

# PLANNING APPLICATION REPORT

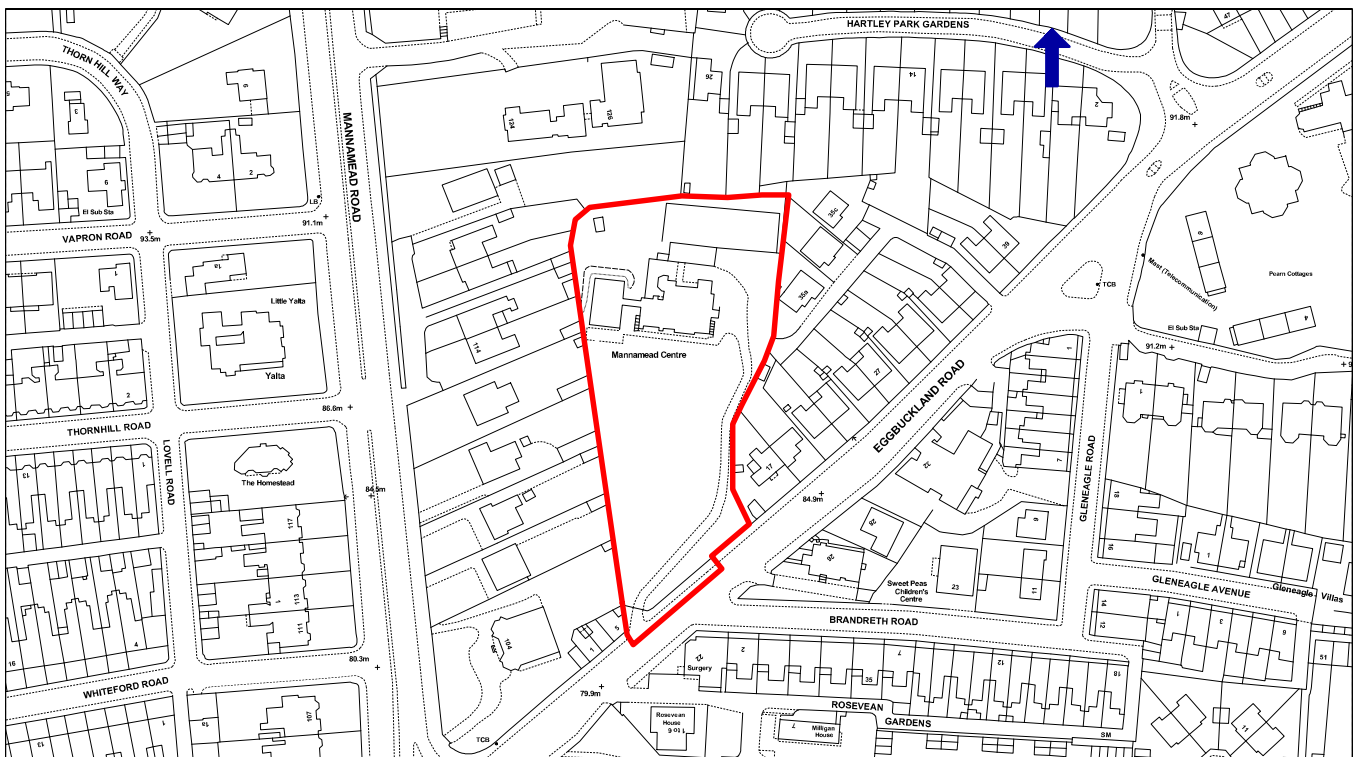


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| <b>Application Number</b> | 14/02336/FUL |
| <b>Date Valid</b>         | 11/12/2014   |

