

# PLANNING APPLICATION REPORT



<b>Application Number</b>	16/00154/FUL	<b>Item</b>	01
<b>Date Valid</b>	01/02/2016	<b>Ward</b>	St Peter & The Waterfront

<b>Site Address</b>	PEIRSON HOUSE, MULGRAVE STREET, PLYMOUTH		
<b>Proposal</b>	Demolition of care home and construction of 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure		
<b>Applicant</b>	Devcor (Plymouth) Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>16/08/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 04 August 2016</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Simon Osborne		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if not met		

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## 1. Description of site

Peirson House is a 3 storey flat roofed building located between Mulgrave Street and Notte Street. The building was previously used as a residential home but has been vacant since 2012. The site contains a rear garden area.

The site is located on the boundary but within the Hoe Conservation Area and lies adjacent to a number of listed buildings including Lockyer Court immediately to the east, the terrace of dwellings on Alfred Street to the south, and the majority of the terrace along Athenaeum Street to the west. The grade II\* No 1 The Crescent also lies a short distance further to the west.

## 2. Proposal description

Demolition of care home and construction of 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure

The proposed building would be 7 storeys and would contain 26 one bed and 50 two bed apartments. The building would have a recessed, lightweight and heavily glazed top storey.

The building would be clad in white and grey cladding with aluminium edges to the balconies and render to the infill external walls. The ground floor front elevation would be natural Plymouth limestone.

The proposal includes an extensive use of balconies to the north and south elevations have been proposed to offer amenity space to most apartments.

37 parking spaces would be provided.

## 3. Pre-application enquiry

A post refusal meeting was held with the applicant following refusal of the previous application.

The Design and Access statement states that some limited public consultation has taken place. A selected group of local residents were invited to a presentation and invited to submit comments.

## 4. Relevant planning history

There is some planning history for the existing building however none is considered relevant to this application.

15/00095/FUL - Redevelop site to provide 9 storey building containing 92 apartments, with undercroft parking and associated landscaping (demolition of existing building) refused for the following reasons:

### *IMPACT ON THE HOE CONSERVATION AREA AND SETTING OF LISTED BUILDINGS*

*(1)The Local Planning Authority considers that due to its height, scale and massing the proposal would have a substantial adverse impact on the Hoe Conservation Area and nearby listed buildings particularly the adjacent Lockyer Court. The proposal is therefore contrary to policies CS02, CS03, and CS34 of the Plymouth Local Development Framework Core-Strategy 2007, policies 31 and 32 of the emerging Plymouth Plan, and paragraphs 58, 60 129,131, 133 and 137 of the NPPF.*

### **IMPACT ON NEIGHBOURING PROPERTIES (TO THE EAST)**

*(2) The Local Planning Authority consider that the proposed height of 9 storeys, which would be at least 6 storeys above the adjacent buildings to the east would result in an unreasonable loss of outlook and appear unreasonably overbearing when viewed from these properties contrary to policy CS34 of the Plymouth Local Development Framework 2007, policy 33 of the emerging Plymouth Plan and the NPPF.*

### **STANDARD OF ACCOMODATION**

*(3) The Local Planning Authority considers that due to the obscure glazing proposed to the first, second and 3rd floors of the east elevation (affecting 6 units) the bedrooms which they serve would have limited and unacceptable outlook contrary to policy CS34 of the Plymouth Local Development Framework, policy 32 of the emerging Plymouth Plan and the NPPF*

### **IMPACT ON INFRASTRUCTURE AND LACK OF AFFORDABLE HOUSING**

*(4) The Local Planning Authority do not agree with the viability conclusions of the submitted viability appraisal and do not consider that the contributions suggested in the submitted appraisal are acceptable to adequately mitigate, or help to mitigate, the impacts of the proposal on local and strategic infrastructure. The Local Planning Authority also considers that the limited commuted sum available to offset the lack of onsite affordable housing provision is not adequate to offset the requirement for affordable housing and therefore is contrary to policies CS15 and CS33 of the Local Development Framework 2007, policy 50 of the emerging Plymouth Plan and paragraphs 50 and 203 of the NPPF*

It should be noted that during its development the previously refused scheme was presented to an independent 'Devon Design Review Panel (DDRP) prior to submitting the application. Generally the DDRP was supportive of the scheme and felt that the height and mass of the proposal as presented to the panel was appropriate for the site in principle however there was some concern regarding the impact on Lockyer Court. In the main it welcomed the design particularly the use of balconies.

## **5. Consultation responses**

Historic England– object.

Historic Environment Officer – object – Less than substantial harm.

Local Highway Authority– No objections subject to conditions.

Environment Agency – No objections subject to conditions.

Police Architectural Liaison Officer – No objections.

Public Protection Service – No objections subject to conditions.

Economic Development Department – No objections but recommend an employment and skills strategy condition relating to local employment during construction.

Lead Local Flood Authority – No objections – requires further information.

Southwest Water – require further information.

Office of Nuclear Regulation – No objections.

## 6. Representations

101 letters of objection and 2 letters of observation have been received regarding this application.

