FUL- Conservatory extension, installation of new gates, new handrails to entrance doors and repair or replacement of existing bay window- Granted conditionally.

08/00172/FUL- Conservatory extension - Granted conditionally.

06/00469/FUL - Retention of galvanised metal vent pipe and installation of additional galvanised metal vent pipe (two existing vent pipes to be removed) - Granted conditionally

97/00768/FUL - Alterations and extensions to residential home - Granted conditionally

77/01260/FUL- Extension to fire escape - Granted conditionally

5. Consultation Responses

Economic Development- No objection.

Housing Delivery Team- No objection.

Lead Local Flood Authority- No objection subject to recommended condition.

Local Highway Authority- Approve subject to conditions

Low Carbon Team- Originally objects to the proposal but new information was submitted to overcome the concerns raised.

Urban Design Officer - Objects to the scheme.

Historic Environment Officer - Did not wish to comment on the scheme.

Police Liaison Officer- Did not object but raised concerns that the parking wouldn't be sufficient in relation to the overall schedule of accommodation so would encourage occupants to park elsewhere.

Public Protection Service- No objection.

Public Health - Seeks S106 contribution towards necessary improvements in the city's health infrastructure.

Natural Infrastructure Team - Object due to lack of tree information but state that comments are the same as previous application (21/01544/FUL)

6. Representations

9 public comments have been received that raise the following concerns:

- Lack of external amenity space
- Drainage
- Car ownership statistics within technical data is out of date
- Insufficient visitor and residents parking
- Access through entrance is not suitable for two vehicles to pass at the same time and restricted.
- Poor visibility splay at entrance.
- Loss of trees and green space
- Increased traffic/ congestion, impact on pedestrians

- Increased risk of accidents
- Overdevelopment
- Not-in keeping, damage historical character
- Unsustainable
- Visitor parking proposed on pavement, unsuitable for wheelchair users and pedestrians, outside of applicants ownership
- Increase in traffic, noise, light and air pollution.
- Harm to green space, ecology, wildlife, biodiversity and habitat.
- Excess heating in a heat sensitive area and reflection from PV panels
- Overlooking and privacy
- Lack of engagement with neighbours

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).

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 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128 percent and the consequences are None.

Therefore a 5 percent buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5 percent buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Supplementary Planning Document (2020)

8. Analysis

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

2. This application has been assessed against the Council's adopted planning policy in the form of the Plymouth and South West Devon Joint Local Plan (March 2019) policies SPT1 Delivering sustainable development, SPT3 Provision for new homes, DEVI Protecting health and amenity,

DEV2 Air, water, soil, noise, land and light, DEV7 Meeting local housing need, DEV9 Meeting local housing need in the Plan Area, DEV10 Delivering high quality housing, DEV20 Place shaping and the quality of the built environment, DEV21 Development affecting the historic environment, DEV26 Protecting and enhancing biodiversity and geological conservation, DEV28 Trees, woodlands and hedgerows, DEV29 Specific provisions relating to transport, Policy DEV30 Meeting the community infrastructure needs of new homes, DEV31 Waste management, DEV32 Delivering low carbon development, DEV35 Managing flood risk and water quality impacts, Policy DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy and the National Planning Policy Framework (NPPF) .

3. The principle issues are considered to be the design and impact of the proposed alterations on the character of the historic environment, the quality of the proposed flats and residential amenity. Other considerations include highways and parking, drainage, renewable energy, wildlife and biodiversity.

Planning History

4. Planning application 20/00433/FUL was submitted and refused for the change of use from former care home into 17 residential units (Class C3), associated car parking and communal gardens with bike and waste bin storage. The application was refused due to the lack of affordable housing and failing to mitigate impacts on infrastructure, additional traffic movements giving rise to highway safety concerns, inadequate parking provision and insufficient information on the impact on trees and non-compliance with the 20% target reduction in the regulated carbon emissions.