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|-------------|---------|
| <b>Item</b> | 6.3     |
| <b>Ward</b> | Compton |

|                          |  |                       |   |
|--------------------------|--|-----------------------|---|
| <b>Site Address</b>      | MANNAMEAD CENTRE, 15 EGGBUCKLAND ROAD PLYMOUTH   |                       |   |
| <b>Proposal</b>          | Demolition of existing Mannamead Centre and erection of 29 dwellings (amendment to approved scheme including alternative layout) |                       |   |
| <b>Applicant</b>         | Pillar Land Securities Ltd   |                       |   |
| <b>Application Type</b>  | Full Application   |                       |   |
| <b>Target Date</b>       | <b>12/03/2015</b>  | <b>Committee Date</b> | <b>Planning Committee: 12 February 2015</b> |
| <b>Decision Category</b> | Major - more than 5 Letters of Representation received and Member Referral   |                       |   |
| <b>Case Officer</b>      | Thomas Westrope  |                       |   |
| <b>Recommendation</b>    | Refuse   |                       |   |

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This application has been called into committee by Councillor Richard Ball

## **1. Description of site**

- 1.1 The former Mannamead Centre site was last used as a Plymouth City Council (PCC) education establishment until 2013 when the site became vacant and remains in PCC ownership. The site is accessed from Eggbuckland Road for pedestrians and vehicles via the main and only entrance.
- 1.2 The site is in part brownfield but includes extensive lawned areas with mature trees. The site benefits from a gentle southerly aspect sloping from an elevated position to the north, where the existing building is, to the south entrance. The site is substantially screened by trees from Eggbuckland Road to the south and is bounded on the remaining sides by the rear gardens of residential properties.
- 1.3 The existing areas of Mannamead are characterised by larger detached properties set in larger gardens with mature trees along Mannamead Road and to the north and east. The area also includes a number of terraced properties to the south of Eggbuckland Road.
- 1.4 There is a small local shopping area on Eggbuckland Road adjacent to the site.

## **2. Proposal description**

- 2.1 The application before committee is a revised layout from a previously approved scheme. The amendments include the widening of the internal access road resulting in the loss of a tree and rotating the front of four properties and parking away from the courtyard and onto the access road. The proposals include enhanced landscaping. The following is a revised proposal description for the scheme.
- 2.2 The proposed development is to demolish the existing building and to develop the site with 29 contemporarily designed residential units of mixed type. There are proposed to be 5 detached units in the north of the site, 12 semi-detached units in the middle and south of the site, 10 flats in the south of the site and 2 town houses opposite the entrance. The tenure of the proposals provide for 45% RENTPlus affordable units by number of units proposed.
- 2.3 The existing access to the site is proposed to be widened to provide for two-way traffic and pedestrian visibility, with the remaining quality trees and boundary wall along Eggbuckland Road retained. The proposed internal access road runs along the south and then east boundaries to the north where it runs east to west in a cul de sac. There is access in the middle of the site into a courtyard area that has car parking with two properties fronting onto it.
- 2.4 The access road running north along the east boundary will be able to accommodate two-way traffic, but has too steep a gradient to be adopted as Highway Maintainable at the Public Expense.

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

- 3.1 Pre-application discussions took place at an early stage and many of the recommendations are reflected in the design and layout of the scheme before you. However, the current layout has diverged from those discussions and the officers' analysis of those changes is in the relevant section below.
- 3.2 The developer has carried out consultation with adjacent neighbours through individual discussions and a consultation event. In addition, amendments have been made to the scheme

during the previous application process as a result of letters of representation and further engagement by the applicant.

- 3.3 Officers are of the understanding that the revised application before committee reflects a further negotiated position between some of the nearby residents and the applicant.

#### 4. Relevant planning history

- 4.1 14/00082/FUL - Demolition of existing Mannamead Centre and erection of 29 dwellings ~ Granted Conditionally and subject to s106

#### 5. Consultation responses

##### NHS England

- 5.1 Considers that there is sufficient capacity in the system to cope with potential population increase resulting from this development.

##### Police Architectural Liaison Officer

- 5.2 Seeks to require the use of lamp post lighting in the courtyard area to ensure a safe environment for persons using the facility and deter unauthorised people from using the area.