The points raised are as follows:

### Impact on character and historical assets

1. Poor design, bland, characterless, no respect to context of area.
2. Out of scale and massing.
3. Impact on the conservation area and listed buildings.
4. Still more storeys than Historic England suggested in their previous response.
5. 4 storeys higher than Athenaeum Street and two storeys higher than Lockyer Street – This would break a 50 year precedent by being higher than neighbouring buildings.
6. The proposal doubles the height and depth of the existing building.
7. Whilst there is support for the acquisition of the Quality Hotel to develop that site sympathetically, this proposal is not sympathetic to this site.
8. Fully supportive of development of site with an alternative development which reflects the Conservation Area.
9. No attempt to move the building towards the street.
10. Too modern.
11. The Hoe is Plymouth's No 1 tourist attraction, let's not create an eyesore.
12. Overshadows Georgian and Victorian heritage.

### Highways

13. Parking problems.
14. Highway safety due to increased movements.
15. Lanes are narrow and refuse lorries cannot negotiate adequately.
16. The ramped access is constrained by parking spaces opposite.
17. Suggestion of better access from Notte Street.
18. Access issues along Mulgrave Street particularly the west access route.
19. Fire safety and emergency vehicle access.

### Neighbour amenity

20. Loss of sunlight and privacy due to proximity of existing buildings.
21. Impact on the business at the Walrus Public House from noise complaints.
22. Impact on outlook of properties on Athenaeum Street.
23. Noise, pollution and safety during construction.
24. Only ten metres from rear tenement.
25. The development is 7 metres away from property instead of 15 metres.
26. Noise from gated access and movement of refuse bins.

27. Overlooking from balconies.
28. No soft landscaping at rear for existing residents.

#### Standard of accommodation

29. Internal layout is poor for future residents.

#### Greenspace

30. Threatens valuable greenspace and natural environs/wildlife.
31. Loss of greenspace will mean that some locations are not within 400m of a greenspace.
32. The site has been nominated as a greenspace.
33. The ecology surveys are out of date.

#### Other issues

34. A number of family houses would be a better solution.
35. Plymouth Hoe is legendary
36. There is already market housing being provided at the Rivage development.
37. The application should be heard at planning committee.
38. No scale bars on drawings.
39. Poor and limited public consultation which has not been documented correctly.
40. Simply the shaving off of two storeys and minor changes to windows – price and profit is the driving force not what would be most appropriate for the site.
41. Plans not to correct scale.
42. The destruction has already started by the West Hoe Park development.
43. Likely to attract students instead of families.
44. Seems to disregard planning guidelines.
45. Existing apartments in the area are unoccupied.
46. Need affordable housing in area.
47. The health report only looks at air quality and no other health impacts.
48. Dark areas around the building will lead to crime.
49. The Plymouth Plan indicates that there are already a large number of small households in the area – larger family housing is needed.
50. This would set a poor precedent.
51. Not in tall building zone.
52. Contrary to policies, 15 28 29 30 29 31 32(items 1 and 3), and 43 of the Plymouth Plan.  
Contrary to CS02 CS03 and CS34 of the Core Strategy.
53. Does not deliver a corridor from the city centre to the water front contrary to Area Vision 4.
54. Contrary to NPPF 126

55. Contrary to the Conservation Area Appraisal and Management Plan.
56. No improvement on the previous plan.
57. Lack of surface water drainage information.
58. No tall building statement.
59. Impact on hotel businesses.
60. Impact on Education Infrastructure.
61. Does not protect long distance views.
62. There is a public right of way across the site.
63. No community space.

#### Non Material Issues

64. Not confident that money from the government for new dwellings does not influence the decision.
65. Impact on house prices.
66. Immoral.
67. The Hoe Conservation Area Residents association are working on alternative scheme.
68. No mention of compensation for residents for inconvenience during construction.
69. Why don't the Council fund development of their own sites?

It should be noted that the plans are currently being re-advertised following some slight amendments from what was originally submitted. This includes materials and the recessing of the top storey from the side elevations. Whilst officers consider the minor nature of these amendments did not require re-advertisement for the purposes of the legislation, given the public interest officers considered it would be appropriate to do so in this case. Any additional comments from the public or consultees will be addressed in an addendum.

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The 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.

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).

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.

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.

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 (first review).
- Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document.
- Hoe Conservation Area Appraisal and Management Plan.
- City Centre and University Area Action Plan.

## **8. Analysis**

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.
2. The application turns upon policies CS02 (Design), CS03 (Historic Environment) CS05 (Development of Existing Sites), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk) CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime) CS33 (Community Benefits / Planning Obligations), Area Vision 4 (The Hoe), and CS34 (Planning Application Considerations).

3. The policies of most relevance from the emerging Plymouth Plan are Policy 12 (Delivering strong and safe communities and good quality neighbourhoods), Policy 15 (Meeting local housing needs), Policy 20 (Delivering sufficient land for new homes to meet Plymouth's housing need), Policy 28 (Promoting Plymouth's Heritage) Policy 29 (Place shaping and the quality of the built environment), Policy 30 (Safeguarding environmental quality, function and amenity).
4. The main considerations are housing provision, design and historic environment, neighbouring amenity, living standards and highway issues.