5. The application was dismissed at appeal, with the Inspector agreeing with the Local Planning Authority that the proposal conflicts with policy due to the lack of affordable housing and failing to mitigate impact on infrastructure, inadequate parking provision and non-compliance with the 20% target reduction in the regulated carbon emissions. The Inspector however did not agree that the scheme would give rise to additional traffic movements giving rise to highway safety concerns and considered sufficient information was submitted to determine the impact the development would have on trees.

6. The submitted scheme is an amended proposal that has reduced the number of proposed flats from 17 down to 14. It is noted that another application 21/01544/FUL was submitted for the same site following the refused application for 14 apartments, however this scheme was withdrawn prior to a decision being made. The previous 17 flats included 3, one bedroom flats and 14 two bedroom flats. The current proposal is for 14 flats, 5 of which are one bed and 9 two bed.

7. The number of parking spaces proposed are 18, three of which are disabled parking spaces. There are also five visitor parking spaces to the front of the property, however the visitor spaces are on land outside of the applicant's ownership so cannot be considered as part of the proposal.

Principle of the Development

8. The re-use of the buildings will provide new residential accommodation and is supported in principle, through policies SPT1, DEV9 and DEV10 of the JLP and NPPF. The proposed development would not harm the function or character of area and is therefore considered acceptable in principle.

Design and Layout

9. The proposal seeks to convert the building into 14 flats. The application proposes the following configuration:-

- o Lower ground - 1 no 1 bedroom flat
- o Ground Floor - 4 no 2 bedroom flats and 1 no 1 bedroom flat
- o First Floor - 4 no 2 bedroom flats and 2 no 1 bedroom flats
- o Second Floor - 1 no 2 bedroom flats and 1 no 1 bedroom flat

10. A dedicated bin store, cycle store and residents parking is also provided as part of the development proposals. The proposal will also remove the existing external staircase, replace an existing pitched roof with a flat roof on an existing single storey extension. The entrances to the proposed flats are either from the front elevation or from the side elevation via the car parking area.

11. Policy DEV10 of the JLP requires that all new dwellings should be of a sufficient size and layout to provide good quality accommodation to meet the needs of occupants, with proposed dwellings required to meet Nationally Described Space Standards (NDSS).

12. The proposed plans show that units 4, 7, and 11 will have two double bedrooms, however from measuring the bedroom sizes each flat has one room that is below 11.5sqm and are therefore only suitable for single occupancy. These units will therefore only be suitable as two bedroom, three person units.

13. Unit 10 states it is a 2 bedroom unit, however the single bedroom has an internal floor space of approximately 5.7sqm. This bedroom is below the 7.5sqm minimum standard for the provision of a single bedroom. The additional bedroom also measures 11.4sqm and is therefore marginally below the 11.5sqm minimum standard for double occupancy but is however considered acceptable due to the minimal difference. The unit would be suitable for double occupancy. The unit would therefore only be suitable as a one bedroom, two person apartment.

14. A number of units are proposed to include a study/ office room. Officers are mindful that the size of the offices/ study exceed the minimum internal floor space for a single bedroom, therefore a condition will be added to ensure that the number of bedrooms accord with what has been applied for.

15. All of the proposed units would comply with the NDSS and are considered to provide adequate internal floor space.

16. Sufficient external amenity space also needs to be provided. The Plymouth and South West Devon SPD states that the minimum standard of outdoor amenity space for flats is 50sqm plus an additional 5m² for each unit over 5. The proposal therefore needs to provide a minimum of 95sqm of outdoor amenity space. The SPD states that the outdoor amenity space includes all front, rear and side useable areas. The proposal seeks to provide a lawned garden area near the parking which measures approximately 14sqm. Therefore the proposal does not comply with the minimum standard of outdoor amenity space. Officers however note the close proximity to Freedom Fields public park and therefore do not consider this a reason to refuse this application.

17. Policy DEV9 requires a mix of accessible housing units be sought in new housing schemes. 20% of dwellings on schemes of 5 or more should meet national standards for accessibility and adaptability, Category M4 (2) of Building Regulations. The submitted details indicate an intention for three ground floor dwellings to meet accessible housing requirements. A condition would be added to secure these flats meet these standards.

18. Based on the above summary of the main internal and external alterations required to facilitate the development of 14 flats it is this officer's view that these proposals are acceptable. The development will accord with policies DEV9, DEV10 and DEV20 of the Joint Local Plan.