##### Public Protection Service

- 5.3 Seek to include a Code of Practice During Construction condition and a Land Contamination condition on any grant of planning permission

##### Local Highway Authority

- 5.4 No objections. Recommendation of various detailed conditions to be included on any grant of planning permission.
- 5.5 The application site is considered to be easily accessible and sustainable, and conveniently placed to access local services and the wider transport network. The traffic generation of the proposed development is considered to be acceptable, especially in the context of the previous use's trip generation.
- 5.6 The access will be improved and is considered to be acceptable subject to the works being required through condition.
- 5.7 The level of parking proposed is considered to be acceptable subject to further details securing adequate dimensions to ensure that their use is secured.
- 5.8 Referencing the widened section of access road, it would not be built to an adoptable standard as a result of excessive gradients of up to 1:8. The adoptable gradient is 1:12 with landing areas every 1m rise in elevation.

#### 6. Representations

- 6.1 Five Letters of Representation have been received and One Petition.
- 6.2 The issues raised are summarised below, but please refer to the original Letters of Representation available on the Plymouth City Council website for complete information.
- 6.3 In Support (Four letters, one petition)
- Re-orientating units 15-20 will increase the daylight provision to unit 16.

- The parking courtyard moves further away from the west boundary allowing further planting, improving privacy.
- The reduced size of the courtyard is welcomed to reduce children playing and anti-social behaviour.
- Reduced car movements in the courtyard area will improve safety for pedestrians.
- The car parking area will be predominantly for the RENTplus units, helping management.
- The road along the eastern boundary allows some additional residents to park in their own curtilage.
- The improved private road will reduce maintenance and service charge costs.
- The shared pedestrian surface to the north of the site is more appropriate and improves safety for pedestrians.
- The loss of the Beech Tree will be mitigated through soft landscaping, including extensive planting to the boundaries of the site that will improve screening and privacy.
- Plots 17 & 18 have been moved away from the west boundary.
- The access road along eastern boundary will improve traffic flow, reduce congestion and provide safer pedestrian access.

#### 6.4 In Objection (One letter)

- After being given assurances that removal of mature trees on the site would be kept to a minimum, notes that a mature healthy tree is being removed. This is not to the benefit of the local communication or general environment and feel that it is not essential for the development of the site.

#### 6.5 Comment (One letter)

- In support of the scheme, however, opposed to the use of lighting standards in lieu of bollards within the courtyard area [reference Police Architectural Liaison Officer consultation response]. Potential light pollution is unacceptable loss to amenity and nuisance. Environmental considerations should outweigh theory on crime prevention. Other non-intrusive mitigations are available.

## 7. Relevant Policy Framework

- 7.1 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.
- 7.2 The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).
- 7.3 The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration for the purposes of planning decisions.

- 7.4 The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 7.5 The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.
- 7.6 At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
  - Specific policies in the Framework indicate development should be restricted.
- 7.7 Additionally, the following planning documents are also material considerations in the determination of the application:
- Sustainable Design Supplementary Planning Document
  - Development Guidelines Supplementary Planning Document
  - Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document

## 8. Analysis

- 8.1 This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7. Particularly relevant policies include CS02 Design, CS15 Overall Housing Provision, CS18 Plymouth's Green Space, Policy CS19 Wildlife, CS32 Designing Out Crime and CS34 Planning Application Considerations.
- 8.2 The application before committee is amended from a scheme approved in September 2014. It is possible to draw comparisons between the two schemes, both positive and negative. However, please note that the determination of this scheme must be made on the basis of its own merits against material planning considerations and cannot be refused solely on whether it is 'worse' than the approved scheme.

- 8.3 Nonetheless, the approved permission does provide a context in which to assess the balance of material planning considerations.