### **Principle of Residential Redevelopment**

5. The previous use was a residential home which was vacated in 2012 and the building has stood empty since. The principle of redevelopment of this site would be in accordance with the NPPF and Core Strategy Policy CS34, both of which encourage the efficient use of previously developed land (as outlined in paragraph 17 of the NPPF).
6. The City Centre and University Area Action Plan Policy Proposal CC18 which the site is not within but is adjacent to, identifies that future development should strengthen the character of the area and could include residential. The Hoe area is largely residential in nature and therefore officers consider that a residential use is appropriate for this site.
7. The building itself has been labelled in the Hoe Conservation Area Appraisal and Management Plan as having a negative impact on the Conservation Area and therefore its replacement with an appropriately designed building is supported.

### **Housing Provision**

8. When determining applications for residential development it is important to give consideration to housing supply.
9. Paragraph 47 of the NPPF stipulates that "to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"
10. Paragraph 49 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
11. For the reasons set out in the Authority's Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 against the housing requirement set out in the Core Strategy which was set prior to the economic



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

12. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
  - a. Available to develop now
  - b. Suitable for residential development in terms of its location and sustainability; and
  - c. Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.
  
13. Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...”
  
14. For decision-taking this means:
  - a. approving development proposals that accord with the development plan without delay; and
  - b. where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:
    - i. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or
    - ii. specific policies in this Framework indicate development should be restricted”
  
15. As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial weight must be accorded to the need for housing in the planning balance when determining housing applications.
  
16. Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

### **Historic Environment and Design.**

17. The site is situated on the edge of the Hoe Conservation Area, and is immediately adjacent to the Grade II listed buildings on the corner of Lockyer Street (No 14 and No 15 Lockyer Court), which was previously an orphanage and later a hospital. A short distance along the road on the same side is The Crescent, an elegant terrace of Grade II\* and Grade II listed buildings. The site is therefore very prominent and visible, and in close proximity to important listed buildings.

18. Most of the buildings in the immediate area and throughout the Hoe Conservation Area are of a relatively uniform scale and mass, and this extends to the building currently on the site, despite it being a much later addition on the site of a terrace of houses that were bombed. Lockyer Court is three-storeys plus an attic and a basement, and this scale continues down the road and is retained throughout the surrounding area until it is terminated by the elegant terrace of The Crescent. However there are existing taller buildings in the Conservation Area particularly along Notte Street including the nearby Opel Villas and the more recent Hoe Centre. Other taller buildings have recently gained approval in the local area including on the opposite side of the road however these do not fall within the boundary of the Conservation Area.
  
19. Notte Street forms the boundary of both the Conservation Area and the area zoned as appropriate for tall buildings in Plymouth City Council's Sustainable Design SPD. It effectively and purposely separates the more modern mixed used city centre where taller buildings may be acceptable from the more historic residential character of the Hoe. The site lies to the south of Notte Street and therefore within the Conservation Area and outside of the tall building zone.
  
20. Following this previous refusal the scheme has been amended in an attempt to address this issue by reducing the height of the building from 9 to 7 storeys. The design now incorporates an expressed horizontal band across the front of the proposed development which would reference the height of the balustraded parapet of Lockyer Court's boundary wall in an attempt to provide some visual continuity between the old and new along the re-established street. In response to Historic England's initial comments the top storey has been setback from the side elevations and interest has been added through the careful use of materials. The predominant materials in the conservation area are render and stone and Plymouth Limestone has been proposed on the groundfloor of the front elevation to respect this. A white modern cladding has been proposed on the side elevations which is considered to reference render while avoiding the problems of staining unfortunately seen on some taller rendered buildings in the city and is seen as an appropriate approach on a contemporary building such as this.
  
21. Historic England has been re-consulted and welcome that the proposed development will re-establish the historic course of Mulgrave Street and note the inclusion of the horizontal band. However they still consider that the proposal, due in the main to its height and massing will cause harm to the character and appearance of the Hoe Conservation Area, through a design which - though improved since the previous refused proposals - fails to make a positive contribution to local character and distinctiveness.
  
22. The Hoe Conservation Area Appraisal and Management Plan states that proposals to redevelop sites will be required to preserve or enhance the character of the conservation area and contribute to the wider generation of the city. The position scale and massing and materials will be expected to respect the existing character. New development will be expected to be of highest quality design and high quality contemporary design will be encouraged.

23. CS03 of the Core Strategy requires the Council to safeguard and where possible enhance historic environment interests and the character and setting of areas of acknowledged importance including listed buildings and conservation areas. CS02 requires development to respect the character, identity, context of Plymouths historic townscape and contribute positively to an area's identity and heritage in terms of scale, density, layout and access. CS34 requires development to be compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density and materials.
24. Paragraph 58 of the NPPF notes that planning decisions should ensure that developments respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. Paragraph 60 goes on to note how it is proper to reinforce local distinctiveness and Paragraph 137 is also of relevance to this scheme, stating "local planning authorities should look for opportunities for new development within conservation areas...to enhance or better reveal their significance". Paragraph 129 states that a local planning authority should take into account the particular significance of a heritage asset when considering the impact of a proposal on it. In the case of this development, it is the effect upon the setting of the listed buildings around the subject site and the character and appearance of the Hoe Conservation Area. Paragraph 131 of the NPPF sets out the basic framework for determining applications that affect the historic environment, requiring local planning authorities to have regard to the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 133 of the NPPF states that where a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 134 also states that when the harm is less than substantial it should be weighed against the public benefits of the proposal.
25. Section 66 and Section 72 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. These are not a policies but a requirement of the act itself meaning that when considering these proposals, great weight must be given to the impact of the proposals on the character and appearance of the Hoe Conservation Area.
26. While the comments of Historic England are noted the proposal has been reduced by two storeys and the design amended to provide some reference to the surrounding building. Although on the edge of the conservation area the building would front on to Notte Street a busy thoroughfare which contains a number of existing taller buildings and planning permissions for taller buildings on both the southern and northern sides of the street. Although these existing buildings are not all of great quality and should not strictly be used as a positive precedent they do form part of the character of the street particularly when travelling from the east. The recently approved Crescent Point development which would lie on the north side of Notte Street would range from 7 to 13 storeys. This development is

