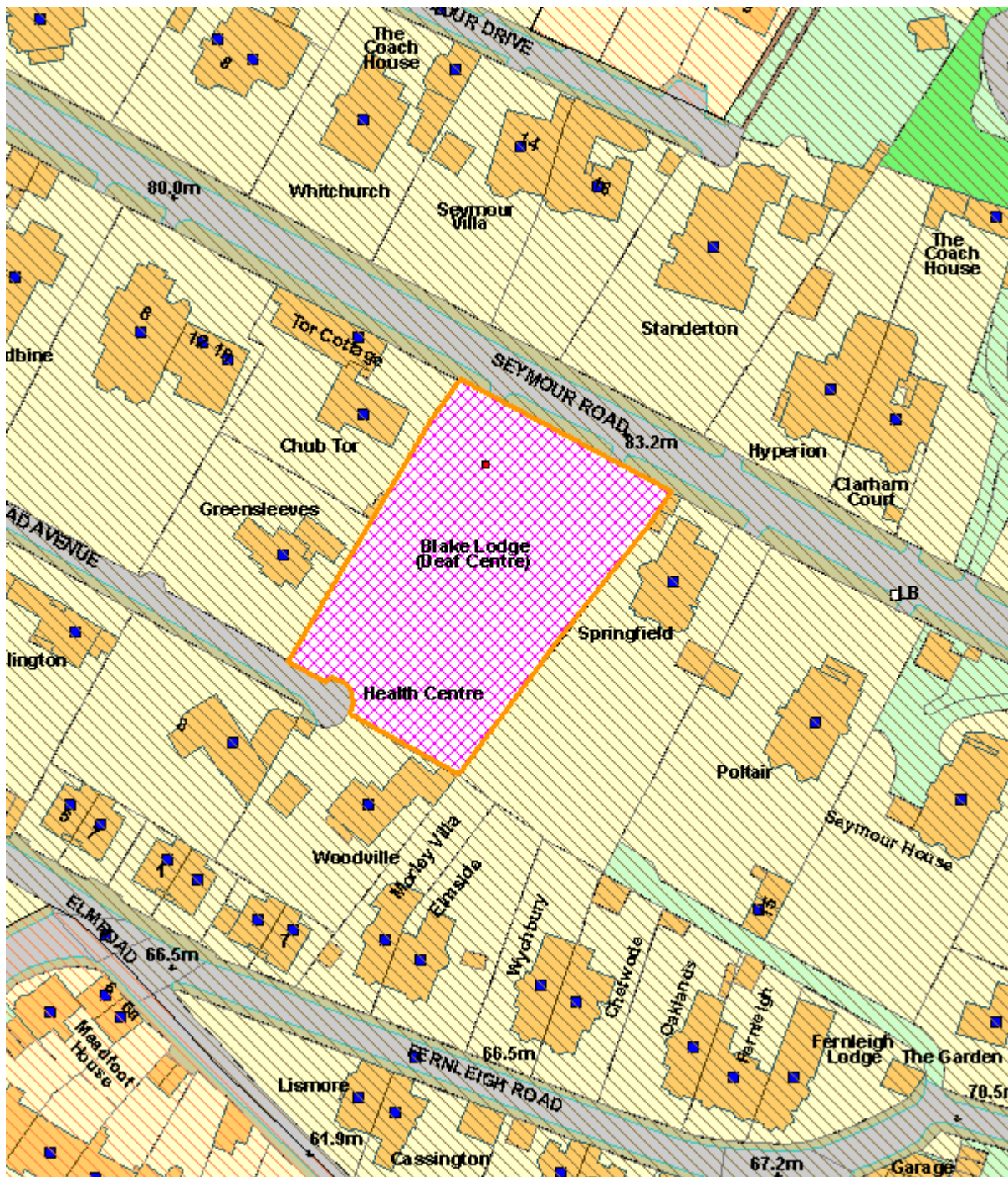


PLANNING APPLICATION OFFICERS REPORT



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|---------------------------|--------------|-------------|-----------|
| Application Number | 16/02073/FUL | Item | 02 |
| Date Valid | 19.12.2016 | Ward | COMPTON |

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|-----------------------------|--|-----------------------|-------------------|
| Site Address | Blake Lodge, Seymour Road Mannamead Plymouth PL3 5AS | | |
| Proposal | Demolition of fitness centre and construction of 10 self-contained flats to be used by Plymouth Deaf Association | | |
| Applicant | Mr Andy Atkinson | | |
| Application Type | Full Application | | |
| Target Date | 20.03.2017 | Committee Date | 01.06.2017 |
| Extended Target Date | 08.06.2017 | | |
| Decision Category | Major - More than 5 Public Comments | | |
| Case Officer | Mr Jon Fox | | |
| Recommendation | Grant Conditionally | | |