### **Layout**

- 8.4 The layout of the scheme creates four distinct areas: the entrance road, fronted by two dwellings with garages on the ground floor and flats creating a strong building frontage and urban environment. Second, the courtyard and parking area will be narrow and fronted by two dwellings to the north, the flats' entrance to the south, and with a proposed close boarded fence to the east. The access through an undercroft to this area is not ideal and, despite allowing two way traffic and being one and half storeys in height, is exacerbated by the fence of plot 13. Third, the access road along the eastern boundary fronted by plots 13-20. Fourth, the north cul de sac characterised by larger detached dwellings.
- 8.5 It is considered that the eastern access road will provide a level of urban quality that is acceptable all be it dominated by parking, however, there is great concern regarding the environment that will be created in the courtyard area presenting a backland, low-standard, environment for plots 17 and 18 with regard to the space created and the materials proposed. In some cases this type of arrangement can be considered appropriate; however, in this case creating a lower standard urban environment is unnecessary.

### **Adoption of the Eastern Access Road**

- 8.6 As a result of gradient, it will not be possible to adopt this section of highway as maintainable at the public expense (HMPE). The road is proposed to be maintained through a management company. The Local Highway Authority has advised that this arrangement is acceptable in both planning terms and as highway authority.

### **Trees**

- 8.7 One of the results of widening the access road along the eastern boundary is the loss of a mature Beech tree. Where possible, the retention of key and important trees and other site features should be incorporated into the design and layout of development schemes.
- 8.8 The proposed scheme results in the loss of 33 trees across the site. Three of these are category 'U' (Not suitable for retention). The previous scheme provided a compromise regarding the loss of trees in order to accommodate development and the provision of housing on the site, and included the retention of the Beech tree. The current scheme reduces the retained trees on the site further and is considered to be unacceptable in this regard. The tree is clearly visible to all the properties on Mannamead Road that back onto the site in addition to those on Egguckland Road and in the opinion of officers the tree has significant amenity value and could form an important focal point for the new development.
- 8.9 An 'Arboricultural Statement; Layout change – the former Mannamead Centre' dated 3<sup>rd</sup> December 2014 has been submitted in support of the application. It states that:

*'Tree T916 has limited amenity value as it is only visible by a small number of surrounding properties – which have a partial view of the tree due to the adjacent vegetation. The tree is prominent in the landscape for the properties immediately adjacent to the east of the site (3-4 houses along Egguckland Road), who have a clear view of the tree from their rear gardens. From all other directions, including publicly accessible locations the tree is only partly visible due to the site orientation and the screening by other vegetation. The overall loss to the local amenities is therefore considered slight and tolerable in the wider context.'*

- 8.10 Officers disagree with the conclusion of this quote and that the tree has 'limited amenity value'. The tree makes a clear contribution to the area in its current context, and this value will be amplified with the removal of the surrounding vegetation in any layout that it is retained. It is considered that a housing scheme on the site will greatly benefit from the retention of the tree.
- 8.11 An alternative scheme could instead retain a Turkey Oak; however, such a scheme is likely to reduce the number of units that can be provided on the site.
- 8.12 Additional mitigation planting is proposed to off-set the loss of the Beech tree. However, this planting is not considered to sufficiently offset the loss of a mature tree with potential to greatly contribute to the scheme's character and continue adding to the amenity and leafy character of the area.

### **Improvements**

- 8.13 The proposed layout does allow additional planting along the western edge of the courtyard and for plot 18 to be located further away from the boundary. However, this does come at the expense of the garden size of plots 14-16 and the previous relationships were considered to be acceptable.
- 8.14 The benefits of a widened access road along the eastern boundary are not considered to significantly increase the safety of the road or, in the context of its steepness and the rest of the access road, the likelihood of sustainable travel.

### **Housing Supply**

- 8.15 When determining applications for residential development it is important to give consideration to housing supply. Substantial weight must be accorded to the need for housing in the planning balance when determining housing applications as a result of the current housing supply in Plymouth and policy context. However, an approval of the current application would not result in the supply of additional dwellings or a change to mix, type or tenure because there is an existing implementable permission that we understand to be as likely to be implemented.

### **Neighbouring Amenity**

- 8.16 As a result of the orientation and location changes of plots 15-20, they will now overlook the back garden of 17 Egguckland Road at a similar distance, but elevated, to plots 13 & 14. It is a fine judgement as to the acceptability of this relationship, but on balance officers are not recommending an additional refusal reason in this regard.