under construction and will form part of the streetscene in the near future. The proposed building would be 6 storeys with a light setback 7<sup>th</sup> floor. Given this context officers consider that the scale and massing would be appropriate and not look significantly out of place in this on the edge of the conservation area.

27. On the previously refused scheme Historic England considered the proposal would cause substantial harm to the historic assets. Although Historic England considers the proposal would cause harm they have indicated this would be less than substantial as has the Council's Historic Environment Officer.
28. Officers have considered the development against the guidance of the NPPF and in particular paragraph 134, which states that when the harm is less than substantial it should be weighed against the public benefits of the proposal.
29. The public benefits of the proposal include market and affordable housing (through an offsite contribution) which would help to address the city's housing shortfall and also increase the vibrancy and vitality of the area. The site is well located in terms of access and the redevelopment would contribute towards a sustainable and linked community. On balance therefore officers consider that the proposal complies with policies CS03 and the NPPF in respect of the impact on heritage assets.

### **Greenspace and Landscaping**

30. The existing garden is a private garden which is not prominent when viewed from public vantage points. It is not identified in the Greenspace Assessment s or 2008-2023 Greenspace Strategy and officers consider it has no strategic function. The garden is not considered greenspace for the purpose of policy and its loss is therefore not considered to conflict with policy CS18. Given its position at the rear of the building it is not considered that the loss of the garden would be unreasonably detrimental to the character of the area.
31. It should be noted that the NPPF created the opportunity for local communities to nominate areas for protection akin to greenbelt through the Local Green Space designation. The site has been nominated by members of the public for Local Green Space designation as part of the consultation for the Plymouth Plan Part 2 which closed on 8th January 2016. This is not policy and is subject to consultation and therefore has very little weight.
32. The landscaping proposal has been formulated on the principles of opening up the space in front of the building (towards Notte Street) and allowing a series of spaces to be used by pedestrians as a resting place, and also a private area for residents of Peirson House to use. Using a series of stone faced retaining walls, the stepped gardens will also perform the visual function of reducing the impact of the limestone clad ground floor plinth level. The planting would include trees which are welcomed in this area. The details and management of the landscaping would be controlled by condition.

## **Neighbouring Amenity**

### **Properties located on Alfred Street**

33. The building ( not including the outdoor terrace) would be located approximately 7 metres (5.3 metres when measured from the projections) from the rear boundary of the site and would be a further 6.5 metres away from the rear boundaries of the dwellings located on Alfred Street. All dwellings except the end dwelling on the Alfred Street terrace have garages or hard standings ensuring that the garden area of the dwellings is some way away from the rear boundary. The building itself would be between 26 and 28 metres away from the closest rear tenement found on the Alfred Street Terrace. The development guidelines SPD advises that facing windows should be 28 metres apart however the guidance also recognises that in more historical dense built up areas it is not unreasonable to assume that privacy might be less than in lower density neighbourhoods. The building and associated balconies are considered to be an adequate distance away from the properties in Alfred Street to ensure that privacy will not be unreasonably affected by the proposal.
34. The garden terrace would stretch to the boundary of the site and would be slightly above ground level. Appropriate screening can be controlled by condition.
35. The submitted Design and Access Statement includes shadow analysis. This shows that due to the building being located almost due north of the dwellings on Alfred Street that shadowing is unlikely to be significant.

### **The properties on Athenaeum Street.**

36. The building would be approximately 21 metres away from the main 3 storey tenements, it is recognised that there are some lower extensions closer than this but in the main these do not contain windows in the end elevations. The proposed scheme only has high-level windows in the side elevations which prevents direct window to window relationships. The distance therefore exceeds the 15m guidance in the SPD and is considered acceptable.
37. The shadowing diagram shows that the building would cause additional shadow to the northern end of the terrace in the morning during summer. For the majority of the day and the evening the proposal would cause little if any additional shadowing. Although it is recognised there will be some impact this is not considered significant enough to warrant refusal of the application.

### **Properties along Lockyer Street and the Eastern part of Mulgrave Street**

38. The proposed building would be approximately 7 metres away from the western elevation of Lockyer Court and the adjacent buildings. It should be noted that the current building is also located on the boundary albeit at a lower level. In order to avoid loss of privacy the applicant has proposed high-level glazing on the side elevations. It is therefore considered that there would be little impact in terms of loss of privacy.

The guidance suggests that in order to protect outlook and for a building not to appear unreasonably overbearing the minimum distance between a main habitable window and a blank elevation for buildings over 3 storeys should be at least 15 metres. The distance between habitable windows in properties to the east and the proposal would be 7 metres.