Neighbour Amenity

19. The proposal seeks to remove the existing external staircase and replace the fire doors with windows on the first and second floor. It also seeks to replace some windows on the eastern

elevation with French doors and small balconies and provide additional windows on the western elevation at ground floor level.

20. Due to the new windows position at ground floor level and the existing boundary treatment between the application site and neighbouring property, it is considered that the proposed windows would not result in a detrimental impact on neighbour's privacy or overlooking.

21. The existing property has side windows that overlook the neighbouring properties' gardens. The property had previously been used as a residential care home and it is therefore not considered that this change of use would significantly impact the privacy any more than what was previously established.

22. The proposed balconies and French doors are on the eastern elevation overlooking the parking area and are small in size. It is considered that the proposed balconies would not have a significant impact on neighbours privacy due to the existing mutual overlooking from the existing windows and the distance between the balconies and the neighbouring residential properties.

23. The Plymouth and South West Devon Supplementary Planning Document (SPD) states that habitable room windows facing directly opposite one another should be a minimum of 21 metres apart for a two-storey development. This distance should be increased to 28 metres when one or more of the buildings are three-storeys in height or there is a drop in levels that reduce privacy.

24. The rear of the existing property is in close proximity to the rear of Ladysmith Court to the north of the site on Ladysmith Road. The existing property has windows that face the windows of the rear of Ladysmith Court, at a distance of approximately 4.6m. This is significantly below guidance.

25. After reviewing the planning history of Ladysmith Court it has been established the windows on the rear elevation largely serve a hallway with a bedroom, kitchen and office on the ground, first and second floor. To protect neighbours privacy a condition would be added to ensure that the windows on the northern elevation are obscured glazed. This is considered an acceptable solution as alternative windows on the side elevation also serve the proposed flats.

26. There are considered to be no significant amenity impacts generated by the proposal and it is considered acceptable in terms of neighbour and community amenity impacts and accords with Policies DEVI and DEV2 of the Joint Local Plan.

Highways and Parking

27. The Local Highway Authority (LHA) have previously recommended refusal for the change of use to 17 residential units in 2020.

28. The 2020 application for 17 units was proposed to be served by 14 car parking spaces and was taken to appeal after it was refused by the LPA. The Planning Inspector considered that the development would result in a detrimental impact on the amenity of the surrounding residential area and the likelihood of illegal or inconsiderate parking.

29. The current application is for 14 units with 18 car parking spaces provided on site, which will provide one car parking spaces per flat and four visitor spaces. The LHA have considered the number of spaces proposed and consider that a sufficient amount of parking has been provided on site to serve the proposed development.

30. The proposal seeks to provide electric vehicle charging points and electric cycles charging points with storage to encourage sustainable travel which will be secured through condition. A

condition will also be added to ensure that the proposed parking spaces and cycle storage are made available prior to any of the units of accommodation being occupied.

31. Having considered the advice of the LHA and the relevant policies, Officers consider that the proposed development is acceptable in principle and subject to the added recommended condition the proposal will comply Policy DEV29 of the adopted Plymouth and South West Devon Joint Local Plan.

Affordable Housing

32. Policy DEV7 seeks "to deliver a wide choice of high quality homes which widen opportunities for home ownership, meet needs for social and rented housing, and will create sustainable, inclusive and mixed communities." Moreover, Policy DEV7 requires at least 30% of the total number of dwellings to be affordable homes (without public subsidy) on developments of more than 10 homes.

33. In addition to local planning policies, section 5 (Delivering a sufficient supply of homes) of the National Planning Policy Framework 2021 (NPPF) sets out the national policy context for affordable housing delivery. Paragraph 62 of the NPPF states that "where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be delivered on-site unless:

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
- b) the agreed approach contributes to the objective of creating mixed and balanced communities".

34. In terms of social and economic sustainability it is important that the Council maximizes affordable housing provision wherever possible. The need for affordable housing delivery in the city is greater than the total annual housing provision and data from Plymouth's Housing Register from 1st January 2023 shows that the list of those in housing need has risen to more than 10,600 households registered.

