

## **ADDENDUM REPORT PLANNING COMMITTEE 8**

### **NOVEMBER 2012**

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**Item: \* '3**

**Site: Land off Towerfield Drive Plymouth**

**Ref: 12/01504**

**Applicant: CornerstoneZed Plymouth Limited**

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#### **Consultees**

##### **Environment Agency**

The Environment Agency has removed its objection subject to condition 3 and advice that has been copied to the applicant.

##### **Natural England**

Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of dormice and therefore avoid affecting favourable conservation status.

##### **South Hams District Council**

South Hams District Council has been formally consulted and also has to determine an identical application as the site straddles the boundary. Discussions have taken place between officers from both Councils, but no formal response has been received. Any comments received will be reported orally.

##### **Public Protection Services**

Require the agreed additional air quality monitoring and suggest a further condition.

##### **Analysis**

Officers met the applicant's agents recently to seek improvements. Progress was made on the design of the square to simplify it and reduce the number of bollards and changes will be made. The applicant will consider the treatment of the community open space and the possibility of tree planting which can be covered by the landscaping condition 8. On the design of plots 34 – 44 the applicant will consider altering the pitch of the roof and repositioning the flue. On the plots that have tiled northern elevations the applicant will consider a different material which will be covered by condition 40. The applicant will consider adding windows to elevations that face footways and roads to improve surveillance. It was unable to agree to changing the layout to alter the spatial relationships of the critical properties but will consider amending the window design to mitigate the overlooking from plots 71 and 72 to plot 34.

Officers have concerns about the "future legacy" flexible uses of the large assembly unit of industrial appearance close to houses. If when the site is completed there is not sufficient demand for all of the building to be used for business use the local planning authority would then consider suitable alternative uses. But the applicant is insistent that it requires the flexibility resolved now. Given the size and volume of

the building additional conditions are necessary to control its use. These relate to restricting the size units for A3 Restaurants and Cafes, A4 Drinking establishments and D1 Non-residential institutions and permitted development changes of use to A1 shops and the prevention of adding additional internal floors that could double the floorspace. The hours of use are controlled by condition 35.

On transport and parking matters the applicant has provided additional parking. Some of the spaces are some distance from the properties they serve such as those alongside the eastern hedgebank. These will need to be controlled to prevent their use by staff at the Children's Support Agency.

The applicant will provide details of the phased operation of the access arrangements from Woolwell Crescent and around the assembly building during the construction phase and this will be conditioned. The applicant will also provide an amended drawing showing how the future junction improvements at Woolwell Crescent with Tavistock Road will be safeguarded.

These changes will further improve the quality of the development.

### **Section 106 Obligations**

Parts of this section of the original report have been revised and to include updates and the changes are included in bold.

**A development of the scale proposed will have impacts of local and strategic infrastructure and also triggers policy requirements for the provision of affordable housing, all of which are matters for consideration through a Section 106 negotiation. The circumstances of the application proposal, in particular relating to delivery of Code 6 homes as part of a wider eco-village concept, and the implications for development viability arising from this approach, are also relevant factors to weigh in the balance in relation to a Section 106 negotiation.**

**Core Strategy Policies CS15 and CS33 (amplified by the Planning Obligations and Affordable Housing SPD Second Review) set out the framework for negotiating planning obligations. The application of CS15 would suggest a requirement for 13-14 affordable homes, subject to viability. In addition, the application of CS33 would justify the seeking of infrastructure contributions in relation to local schools, playing pitches, strategic transport, strategic green space and the European Marine Site, the need for such contributions being supported by evidence of need.**

**Given the particular characteristics of the scheme and the market conditions, the applicant has raised viability concerns.** The applicant has worked closely with officers on agreeing the viability appraisal. The appraisal is satisfactory for evidencing viability. It is a project with high risk with a viability gap in the appraisal of £1.8 million on a developer profit of 20% on cost. If the LPA sought substantial planning obligations it would render the project undeliverable. The reasons why this is so are because of the high build costs associated with the sustainable homes, the employment space providing little value, and the amount of open space and land required for the junction improvements. **It is therefore**