However it is noted that this 7 metre relationship already exists between these properties and the existing 3 storey building to be demolished. The reduction in height from the previous scheme would lessen this impact and it is considered that given its location in a higher density area the proposal would be acceptable.

39. With regard to shadowing, the shadow exercise shows that the building would cause additional shadowing in the summer particularly in the evening however this is not considered so significant as to warrant refusal of the application.

### **Standard of Accommodation**

40. The accommodation would comprise of 26 one bed and 50 two bed apartments. The LPA is no longer permitted to refer specifically to the internal size standards for dwellings as prescribe in the Development Guidelines SPD however for reference, all apartments would meet or exceed the size standards found in the SPD. Outdoor amenity space would be provided in the form of balconies for the majority of units with a communal terrace to the rear. Although the balconies on the north side of the building would mostly be in shadow it is considered that due to the sites proximity to the Hoe, the provision of outdoor amenity space is acceptable.
41. The deepest apartments would be served by full length glazed doors and therefore officers consider that although fairly deep the apartments would have adequate light and outlook.

### **Highways**

42. The development would include 42 cycle storage spaces (slightly more than the 50% requirement) to encourage cycling as a sustainable means of travel, and 37 car parking along with refuse bin storage, provided within the under-croft of the building.
43. The Highway Authority did not raise any objections in principle to the previously refused application. In the interim a number of concerns and points have been raised by local residents and their representatives, in respect of transport and highway issues.
44. Peirson House is situated in a sustainable location, on the south side of Notte Street between the Hoe and the City Centre, and within convenient walking distance of both. The main pedestrian entrance would front onto Notte Street, with vehicle access and egress to the under-croft parking area on the west side of the building in Mulgrave Street (west).
45. Mulgrave Street and Alfred Street Lane runs around the perimeter of the building along its east, west, and south side, that forms an east/west link between Lockyer Street and Athenaeum Street; and there are also two service lane spurs that link Mulgrave Street with Alfred Street to the south. The development would provide two stepped pedestrian links, one each side of the building (east and west) between the fronting Notte Street, and Mulgrave Street.

46. The application site is located within the City Centre area, where there are convenient sustainable travel options available, therefore off-street car parking is not necessarily a requirement to support the proposed new flats at what is considered to be a highly sustainable location. In this case there are 37 spaces equating to 50% car parking provision, which would also help to reduce the number of associated vehicle movements and traffic. There are a number of public car parks close by, including the 612 space Theatre Royal car park situated approximately 70 metres away, and there is on-street Pay & Display car parking also available in some of the surrounding local streets, including the nearby Lockyer Street.
47. The local streets are all subject to some form of parking restrictions, including a Permit Parking Zone, 'H', which the proposal has apparently taken into account to ensure the proposed development would not interfere with the existing availability of on-street permit parking spaces in Mulgrave Street, which is restricted at all times to permit holders only. The proposal would be ineligible and excluded for the issue of all types of on-street parking permits and tickets. This exclusion would safeguard the on-street car parking availability for existing parking permit holders.
48. Further information has been submitted indicating the development would provide safe and practical vehicle ramped entry/exit to serve the under-croft car park. It should be noted that notwithstanding any application details a footway crossing and kerb-line would need to be maintained across the ramped vehicle entrance/exit to the under-croft parking area which would be secured by condition.
49. Commercial refuse bins would be stored within the under-croft of the building, and a recent amendment would allow direct storage and access to the street via a pair of louvered double doors, introduced and situated close to the vehicle ramp on the west side, to allow ease of storage and emptying on refuse collection day.
50. In terms of access for lorries, a Tracking Diagram showing a refuse vehicle negotiating Mulgrave Street has been provided and it is noted that the previous Peirson House use would have been served by refuse collection, as would the new development, which would have no more impact on the local streets than the previous arrangements.
51. It is considered that the same would apply to access for a fire tender, similar to the existing building, although the proposed new building would be higher. Suggesting the proposed development would not pose any more onerous conditions to the fire service than the current situation. The applicant is happy to engage with the fire service which ordinarily occurs at Building Regulations stage.
52. Local residents have expressed concerns over increased vehicle movements generated by the development. Vehicle traffic generated by 38 parking spaces would be relatively modest (in the order of about 23 cars in the peak hour averaging about 1 car every two and a half minutes). This compares to the flows on Notte Street of 1700 cars up and down Notte Street during the peak morning and evening rush hours. The increase in traffic movements from the development represents an increase of about 1.4% on road network flows. In reality this would be even less once the previous use as a Care Home (with its associated

traffic movements 19 parking spaces and turn over in parking demand) are taken into account and deducted. Therefore, overall the vehicle traffic impact of the proposed development is considered comparatively insignificant.