35. A viability assessment has been submitted with the application and this suggests that it is not viable to provide any affordable housing (either on- or off-site). According to the National Planning Policy Guidance on viability, "the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances on the case, including whether the plan and viability evidence underpinning the plan is up to date..."

36. The viability assessment has indicated that the provision of affordable housing would compromise deliverability of this application. The assessment was reviewed by the Council's in-house Viability Officer who agrees with the viability assessment and the scheme would not be able to viably make any section 106 contributions.

37. The Housing Delivery Team had originally objected to the scheme as no affordable housing was proposed on site or off-site. After negotiations the applicant has put forward an offer of £50,000 towards an off-site affordable housing contribution, which is equivalent to approximately 3.9% affordable housing. Having considered the offer the Housing Delivery Team has removed its objection.

38. The Housing Delivery Team have stated that they welcome the proposed offer to pay an off-site Affordable Housing sum but have recommended that the sum is paid on the commencement of the development and with a clawback clause, whereby if the scheme viability improved, an additional Affordable Housing payment would apply. The applicant has agreed to these terms.

39. The Housing Delivery Team have stated that in terms of social and economic sustainability it is important that the Council maximizes affordable housing provision wherever possible. The

Affordable Housing money provided from this proposal (although modest), would be used to enable affordable housing delivery in the city.

40. While the contribution is significantly short of the 30% affordable housing contribution as stated within policy, the applicant has demonstrated that the development is not viable if 30% affordable housing was included as part of this development. The proposal will however contribute towards the delivery of a sustainable, inclusive and mixed community as set out in policy DEV7 of the adopted JLP, as well Plymouth and South West Devon Supplementary Planning Document (2020) and the NPPF.

Historic Environment and Design

41. The proposal seeks to remove the existing external metal staircase, replace the fire doors with windows, extend the existing single storey extension including removing a pitched roof and replacing it with a new flat roof and clad the external walls, replace some windows with French doors and balconies and clad the three storey extension to the rear of the site. Other changes include a new painted render to the front elevation, adjustments to the existing pier positioning to widen the access to the rear car park to allow access for fire and rescue services. The existing car parking is proposed to be enlarged and formal parking spaces provided through removal of some garden areas.

42. The Urban Design Officer has reviewed the submitted details and has raised objections to the scheme. They have raised concerns about the loss of the garden spaces stating that insufficient green amenity space has been provided for residents and therefore provides a poor quality outlook. Loss of the garden space would erode this valuable townscape characteristic as well as negatively impact on the setting of the listed terrace.

43. The Urban Design Officer has stated that the "large tarmac car parking area would be visually intrusive, including to the apartments overlooking it, and it would negatively affect the character of the site and wider terrace. Lipson Terrace is characterised by leafy rear gardens and the removal of green space here would undermine this quality. No design measures are proposed to mitigate the visual impact of the car park. The impermeable surface would be negative in terms of increased surface water run-off"

44. The Urban Design Officer has also raised concerns that insufficient information has been submitted to allow assessment of the proposed materials palette. No details have been submitted of the proposed cladding, with the drawings suggesting a shiplap cladding which would not be contextually appropriate or acceptable in this location.

45. The previously refused scheme (20/00433/FUL) also sought to increase the size of the existing car park but also retained a landscaped garden area. The proposed parking area for the current scheme will largely take up all the external area and will provide a small area of lawn. While the loss of a large amount of the amenity space is regrettable, it is not considered a reason to refuse the application when considering this area is largely screened from public view and the principle of removing the garden area was considered acceptable under the previous consent.

46. The officer has also considered the urban design officers comments with regards to the proposed materials, and while the officer agrees that a shiplap cladding would not be acceptable in this instance, however a condition has been added to agree the external materials prior to work commencing on site.

47. It is noted that an application for listed building consent has not been submitted with this application and would be required for the proposed works on site. The principle of the proposed

works are considered acceptable and subject to further details are not considered to have a detrimental impact on this heritage asset.