1. Description of Site

The site is within the former grounds of Blake Lodge, which is a substantial listed building fronting Seymour Road, in the Mannamead Conservation Area (CA). Blake Lodge is used as a centre for the Plymouth Deaf Association (PDA) and an adjoining building, within the same curtilage, is used as a separate pre-school. The site is to the rear of Blake Lodge and is occupied currently by a long, single-storey building, which up until recently has been used as a gymnasium. Access to the site has in the past been via Mannamead Avenue, to the rear, but the land on which the gym stands was at some time raised up by approximately 1800mm. Consequently the gym is accessed via a long drive running down the side of the pre-school (from Seymour Road).

The site is bounded to the west by a modern, detached dwelling, which appears to constitute 'backland development' of the corresponding property fronting Seymour Road and to the south by another detached property that is also accessed via Mannamead Avenue. The site is bounded to the east by the garden of substantial residential property on Seymour Road. The site contains a number of mature trees, principally down its eastern side. There is also a thick hedge on the western side, adjacent to the backland site.

2. Proposal Description

The proposal is for the demolition of the fitness centre and construction of 10 self-contained flats to be used by Plymouth Deaf Association. The proposals involve excavating the site by approximately 1.5 metres; in order to reduce levels to the point where vehicular access is achievable via Mannamead Avenue. Consequently the roof of the proposed building is approximately one metre higher than that of the existing gym building roof. The proposed roof parapet is another half of a metre higher than that.

Since the application was deferred at the previous committee, the applicant's agent has submitted an amended site plan, which shows an area for turning amongst the main car parking area, as well as two additional car parking spaces that would be accessed from Seymour Road.

The agents have submitted a statement of need. This includes reference to the need for purpose built rentable accommodation for deaf people within close proximity to facilities at Blake Lodge, which revenue from the project is targeted to improve. The revenue from the scheme is also intended to be used for repairs, decoration and soft landscaping to the Blake Lodge Centre.

Design features the PDA would be looking to include are as follows;

Assistive Technology Pre-Installed In Residences
Light Based Alarms and Doorbells
Unobstructed Sightlines
Flooring Wired for Vibration Alerts
Integrated Smart House Technologies
High Speed Internet Enabled
Smart TVs with Video Calling Capacity
Disabled Access/Lifetime Homes provisions built into the design
Security

The statement says that based on the feedback already provided from members, likely criteria for qualification to rent one of the flats is as follows;

- Aged 55 years and over
- Severely Deaf (able to hear 71 to 90dB)
- Profoundly Deaf (able to hear only over 90dB)
- Preferably uses British Sign Language (BSL) as a first language, or Signed English (one individual if a couple)
- Currently resides within the Devon or Cornwall
- Does not require comprehensive nursing care

-Belief that the purpose-built accommodation will enhance the quality of life

The proposals include restoring the front façade of the building, which would be funded by revenue from the development.

3. Pre-application enquiry

The related pre-application enquiry also proposed developing the site by the construction of 10 flats. The Local Planning Authority (LPA) considered this to be acceptable in principle and if reduced to an appropriate scale would enhance the character of the conservation area while preserving trees and the amenities of neighbours. As such the proposals were considered in accordance with the relevant Core Strategy policies. However, the LPA considered that the proposals for 10 units would overdevelop the site in terms of the impact on the character of the conservation area and the amenities of neighbours.

4. Relevant planning history

16/01540/LBC - Minor external and internal alterations. This application was granted consent.

14/00444/LBC - Construction of timber playroom. Listed building consent was not required.

13/00767/LBC - Conversion of building to pre-school unit including external and internal alterations. This application was granted consent.

13/00766/FUL - Conversion of building to pre-school unit including external alterations.

08/02177/FUL - Erection of single storey storage building. This application was granted permission.

07/00035/CAC - refurbishment of gutters and roof slating plus chimney rendering - Conservation area consent was not required.

97/01435/LBC - Redecoration and repair, including re-roofing. This application was granted consent.

87/02282/FUL - Extension to health studio. This application was refused.

Tree Works

94/00267/FUL - Single storey side extension. This application was withdrawn.

This application was granted permission.

16/01785/TPO - Holm Oak - Fell (decayed). Consent was granted for these works.

09/01833/TPO - Various tree works. Consent was granted for these works.