53. However, the applicant has agreed to accept planning conditions to explore any associated highway safety improvements. Concerns have been raised regarding the lack of safe opportunity for a car to emerge from Mulgrave Street onto Athenaeum Street, due to poor visibility to the south and north (left & Right respectively). The lack of visibility to the south is caused by formal on-street car parking close to the road junction, which is something that is outside of the applicant's control. This could therefore only be resolved by the loss of on-street parking spaces following a Traffic Regulation Order (TRO). However it is considered that this would be unlikely to gain public support.
54. The visibility to the north (right) could be helped by realigning the vehicle wheel track on the corner of Athenaeum Street and Notte Street, by introducing a hatched white-line margin in the carriageway to encourage a tighter wheel track turning movement for cars. This would help reduce the speed particularly of light vehicles cars and vans turning from Notte Street into Athenaeum Street.
55. Although evidence suggests vehicle speeds are very low in the surrounding local streets concerns have been raised by local residents that increased vehicle flows generated by the proposed apartments could result in vehicle collisions. In response to this perceived problem a partial one-way system could be considered in Mulgrave Street east and Alfred Street Lane via an associated TRO, perhaps from Lockyer Street through to the west face of the apartment building or thereabouts in a westerly direction. This could be explored as a mitigation measure following any grant of planning permission, although should planning permission be granted any TRO would be subject of further consultation and ultimately may not be realised. The estimated cost of the TRO would likely be between £3,500 & £5,500, with additional cost for signage should it be realised.

### **Affordable Housing and accessible homes**

56. Affordable housing is one of the top priorities for Plymouth City Council. The policy context is set out in paras.10.17-10.24 of the Core Strategy, which supports policy CS15. Policy CS15 states that on developments of 15 or more units, at least 30% of the total number of dwellings should be affordable, with a presumption that these should be provided on site. However, policy CS15 and paragraph 50 of the National Planning Policy Framework (NPPF) allow for commuted sums for off-site provision in lieu of on-site affordable housing where it is robustly justified and contributes to the creation of balanced, mixed and sustainable communities.
57. Policy CS15 states that affordable housing must be "*indistinguishable from other development on the site*" whilst the Planning Obligations and Affordable Housing SPD reiterates that housing should be tenure blind. The Housing Delivery Team has concerns over how the affordable housing units could be incorporated within the development and how service charges could be maintained at affordable levels alongside open market dwellings.
58. After three months of viability negotiations, the Council's Development Viability Officer has advised that a policy compliant 30% affordable housing scheme (23 units) with other section



106 requirements and Community Infrastructure Levy would result in a near zero land value, which would not be acceptable to the landowner and would not comply with the NPPF viability guidance. Therefore after careful consideration officers consider a commuted sum of £500,000 towards off-site affordable housing delivery. This is equivalent to 10-14% on-site affordable housing.

59. Commuted sums have been put to good use to bridge viability gaps and unlock stalled and brownfield sites such as Stonehouse Arena (56 affordable homes) and Hoegate House (30 affordable homes). These sites often have high abnormal costs associated with former uses, thus commuted sums can be used to good effect. It is envisaged that a contribution of £500,000 would deliver more affordable housing units off-site.
60. In addition, there is an abundance of affordable and supported housing in proximity of the development site and in the wider PL1 postcode area, therefore the delivery of open-market units would help to create a balanced, mixed and sustainable local community. The application proposes to deliver one- and two- bedroom apartments whereas a commuted sum of £500,000 could help to deliver family housing elsewhere in the city, where the need for affordable housing is greater.
61. With regard to Lifetime homes, policy CS15 requires 20% of new homes to be built to lifetime homes standards. The application proposes 20% (16 units) lifetime homes which meets the policy requirement. A condition has been added securing compliance with Part M4 (2) (Accessible and Adaptable Dwellings) which has effectively replaced Lifetime Homes.

### **Public Protection Issues**

#### **Noise**

62. The findings of the Noise Impact Assessment submitted with the application show that the noise from the adjacent Notte Street are the most significant noise source. There is still a requirement for protection of future residents and as such the noise levels internally should be conditioned. The report argues that the external amenity areas should be allowed to exceed the recommend level according to the relevant standard. Whilst Public Protection do not necessarily agree with this viewpoint they do accept that altering the design to improve the mitigation is not straightforward – also it is pointed out that some parts of the areas are acceptable. As such they do not wish to object to this approach subject to noise conditions including verification.
63. A Construction Management Plan condition has been added to minimise the impact of the construction on existing residents.

#### **Contaminated Land**

64. A preliminary risk assessment report been submitted in support of the application. The report has not picked up presence of historic underground fuel storage 90m East of site and also has not taken account of long term hospital land use from 1914 - 1974 adjacent to the site. The report is accepted, but will require updating to take full account of the above prior to the intrusive ground investigation that is recommended to ensure that the scope of this

investigation is adequate. A condition has been added requiring the necessary further site characterisation work, plus any other remediation and verification work that may subsequently be required.

### **Biodiversity**

65. Appropriate ecology reports have been submitted with the application. Habitats on the site are considered to have no or little intrinsic ecological value and therefore the ecological impacts of the development are not considered to be significant. No adverse impacts on protected species are predicted. The applicant has submitted a Preliminary Ecological and an Ecological Mitigation and Enhancement Strategy. The ecological enhancements proposed including landscaping, bird boxes and bat boxes are considered to achieve net biodiversity gain comply with policy CS18.

### **Drainage**

1. The applicant has submitted a drainage plan to demonstrate drainage of the site. The Environment Agency is satisfied that this is acceptable subject to a further details condition. The Lead Local Flood authority has requested further information. However given that there has been no material change since the previously approved application where the scheme was deemed acceptable subject to a condition, officers consider it is appropriate to secure these details by condition.