48. Officers are mindful that great weight should be given to an asset's conservation and in this case any harm is considered less than substantial. It is therefore considered that with the added condition the proposal would not have a detrimental impact on the character or appearance of the listed building or area and on balance is considered acceptable.

Drainage

49. The Lead Local Flood Authority has stated that the site is at a low risk of flooding from fluvial and surface water sources. The site is located within a Critical Drainage Area by the Environment Agency as an area where the existing sewage system is at or close to capacity.

50. A Flood Risk Assessment and Drainage Strategy report has been submitted for the application that concludes the site is at a low risk from flooding and proposes to discharge surface water as existing.

51. The LLFA have reviewed the submitted information and consider that the proposed change of use would not significantly increase the risk of flooding to or from the property. The LLFA have no objections to the application subject to the submission of details of the existing surface water drainage and evidence that options have been explored to increase the design standard of the surface water drainage to meet the 1 in 100 year return period with a 40% allowance for climate change. Details of the surface water drainage for the parking areas are also required.

52. The submitted drainage approach is acceptable in-principle, subject to the added condition, the proposal complies with policy DEV35 Managing flood risk and water quality impacts of the Joint Local Plan.

Sustainable Resource Use

53. Policy DEV32 requires all new residential developments of 10 units or more to incorporate low carbon or renewable energy generation to achieve regulated carbon emission levels of 20 per cent less than that required to comply with Building Regulations Part L.

54. The originally submitted Energy Statement, dated 11/10/21, sets out that 'suitable upgrades will be adopted, along with a solar photovoltaic array which will achieve a 18.7% reduction in carbon emissions'. This is below the 20% target and is contrary to policy. The Low Carbon Team therefore objected to the proposal.

55. Following the concerns raised by the Low Carbon Team, a new Energy Statement, dated 13.02.23, was submitted stating that suitable upgrades will be adopted, along with air source heat pumps and a solar photovoltaic array. The proposed energy strategy states that it would deliver a 64% reduction in carbon emissions, therefore meeting the requirements of policy DEV32.

Natural Infrastructure

Trees

56. The Natural Infrastructure (NI) Team initially objected to the proposal based on the lack of information on trees. The agent has stated that there are not any trees on site therefore did not provide any further information. The NI Team have stated that from looking at the previous information submitted that scattered trees were on site and have been removed, so are seeking replacement trees be planted. The agent has advised that trees on site were small, self seeded trees that were removed prior to the submission of the application. The officer is mindful that these trees on site were not protected and are therefore able to be removed without seeking prior approval. It

is therefore considered unreasonable to refuse the application due to the impact on trees in this case.

Ecology/ Biodiversity

57. The submitted Ecological Mitigation and Enhancement Strategy EMES (including Construction Ecological Management Plan (CEMP) & Landscape Ecological Management Plan (LEMP)) highlights ecological mitigation and biodiversity net gain measures through the provision of:

- o 4 Externally mount swift nesting provisions;
- o 4 Externally mounted sparrow nesting terrace;
- o 2 Inbuilt open fronted nest box;
- o 2 Externally mounted bat box;
- o 2 Inbuilt bat roosting provisions;
- o 4 Inbuilt Bee Bricks (wall either side of gateway); and,
- o 4 Hedgehog Hole (gate to be fitted 130 mm above ground level).

58. The EMES also includes a wildlife friendly lighting strategy. The NI Team have considered these measures and consider them acceptable in principle, however it is noted that the EMES needs to be updated to reflect the new car parking layout. As the current application is primarily a change of use application and considering the current ecological value of the site it is considered suitable to require an updated EMES via condition. It is considered that the site is able to accommodate the above mitigation measures and there is capacity to improve the landscaping therefore a condition will be added that also requires landscaping details along with a condition that requires a biodiversity budget table to be submitted that records the quantity of habitat currently on site and the metric loss and gains as a result of the proposed development to ensure that the proposed development complies with relevant legislation and JLP policy DEV26.