**appropriate to consider the application within the context of the Market Recovery Scheme, which provides a framework for Section 106 negotiations in such circumstances in order to support the recovery of the local economy.**

The application provided several benefits not least the high degree of sustainability, energy efficiency and carbon dioxide reduction. **The applicant has confirmed that it will provide 12 affordable homes.**

Negotiations are continuing on the draft heads of terms submitted by the applicant. These include matters relating to: the dwellings achieving a Code for Sustainable Homes level 6 EN rating; provision of a learning resource centre of up to 55 sq m; dedicating land in the south west corner of the site of about 500 sq m for highway junction improvements; “reasonable endeavours” to facilitate delivery of a green car sharing scheme and electric bicycles; retention and management of the woodland; creation of the open space and installation of the play equipment; and construction of the first phase of the employment facility. In addition to these, officers are seeking additional terms subject to viability. These are: the management agreement extended to the open space and eastern hedgebank; maintenance of the open space and play area by the developer/management company or a commuted payment; provision of travel passes; a contribution for a car club; **and funds to cover the cost of the Traffic Regulation Orders for parking restrictions, waiting restrictions and the roads to be one way only.**

**As the application site includes land in the South Hams, South Hams District Council will need to be a party to the Section 106 agreement.**

### **Recommendation**

The proviso needs to be added to the recommendation delegating authority to refuse permission if the section 106 agreement is not completed in time. The recommendation is: **Minded to grant conditional permission subject to S106 obligation with delegated authority to Assistant Director to refuse if the obligation is not completed by 10 December 2012.**

The following conditions have been added following further consultation responses received as outlined above and further consideration of issues raised. These are:

### **RESIDENTIAL TRAVEL PLAN**

(31) No dwelling hereby permitted shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the RTP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of (the commencement of the use)(occupation) the occupier shall operate the approved RTP.

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 CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SPECIFIED USE RESTRICTION I

(32) The employment/live-work units on the west side of the Mews Street and the assembly premises south of plots 80 to 85 premises on drawing number 227/P/103 Rev shall be used for Use Class B1 business purpose and for no other purposes including any other purpose in the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

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

#### LIVE-WORK FLOORSPACE

(33) Not more than 50% of the floorspace of each one of the employment/live-work units shall be used for living accommodation.

Reason:

To ensure that parts of the premises are used for employment purposes to prevent any unit being used for 100% living accommodation as the units are unsuitable for wholly residential use given their poor standard of residential amenity in accordance with policies CS01, CS04 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

#### SPECIFIED USE RESTRICTION

(34) The ground floor premises of Block C as shown on drawing number 227/P/103 Rev X shall be used for Class A3 Restaurant & Café, A4 Drinking Establishments or D1 Non-residential institutions purposes and for no other purposes including any other purpose in the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

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

#### OPENING HOURS EMPLOYMENT AND ASSEMBLY USES

(35)The employment/live-work units on the west side of the Mews Street and assembly unit south of plots 80 - 85 as shown on drawing number 227/P/103 Rev X shall not be used outside the following times: 08.00 hours - 18.00 hours Mondays to Saturdays inclusive and not at any times on Sundays and Bank or Public Holidays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### OPENING HOURS GROUND FLOOR OF BLOCK C

(36)The ground floor premises of Block C shown on drawing number 227/P/103 Rev X hereby permitted shall not be used outside the following times: 08.00 - 23.00 hours Mondays to Saturdays inclusive and 10.00 - 22.00 hours on Sundays and Bank or Public Holidays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DELIVERY HOURS

(37) No deliveries taken at or dispatched from the employment/live-work units on the west side of the Mews street, the assembly unit south of plots 80-85 and the ground floor premises of plot C shown on drawing number 227/P/103 Rev X shall take place outside the following times 08.00 - 18.00 hours Monday to Saturday inclusive and not at any time on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### VENTILATION/FUME EXTRACT SYSTEMS

(38)No ventilation or fume extract system shall be installed in any of the employment/live-work units on the west side of the Mews street, the assembly unit south of plots 80-85 or the ground floor premises of plot C shown on drawing number 227/P/103 Rev X until the full details of the system have been submitted to and approved in writing by the local planning authority. The ventilation or fume extract system shall be installed in accordance with the approved details.