### **Energy savings**

2. The application proposes to find 15% carbon savings through the use of photovoltaic cells. This is considered acceptable and complies with CS20 requirements and will be secured through condition.

### **Other Issues**

3. In response to comments from the Police Architectural Liaison officer the proposal includes electronic access gates to the undercroft parking which will be secured through a condition.
4. Some letters of representation have suggested the plans are inaccurate. Any plans that were slightly inaccurate have been amended and have been available on the Council's website.
5. Given the nature of the site the Council's Natural Infrastructure Team are satisfied with the age of the ecology reports and surveys.
6. Tall building reports are a local validation requirement for buildings which are significantly taller than surrounding buildings. They are required at the Councils discretion. Officers consider that given the nature of the development, level of information within the Design and Access Statement and Heritage Statement that a report was not required in this case.
7. The existence of a public right of way across the front of the property has been highlighted by some residents. The Council's Public Rights of Way officer has confirmed there are no recorded public rights of way on the site.

8. With regard to the impact on education provision, the Local Education Authority has not objected to the application and has not requested any mitigation as there is spare capacity in the area.
9. The development would create a number of construction jobs. A condition has been added requiring the submission of an Employment and Skills Plan to demonstrate how local people will benefit in terms of job opportunities, training and apprenticeships.

## **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 provisional Community Infrastructure Levy liability (CIL) for this development is £263,668.53 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked.

## **11. Planning Obligations**

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

Planning obligations have been sought in respect of the following matters:

£130,000 towards the construction of the Charles Cross Roundabout scheme

£500,000 towards offsite affordable housing provision.

These contributions have been secured following the submission of viability information and officers are confident that this level of mitigation is the maximum that could be achieved on this site without affecting delivery.

## 12. Equalities and Diversities

Lifetime homes has been addressed above and there are no further issues.

## 13. Conclusions

Officers consider, taking in to account the lack of a 5-year housing land supply, that the proposal will provide much needed market and affordable housing for the City (through a commuted sum). The proposal will replace a building which has been identified as having a negative impact on the Hoe Conservation Area. Careful consideration has been given to the potential impacts of the development including the impact on historical assets, existing properties, and highways issues.

Officers have taken account of the NPPF and S38 (6) of the Planning and Compulsory Purchase Act 2004 and concluded that on balance the proposal accords policy and national guidance. The application is therefore recommended to grant conditionally subject to a S106 obligation.

## 14. Recommendation

In respect of the application dated **01/02/2016** and the submitted drawings 2147/100

2147/101

2147/105

2147/106

2147/107

2147/110/C

2147/111/B

2147/112/B

2147/113/C

2147/114

2147/116

2147/120

2147/121

2147/125/C

2147/126/C

2147/130

2147-170

2147/190 to 192 - Images

Preliminary Ecological Appraisal November 2014

Ecological Mitigation and Enhancement Strategy December 2014

Phase I Environmental Desktop Report 6th November 2014

Noise Impact Assessment 90751R0 10th December 2014

Landscape Management Plan 2147/170

Heritage Statement 2147/160

Energy Statement 22-11-2014

Air Quality Assessment 34181RI December 2014.,it is recommended to: **Grant Conditionally Subject to a S106 Obligation**

## 15. Conditions

### CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

### CONDITION: APPROVED PLANS

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

2147/100

2147/101

2147/105

2147/106

2147/107

2147/110/C

2147/111/B

2147/112/B

2147/113/C

2147/114

2147/116

2147/120

2147/121

2147/125/C

2147/126/C

2147/130

2147-170

2147/190 to 192 - Images

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

### **Pre-commencement Conditions**

#### **PRE-COMMENCEMENT: SURFACING MATERIALS**

(3) No development shall take place until further details and samples of all materials to be used to surface external areas have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the materials shall be in accordance with those shown on the approved elevation drawing which includes high performing silicone based render. 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

Pre commencement justification: To ensure all materials are acceptable prior to work commencing.

#### **PRE-COMMENCEMENT: DRAINAGE**

(4) Prior to the commencement of development, a detailed scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final scheme, including how the scheme can provide a connection into a future strategic surface drainage system (in order to remove surface water flows from the combined sewer) as well as the provision for exceedance pathways and overland flow routes;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation, or a timetable to be agreed, the scheme shall have been completed in accordance with the approved details. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with the requirements of Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Justification: To ensure that the drainage scheme required for the development is deliverable prior to any work commencing.

## PRE-COMMENCEMENT: CONTAMINATED LAND

(5) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

### Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

### Section 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

### Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

### PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

(6) Prior to the commencement of the development hereby approved a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The Code of practice must comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed. The

development shall be constructed in accordance with the management plan.

#### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .



Justification: To ensure that the construction phase does not unduly impact amenity of the area.

#### **PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS PLAN (ESP)**

(7) No development shall take place until an ESP has been submitted to and approved in writing by the Local Planning Authority. The ESP should demonstrate how local people will benefit from the development in terms of job opportunities, apprenticeship placements, work experience and other employment and skills priorities. The ESP should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved ESP unless a variation in the plan is agreed in writing in advance by the Local Planning Authority. Quarterly monitoring reports will be submitted to the Local Planning Authority, recording actual achievements against the targets outlined in the ESP. The first report shall be submitted three months after construction starts on site.