59. A Preliminary Ecological Appraisal (PEA) and a Phase I habitat survey have also been submitted and considered by the NI Team, which states that the site has limited suitability for bats. However due to suitability for nesting birds, if site construction is likely to impact habitats in the period March to August, these habitats should be thoroughly inspected prior to the start of work for nesting birds by a suitably qualified professional. If nesting birds are found, all activities likely to damage or disturb the nesting area should be delayed until chicks have fledged. The NI Team have therefore recommended the added condition that requires the development to accord with the submitted details.

Landscaping

60. The Natural Infrastructure Team state that given the scale of the development and design they do not consider there to be any significant detrimental impact to the character of the area.

61. The application included a Landscape and Ecology Management Plan (LEMP) that clearly identifies areas of management responsibility and outlines in detail how each element of the landscape will be managed and maintained.

Habitats Regulations Assessment

62. In relation to Habitats Regulations Assessment it was concluded that any adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuary Estuaries Management Plan and the Yealm Estuary Environmental Management Plan. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Refuse

63. There is a proposed bin storage area at the side of the site and a condition is recommended on any approval to ensure this is delivered and any bins are kept in this area on all days except for collection day. This is considered to be acceptable and the proposal complies with policy DEV31 of the Joint Local Plan

Secure by Design

64. The Police Architectural Liaison Officer has assessed the development and has not objected to the scheme but has provided guidance and raised concerns that the parking wouldn't be sufficient in relation to the overall schedule of accommodation so would encourage occupants to park elsewhere. A condition would be attached on the granting of any consent that requires the developer to demonstrate that the development can achieve a Secured by Design Silver Award (formally known as Part 2 of the Secure by Design Award).

Public Protection Service Considerations

65. The Public Protection Service have not raised any objection to the proposal. An informative would be added to the consent that requires construction work to comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition 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 Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended).

11. Planning Obligations

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

Planning obligations are required due to the nature and size of proposal. Following negotiations (as set out above) the applicant has agreed to pay £50,000 as an off-site contribution towards Affordable Housing within the boundaries of Plymouth City Council. The S106 will include a clawback clause, whereby if the scheme viability improved, an additional Affordable Housing payment would apply and shall be paid on the commencement of the development.

In addition, there are additional asks from service providers for off-site infrastructure provision to mitigate the impacts of the development, and hence to enable the development to be fully policy compliant, has been identified as follows:

Public Health- £8992.00 (Pay for the costs of the development's impact on the health infrastructure of the city)

Natural Infrastructure - £57,181.88 (Mitigation for the development on local amenity green space, parks and gardens, natural green space, play pitches and spaces, allotments, outdoor, wet and dry sports)

A viability appraisal report has been submitted and reviewed by the Council's in-house Viability Officer. It has been concluded that the scheme would not be able to viably make any section 106 contributions and the Council's Viability Officer agrees with the conclusions set out in the submitted Viability Assessment.

With reference to JLP policy DEL1: 'Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy', in determining whether or not to grant planning permission where a developer contends that planning obligations sought would make a proposal economically unviable, 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"

Officers have carefully considered that relaxation of planning obligations and shortfall in affordable housing provision in this case and consider that it can be justified on balance due to the benefits the development will bring the city through the provision of new homes and will bring this listed building back into use. While officers consider the relaxations of the planning obligations and shortfall of affordable housing is justified it is considered that these benefits are finely balanced. Therefore, the application is deemed compliant with JLP policies DEL1, DEV7 and DEV30, Plymouth and South West Devon Supplementary Planning Document (2020), and the NPPF.

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 development proposes M4(2) (Adaptable and Accessible) compliant and M4(3) (Adaptable and Accessible) compliant homes.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval subject to the signing of a S106 agreement with delegated authority to the Service Director for Strategic Planning and Infrastructure to refuse if not signed within the agreed timeframe (3 months).