## **Other Considerations**

- 8.17 The following amended comments from the officers' report for the previous application are considered to be relevant.

## **Principle**

- 8.18 The principle of developing the site for housing is considered to be acceptable. The site is located in a highly sustainable location for the provision of housing being close to local facilities and the public transport network. In the policy context of affording great weight to the provision of housing, it is not considered appropriate to safeguard the site for other uses and no evidence has been provided that suggests otherwise.

## **Design**

- 8.19 The proposed dwelling design is considered to be acceptable and to contribute positively to the area. The contemporary style proposed is of a very high quality and will create a distinctive sense of place within the development while still respecting the overall character of the area. The new entrance will frame public views into the site from Egguckland Road and much of the existing boundary wall there will be retained. The housing density of the proposals provide for a good mix of housing type. The proposals achieve the Council's policy for the provision of Lifetime Homes
- 8.20 Alternative acceptable designs could be proposed that retain and renovate the existing building. However, whilst the demolition of the Mannamead Centre is unfortunate in some respects, it is not considered to be contrary to our existing policies and, on balance, allows for a considered design response to the site that maximises other planning gains.
- 8.21 Evidence provided with the application has found that a Beech in the north of the site has a cavity that requires the tree to be removed. Further evidence categorises the groupings of smaller trees on the north and west boundary to be 'c' and therefore not of high value. A category 'b' Turkey Oak in the middle of the site requires felling to accommodate the proposals; efforts to retain this tree would significantly impact the efficient use of the site and contribution to the provision of housing.

## **Neighbouring Amenity**

- 8.22 Amendments to the proposal during the previous application have removed balconies from the first floor of the dwellings to the north and north west of the site. The applicant has also proposed that a condition be included on the grant of any permission that the areas shall not be used for these purposes in the future. It is a fine judgement as to whether such a condition is necessary. However, having regard to the way the previous consent dealt with this issue and the willingness of the developer, it is considered appropriate in this case.
- 8.23 In order to aid in decision making the following distances from existing to proposed dwellings are scheduled:



Plot 1 to site boundary – 1.6m  
 Plot 1 to 104 Mannamead Road (nearest edge of tenement) – 28.4m  
 Plot 18 to boundary – 5.6m  
 Plot 18 to 110 Mannamead Road (nearest edge of tenement)– 31.8m  
 Plot 25 to site boundary – 6.2m  
 Plot 25 to 116 Mannamead Road (nearest edge of tenement) 28 m  
 Plot 25 to 118 Mannamead Road (nearest habitable window) 26.2m  
 Plot 26 to the boundary – 3.8m  
 Plot 28 to 26 Hartley Park Gardens (main dwelling) – 35.8m  
 Plot 29 to 24 Hartley Park Gardens (main dwelling) – 37.7m  
 Plot 13 to 17 Egguckland Road (main dwelling corner not conservatory) –  
 19m  
 Dwelling 12 (flat) to 17 Egguckland Road (main dwelling corner not  
 conservatory) – 18m

- 8.24 Two of the proposed dwellings on the west boundary of the site, plots 1 & 18 are located adjacent to the boundary of the rear gardens of properties 104 & 110 Mannamead Road respectively. It is considered important, in order to protect the privacy of these properties, that no windows (other than with obscure glazing) shall be allowed on the east facing elevations and should committee wish to approve the scheme, a condition is recommended to ensure that this is the case. Oblique views from the proposed north and south facing elevations are not considered to unacceptably impact upon neighbours' privacy.
- 8.25 The proposed dwellings at plots 1, 18 and 25 will reduce daylight, sunlight and impact on the existing properties on Mannamead Road. There exists vegetation along proportions of this boundary that means the resulting impact is diminished. Having regard to the Development Guidelines SPD, and the length of the gardens, it is considered that the impacts in this regard are acceptable.
- 8.26 The proposed Plots 26 and 27 back onto the garden of 122 Mannamead Road, and Plots 28 and 29 back onto 26 and 24 Hartley Park Gardens respectively. There is potential to cause loss of privacy in these locations. However, having regard to the changes in levels to the north, and the distances between the existing and proposed dwellings, the impacts in this regard are considered to be in compliance with the Development Guidelines SPD.
- 8.27 The proposed flats and plots 13 and 14 have windows that overlook the rear of 17 Egguckland Road. The window to window distances of the proposed dwellings to the first floor windows of the existing property are less than the guideline 21 metres for two storey, and 24 metres for three storey relationships at 18 metres. However, because of the property on Egguckland Road's proximity to the boundary, it is considered reasonable that the full guidance distance is not applied. Furthermore, the properties will be divided by the access road. On balance, with regard to privacy, sunlight, daylight and outlook, the impact in this location is considered to be acceptable.