Reason:

To protect the residential amenities of the area to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### PHASED PROVISION OF THE EMPLOYMENT/LIVE-WORK UNITS

(39) The three southern employment/live-work units on the west side of the Mews street shown on drawing number 227/P/103 Rev X shall be completed and available for occupation before the thirtieth dwelling hereby permitted is occupied.

Reason:

To ensure that the some of the employment/live-work space is provided in a phased manner during the course of the build programme to comply with policies CS01 and CS04 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### EXTERNAL MATERIALS

(40) The full palette of materials proposed on the approved drawings and Design and Access Statement is not approved. No development shall take place until details and samples of all of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LIFETIME HOMES

(41) 20 percent of the dwellings hereby permitted shall be built to the full Lifetime Homes standard.

Reason:

To ensure that adequate Lifetime homes are provided to cater for the needs of Plymouth's population to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(42) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Class A of Part I of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the residential and visual amenities of the area given the existence of plots on closeness of dwellings to one another in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TRANSLOCATION OF PART OF THE EASTERN HEDGE BANK

(43) Before commencement of the development hereby permitted details of the phasing of the translocation of the northern part of the eastern hedge bank and method of translocation shall be submitted to and approved in writing by the local

planning authority. The hedgebank shall be translocated in accordance with the approved details and phasing programme.

Reason:

To ensure that the ecological and landscape value of the hedgebank is retained to comply with policies CS18 and CS19 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### ECOLOGICAL MITIGATION AND ENHANCEMENT AND WOODLAND MANAGEMENT

(44) Before commencement of the development hereby permitted details of the phasing programmes and monitoring arrangements of the approved ecological Mitigation and Enhancement Plan and approved Woodland Management Plan shall be submitted to and approved in writing by the local planning authority. The ecological Mitigation and Enhancement Plan and approved Woodland Management Plan shall be implemented in accordance with the approved details, phasing programmes and monitoring arrangements.

Reason:

To protect the ecological, landscape and amenity value of the site to comply with policies CS18 and CS19 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### AIR QUALITY

45) Prior to commencement of the development hereby permitted a further air quality assessment, in addition to that already submitted with the application, shall be submitted to and approved in writing by the local planning authority. The report shall present the results of all air quality monitoring. If mitigation is required the report shall state what the mitigation measures are and they shall be installed prior to occupation of the development and remain in situ for the life of the development, unless otherwise agreed in writing by the LPA.

Reason:

To protect the residential and general amenity of the area from harmfully polluting effects to air quality, and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

#### INFORMATIVE I: CODE OF PRACTICE

(1) The management plan required by condition 5 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, construction traffic parking.

c. Hours of site operation, dust suppression measures, noise limitation measures.

#### INFORMATIVE 2: DRAINAGE OF THE SITE, DRAINAGE AND WATER MAINS INFRASTRUCTURE AND EASEMENTS

(2)The applicant is advised to act upon the advice contained in South West Water's letter of 25 September 2011 that was copied to the agents relating to the drainage of the site and the drainage and mains water infrastructure on the site and the easements relating to it.

#### INFORMATIVE 3 NATURAL ENGLAND LICENCE AND AGREEMENT

(3)The applicant/developer is advised that as there is evidence of the presence of dormice and badgers on site before the commencement of development that the applicant/developer will need to obtain: 1) a European Protected Species Licence from Natural England in relation to the dormice; and 2) if work will be carried out that disturbs the badger setts the applicant/developer will require a licensing agreement to be submitted to, approved and granted by Natural England

#### FOOD PREMISES - INTERNAL SURFACES

(4)The information provided with the application gives construction of the commercial units as being with basic materials and a basic finish. The applicant and future tenants/owners of the commercial units should be reminded that there are legislative minimal requirements for finishes inside food premises which will need to be met before a food business can legally begin to trade. For further guidance about satisfactory finishes in a food premises please contact the Public Protection Service.