14. Recommendation

In respect of the application dated 20.07.2022 it is recommended to Grant conditionally subject to a S106 with delegated authority to Director of SPI to refuse the application if the S106 is not signed within the agreed timeframes (3 months)

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Proposed Accessible Dwelling Details R20-27 PL.12 received 12/10/22

Proposed and Existing Lower Ground Floor Plans R20-27 PL.01 - received 05/07/22

Proposed and Existing Ground Floor Plans R20-27 PL.02 - received 05/07/22

Proposed and Existing First Floor Plans R20-27 PL.03 - received 05/07/22
Proposed and Existing Second Floor Plans R20-27 PL.04 - received 05/07/22
Proposed and Existing East Elevations R20-27 PL.05 - received 05/07/22
Proposed and Existing West Elevations R20-27 PL.06 - received 05/07/22
Proposed and Existing North/South Elevations R20-27 PL.07 - received 05/07/22
Proposed Site and Landscape Plan R20-27 PL.08 - received 05/07/22
Site Location Plan R20-27 PL.10 received 05/07/22
Proposed and Existing Roof Plans R20-27 PL.11 - received 05/07/22

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: 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 include the junction area that connects Lipson Terrace with Lipson Road.

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 JLP March 2019.

Justification: To ensure resident safety and that any damage done 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.

4 CONDITION: DRAINAGE DETAILS

PRE-COMMENCEMENT

No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Details of the existing surface water drainage system on a plan should be submitted, including the parking area, and opportunities should be explored to enable the development to meet the Local

Flood Risk Management Strategy requirement for a 1 in 100 year return period (1% AEP) design standard with a 40% allowance for climate change, and reduce surface water discharge rates to 1 in 10 year greenfield run off rates.

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

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy DEV35 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2019.

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.

5 **CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

PRE-COMMENCEMENT

The highway works hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the highway works and 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 ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

Justification: To ensure resident safety and that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network.

6 **CONDITION: BIODIVERSITY NET GAIN DETAILS**

PRE-COMMENCEMENT

No development approved by this permission shall be commenced a biodiversity budget table has been submitted to and approved in writing by the Local Planning Authority. The details shall record the quantity of habitat currently on site and the metric loss and gains as a result of the proposed development, and any provisions for protected species.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with JLP policies SPT11 & DEV26 and Government advice contained in the National Planning Policy Framework 2021.

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: EXTERNAL MATERIALS

PRE-COMMENCEMENT

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

Reason:

To ensure that the materials used are in keeping with the character of the area and listed building in accordance with with Policy DEV20 and DEV21 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

Justification: To ensure the materials used are of high quality and do not harm the listed building

8 CONDITION: SURFACING MATERIALS

PRE-COMMENCEMENT

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy DEV20 and DEV21 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

Justification: To ensure the materials used are of high quality and are durable

9 CONDITION: BIODIVERSITY AND LANDSCAPING

PRE-COMMENCEMENT

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

EMES

- An updated Ecological Mitigation Enhancement Strategy (EMES) that clearly shows a minimum of 10% biodiversity net gain on the site

Soft Landscaping

- Full Soft Landscape Details including (but not limited to); tree and plant species and size (to HTA standards), soil details, planting spec and establishment care, etc.
- Drawings identifying the arrangement of proposed soft landscape elements and soil layouts (min 1:200 scale). Plans should include a planting schedule for reference.
- Drawings identifying planting details (1:20 scale or as appropriate) such as tree pit details, tree protection details, hedge planting, typical planting details etc.

NB: All new trees will require a minimum of 15m³ root zone that is free from compaction and filled with soil conforming to BS 3882. The root zone should be calculated based on 900mm depth of soil only. The applicant will need to specify sufficient underground crating to provide a 15m³ root zone where compaction from vehicles may occur.

Hard Landscaping and Boundary Treatment

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

Management

- A Landscape Management Plan (LEMP) that clearly identifies areas of management responsibility and outlines in detail how each element of the landscape will be managed and maintained. Please note: the Landscape Management Plan should include a commitment to replace and dead or defective planting stock for a period of 5 years.

The development shall be carried out in strict accordance with the approved details and shall be carried out prior to first occupation of the building.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT12, DEV20, DEV23, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2021.

Justification:

Necessary to secure biodiversity net gain and a high quality landscaping scheme that benefits future occupiers and existing neighbours.