## **Transport**

- 8.28 The impact of the proposal on the highway network is considered to be acceptable considering the trip generation characteristics of the previous and proposed uses. The proposed access to the site is considered to be acceptable, providing a safe vehicular access and pedestrian visibility. It is considered necessary, that should a consent be granted, to condition that the improvements to the access are implemented prior to any dwelling being first occupied.
- 8.29 The proposals provide for 42 external parking spaces (1.45 per dwelling), plus 12 garage parking spaces in garages (aggregate of 1.86 per dwelling). Having regard to the mix of type of housing, this provision is considered to be acceptable.

## **Sustainability**

- 8.30 As noted above, the broad sustainability of the site is positive, being close to local services and transport. There are no additional opportunities to improve the permeability of the site or area as the site is surrounded to the west, north and east with rear gardens.
- 8.31 The homes on the site are designed to Code for Sustainable Homes Level 3, with the affordable housing achieving Code Level 4. Alongside this provision, the council's policy of on-site renewable energy generation is proposed to be met through solar photovoltaic panels.
- 8.32 The bat survey submitted in support of the application concludes that there are no bats roosting in the existing building and the development is 'unlikely to have any adverse impact on local bat populations or activity'. A series of mitigation measures are proposed, and it is considered that these should be conditioned for implementation. Furthermore, a Biodiversity Enhancement Strategy further illustrates that the proposals will provide a net gain in biodiversity.
- 8.33 All nesting birds are protected by separate legislation, and it is not appropriate for the planning system to duplicate this protection.

## **Public Protection Issues**

- 8.34 A Code of Practice during construction and demolition has been submitted with the application, and subsequently amended to reflect the recommendations of the public protection service regarding hours of operation namely 8am-6pm Monday-Friday and 8:30am – 1:00pm Saturdays with no working on Sundays or bank Holidays. It is recommended that a condition secure the provisions of the Code of Practice, on any grant of planning permission.
- 8.35 With regard to land contamination, the principle of development in this regard is considered to be appropriate and it is recommended that a condition is attached to any grant of planning permission to secure any necessary remediation