Reason:

To ensure employment and skills development in accordance with Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and in accordance with Policy 19 of the Plymouth Plan Part One (2011-2031).

Justification: To ensure that the employment and skills plan is adhered to throughout the demolition and construction of the development.

#### **Pre-DPC Conditions**

##### **PRE DPC LEVEL: LANDSCAPE DESIGN PROPOSALS**

(8) No development shall take place above DPC level until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e. bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012 .

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#### PRE-DPC LEVEL: FURTHER DETAILS

(9) No development shall take place above DPC level until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: details of cill, window/door reveals, balconies, screens, electronic gate, rainwater goods, all at a minimum scale of 1:5.

The works shall conform to the approved details.

Reason:

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

#### **Pre-occupation Conditions**

##### PRE OCCUPATION: REAR BOUNDARY SCREEN

(10) Prior to occupation of the development hereby approved a rear boundary screen shall be installed in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter be retained.

Reason:

To protect the amenity of neighbouring residents in accordance with CS34 of the Plymouth Local Development Framework Core Strategy.

##### PRE OCCUPATION: BUILDING MAINTENANCE

(11) Prior to occupation of the building hereby approved a programme and management plan for maintenance of the external elevations of the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. The building shall thereafter be maintained in accordance with the approved details.

Reason:

To ensure the external surfaces of the building are maintained so as to protect the visual amenity of the Conservation Area in accordance with policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy.

#### PRE OCCUPATION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)

(12) The use hereby permitted shall not commence until the process to explore and implement as agreed appropriate proposed access improvements to the existing highway has begun in accordance with the further details to be submitted and approved in writing by the Local Planning Authority comprising of an area of carriageway hatching at the junction of Notte Street & Athenaeum Street and a potential one-way Traffic Regulation Order for Mulgrave Street & Alfred Street Lane (north).

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE OCCUPATION: CYCLE PROVISION

(13) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 42 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

#### PRE OCCUPATION: DESIGNING OUT CRIME

(14) Prior to occupation an electronic access gate shall be fitted to the entrance to the under-croft car parking area and thereafter retained.

Reason;

To ensure that satisfactory measures are put in place to design out crime in accordance with policy of the Local Development Framework Core Strategy 2007.

#### PRE OCCUPATION: PROVISION OF PARKING AREA

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## PRE OCCUPATION: SUSTAINABILITY

(16) The development hereby approved shall be carried out in accordance with the approved Energy Statement 22-11-2014 or a subsequently approved Energy Statement, and the on-site renewable energy methods installed prior to occupation of the dwellings.

### Reason:

To deliver on-site renewable energy in accordance with policy CS20 of the Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF

## Other Conditions

### CONDITION: NOISE HABITABLE ROOMS

(17) All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The levels as described in Table 4 of the guidance shall be applied, meaning there must be no more than 35 Db Laeq for living rooms and bedrooms (0700 to 2300 daytime) and 30 Db Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 Db Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

### Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007

### CONDITION: BIODIVERSITY

(18) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated December 2014) for the site.

### Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

### CONDITION: TREE REPLACEMENT

(19) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012, and are subsequently properly maintained, if necessary by replacement.

#### PRESERVATION OF SIGHT LINES

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

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CONDITON: DRIVEWAY GRADIENT/RAMP TO CAR PARK

(21) The driveway ramp to the under-croft car park hereby permitted shall not be steeper than 1 in 10 at any point.

Reason: To ensure that safe and usable off street parking facilities are provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

#### CONDITION: UNDERCROFT GATE TYPE (ADJACENT TO HIGHWAY)

(22) The electronic gate to the undercroft parking hereby permitted shall be of a type that does not project beyond the face of the garage when open or being opened.

Reason:

To ensure that the door does not project over the adjacent highway at any time in the interest of public safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

#### CONDITION: PART M ( ACCESSIBLE AND ADAPTABLE DWELLINGS)

(23) Unless otherwise agreed in writing 20% of the dwellings hereby approved shall be Part M4(2) compliant in accordance with details previously submitted and approved in writing by the Local Planning Authority.

Reason:

To ensure that 20% of the dwellings on site are built to the equivalent of Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document 2007 and Government advice contained in the NPPF

## **Informatives**

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

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

### **INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)**

(2) 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 and has negotiated amendments to the application to enable the grant of planning permission.

### **INFORMATIVE: KERB LOWERING**

(3) Before the access hereby approved are first brought into use it will be necessary to secure dropped kerbs [and footway crossings] with the consent of the Local Highway Authority. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.

### **INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

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

### **INFORMATIVE: IMPACT ON HIGHWAY STRUCTURE**

(5) The proposed development work would have a direct impact on the structure of the Highway Maintainable at Public Expense and the applicant would need to contact the managers of the highway network prior to any works starting.

### **INFORMATIVE: PUBLIC HIGHWAY**

(6) All new ground levels and thresholds would need to be designed to meet and tie into the existing ground levels of the public highway where required. The disposal of all surface water including roof water must be accommodated within the confines of the application site; no private apparatus of any kind including drainage lines/pipes, or inspection chambers would be permitted within the public highway.

## INFORMATIVE: RESIDENT PARKING PERMIT SCHEME

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