10 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The building shall not be occupied until space has been laid out within the site in accordance with the approved plan previously submitted to and approved in writing by the Local Planning Authority for a minimum of 20 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2021

11 CONDITION: SECURED BY DESIGN SILVER AWARD

PRE-OCCUPATION

Prior to the occupation of the apartments hereby approved, the developer or their successor shall demonstrate to the Local Planning Authority in writing that, as a minimum, the Secured by Design Silver Award (formally known as Part 2 of the Secure by Design Award) has been achieved.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with the Plymouth & South West Devon joint local plan 2014-2034, Section Dev 10 (2) and Dev 20 (6) and paragraph 12 of the National Planning Policy Framework 2021

12 CONDITION: PROVISION OF PARKING AREA

PRE-OCCUPATION

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2021.

13 CONDITION: BIN STORAGE

PRE-OCCUPATION

Prior to first occupation of any of the dwellings hereby approved the bin storage area shown on the approved plans shall be constructed and made available for use. The allocated bin storage area 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. Refuse and recycling bins shall be stored in this location at all times apart from collection days.

Reason:

To ensure adequate refuse and recycling storage and to prevent amenity impacts to the surrounding area or highway safety conflict in accordance with Policies DEV1, DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2021.

14 CONDITION: ELECTRICAL VEHICLE CHARGING PROVISION

PRE-OCCUPATION

The dwellings, hereby approved, shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for the provision of a minimum of three standard electrical vehicle dedicated charging points and three electric cycle charging points. The electrical vehicle charging points 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 sustainable modes of transport in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019. The proposed development has been considered in accordance with the Councils current Development Plan Policies and having regard for the National Planning Policy Framework.

15 **CONDITION: AIR SOURCE HEAT PUMP**

PRE-OCCUPATION

Prior to the occupation of dwellings hereby approved details of the location and kWp capacity of the Air Source Heat Pumps (ASHP) are shall be submitted to and approved in writing by the Local Planning Authority, the agreed ASHP shall be in place prior to occupation and shall be retained for the life of the development.

Reason: To ensure a sustainable form of development is secured and to ensure compliance with the requirements of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan, 2019 and the NPPF

16 **CONDITION: ACCESSIBLE HOUSING**

Three of the dwellings hereby approved shall where practical be constructed in accordance with national standards for accessibility and adaptability (Category M4(2) of Building Regulations).

Reason:

To ensure that the development includes a mix of accessible housing units in accordance with policy DEV9 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF 20121

17 **CONDITION: OBSCURE GLAZING**

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the windows on the north-east (rear) elevation 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 opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy of occupants and that of occupiers of adjacent dwellings in accordance with Policy DEV1 of the Plymouth and South West Devon Joint Local Plan 2019 as permitted by article 4 paragraph 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

18 **CONDITION: OCCUPANCY LEVEL**

Only the rooms shown as bedrooms on approved plans shall be used as a bedroom, unless the Local Planning Authority gives written approval to any variation of this requirement. For clarity the number of bedrooms per unit shall be:

Unit 1 - Two Bedrooms

Unit 2 - Two Bedrooms

Unit 3 - Two Bedrooms

Unit 4 - Two Bedrooms
Unit 5 - One Bedroom
Unit 6 - One Bedroom
Unit 7 - Two Bedrooms
Unit 8 - Two Bedrooms
Unit 9 - One Bedroom
Unit 10 - Two Bedrooms
Unit 11 - Two Bedrooms
Unit 12 - One Bedroom
Unit 13 - One Bedroom
Unit 14 - Two Bedrooms

Reason:

The number of bedrooms proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms, has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policy DEV10 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and National Planning Policy Framework.

19 CONDITION: LOW CARBON

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the report entitled Energy Statement, prepared by Resolution Energy, dated 13.02.23 V3

Reason:

To ensure a sustainable form of development is secured and to ensure compliance with the requirements of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan, 2019 and the NPPF.

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. 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_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: 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, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: CODE OF PRACTICE

During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working.

The Code is available from the Plymouth City Council website.

4 INFORMATIVE: PROTECTED SPECIES

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Natural Infrastructure Officers.

5 INFORMATIVE: LISTED BUILDING

This permission is not a grant of Listed Building Consent. Prior to any works to the building a Listed Building Consent must be submitted and agreed by the Local Planning Authority.