## **Affordable Housing – RENTplus**

- 8.36 The application provides 45% affordable housing by number of units, located in the lower and central area of the site. The tenure proposed is that of RENTplus; a new model of affordable housing that has been developed in the South West by Plymouth based company, housing association and Plymouth City Council and forms part of the Plan for Homes. RENTplus will provide 500 RENTplus homes in the City over the next 5-years under a Memorandum of Understanding between PCC and RENTplus-UK Ltd. Mannamead is the pilot site and will deliver the first 13 RENTplus units.
- 8.37 The purpose of the RENTplus affordable housing is to provide an intermediate housing option for people on the Housing Register with aspirations to purchase their home after a period of time. Tenants will benefit from paying Affordable Rent (up to 80% of market rent\*) for a minimum of 5 years. On a phased basis at five year intervals (5, 10, 15 and 20 years) a proportion (25% at each interval) will be available for sale to RENTplus tenants who benefit from a gifted deposit from RENTplus to aid their purchase. Unsold properties can be acquired by an affordable housing provider.
- 8.38 In the unlikely event a tenant is not in a position to purchase outright they can “staircase” out through shared-ownership. In the rare circumstance the property has to be sold on the open market then a proportion of the sale price is given back to the Local Authority for re-investment in Affordable Housing.
- 8.39 The provision of intermediate housing is consistent with the National Planning Policy Framework and ‘*can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent*’ (Annex 2, National Planning Policy Framework). Annex 2 of the NPPF also states that ‘*housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision*’. It is considered that such provisions are secured through the RENTplus model by removing people from the housing list or by direct subsidy to Registered Providers or the Council for future Affordable Housing. In addition, RENTplus will replace homes sold with a view of keeping a ‘pool’ of 500 RENTplus homes in Plymouth (subject to availability of land and finance). Furthermore, the RENTplus model of affordable housing has been fully endorsed by the Homes and Communities Agency.
- 8.40 The provision of Affordable Housing at an affordable price for future eligible households is desirable and also a mix of affordable housing types is normally sought. However, the proposals meet the policy tests through removing people from the housing register following periods of paying Affordable Rent.
- 8.41 (\*NB In the case of the Mannamead Centre, the Affordable Rent will be at the Local Housing Allowance Cap (estimated at approximately 70% of Market Rent in this location))

## **9. Human Rights**

- 9.1 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

- 10.1 It is estimated that the scheme will generate £279,605 of New Homes Bonus over 6 years.
- 10.2 The CIL generated from the scheme is estimated at £91,001.65, with a provisionally estimated social housing relief of £27,519.51, leading to a payable CIL liability of £63,482.14

## 11. Planning Obligations

- 11.1 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.
- 11.2 Should planning committee consider the application acceptable, the following Planning obligations have been negotiated in respect of the following matters:
- £7.8k Play Space (Improvements to play equipment in Hartley Park Play Area)
  - £12.2k Local and Strategic Greenspace (Surfacing improvements to the path network in Hartley Park and improvements to water supply at Lower Compton allotments)
  - £40k Primary schools (Lipson Vale Primary currently being expanded)
  
  - Plus the management fee of £7,803.69
- 11.3 These obligations are considered to be related in scale and kind to the development and, in the context of the affordable housing being provided and CIL contributions, are considered to adequately mitigate the impacts of the development on infrastructure in accordance with national and local policies.

## 12. Equalities and Diversities

- 12.1 Despite challenging site topography, the site achieves the 20% Lifetime Homes policy requirement.

## 13. Conclusions

- 13.1 Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal does not accord with policy and national guidance.
- 13.2 On balance the proposed scheme is considered to have significant negative impacts with regard to the loss of the Beech Tree and the provision of a substandard layout with an unnecessary back land location for two of the plots and associated poor urban environment in the courtyard area of the proposed scheme.

13.3 There are some advantages to the proposed scheme in comparison to the previously approved application, however, these are not considered sufficient to outweigh the negative impacts of non-policy compliant elements of the scheme.

### 13. Recommendation

In respect of the application dated **11/12/2014** and the submitted drawings, it is recommended to:  
**Refuse**

### 14. Reasons

#### LOSS OF TREES

(1) The Local Planning Authority considers that the proposal will result in the loss of important trees with high amenity value, contrary to Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006 - 2021) and the NPPF Para. 118.

#### DESIGN & LAYOUT

(2) The Local Planning Authority considers that the proposal will result in a layout that creates a poor, unattractive courtyard environment with inappropriate boundary treatment, contrary to Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006 -2021) and the NPPF Para. 56, 57 & 58.

#### Informatives

##### INFORMATIVE: REFUSAL (WITH ATTEMPTED NEGOTIATION)

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

#### Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

CS28 - Local Transport Consideration  
CS32 - Designing out Crime  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS21 - Flood Risk  
CS22 - Pollution  
CS02 - Design  
CS15 - Housing Provision  
SPD2 - Planning Obligations and Affordable Housing  
SPD1 - Development Guidelines First Review  
DSPD - Design Supplementary Planning Document  
NPPF - National Planning Policy Framework March 2012  
NPPG – National Planning Practice Guidance