5. Consultation responses

The Local Highway Authority (HA)

The Highway Authority advises that based upon a trip rate of around 0.3 movements per unit, the 10 flats would generate just 3 two way trips during the am and pm peak traffic hours. Such a low number of movements would not give rise to any issues on Mannamead Avenue. On the basis that the flats would be occupied by persons with hearing impediments in reality the likely number of traffic movements associated with the flats would be lower than that forecast (likely to be less than more traditional open-market flats), although this view is not backed up by evidence.

The HA also observed that a total of 10 off-street car parking spaces have been provided which equates to 1 space per unit. Whilst it would have been beneficial for some visitor car parking to be provided it is acknowledged that the level of car parking accords with current policy and that the site is considered to be in a sustainable location and can easily be accessed by sustainable transport modes (walking, cycling, public transport etc). (Since this response was received two additional parking spaces have been provided, and shown on plan. These two spaces are accessed from Seymour Road and are situated in front of Blake Lodge.)

Although the layout of the car park appears to be quite tight the HA note that there is a minimum distance of 5.5m between the rows of spaces which should provide enough space to allow a vehicle to turn. It is noted also that reference is made to secure and covered cycle parking being provided within the building.

With regard to the amended parking layout, referred to in the description of development, above, the Highway Authority notes that some on-site turning can be provided. Although not large enough to accommodate HGV's, the turning area would allow for a large delivery van to turn around within the site and goes some way to addressing concerns raised regarding the lack of identifiable turning provision at the end of Mannamead Avenue.

With regard to refuse collection, the HA state that bin lorries would have to continue to reverse down Mannamead Avenue to collect bins (which is an arrangement which currently takes place in terms of bin collection for the existing properties that front onto Mannamead Avenue). The HA would not wish to add any further conditions to those already stated in their previous highway consultation response and is content that the condition relating to the provision of the car parking area would also include the proposed turning area now being shown.

Public Protection Service (PPS)

PPS have no objections to the development, subject to a condition to ensure land quality. The Public Health Team within PPS are supportive of this application in principle. The provision of high quality living accommodation for a vulnerable community fits with their ambitions for a growing city where an outstanding quality of life is enjoyed by all.

Historic England (HE)

Historic England advise that the while efforts have been made to utilise the topography of the site, and lessen the impact of the development on the listed building and conservation area, the proposals still negatively impact on the characteristically mature landscaped settings of its large detached Victorian villas. HE also note the proposed charitable use of the new building, and advise that the minor harm to the historic environment should be weighed against any wider public benefits offered by the proposals, in accordance with NPPF paragraph 134.

The Victorian Society

The Society state that ideally there would not be such a large building as existing in what was historically the garden of the Grade II listed house, as this compromises its setting somewhat. Nevertheless, the principle is established and the proposals are judged on this basis.

The Society's view is that replacing the existing building with a larger and slightly taller structure that is in closer proximity to the designated heritage asset, would cause a limited level of harm to it. Under the terms of the NPPF, this should be considered to be 'less than substantial' and should therefore be weighed against the public benefits of the proposals. A considerable heritage benefit that could help to offset the harm would be the repair and restoration of front façade of the main house, as the public face of the listed building.

The Society state that if access is to be from Mannamead Avenue, the original nineteenth century gateway should be made use of. If further works are required, besides unblocking it, these ought to be given careful consideration as the wall and gate piers form part of the curtilage of the listed building.

Environment Agency (EA)

Whilst the EA have no in principle objections to this application they recommend that it is not determined until sufficient information is submitted to demonstrate, to the satisfaction of the Lead Local Flood Authority (LLFA), that surface water can be appropriately disposed of via infiltration. It is for the LLFA to indicate whether they are satisfied with the design and calculations of the proposed surface water drainage scheme.

Lead Local Flood Authority (LLFA)

The site is located in a Critical Drainage area (red). The site is not located in an Area at Significant Risk of Local Flooding (PFRA) or on land with Potential for Contaminated Land. There is no existing surface water sewer in the vicinity of the site, with only 225mm diameter SWW combined sewers located in Seymour Avenue to the north of the site and Mannamead Avenue to the south. The applicant has proposed soakaway drainage for the development consisting of concrete rings filled with gravel.

Technical Response

- A drainage strategy or flood risk assessment should be submitted that demonstrates that the proposed drainage system, including any attenuation, can provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling results should be produced in support of any drainage design, including infiltration test results to support the chosen drainage strategy. Details are required for all proposed drainage features prior to planning approval.
- For infiltration drainage systems, testing should be undertaken at the depth that water is proposed to infiltrate into the final ground surface and should take into account any proposed groundworks and material

removal. A ground investigation/geological study should also take place to assess and confirm the path the water will take having been discharged to the proposed soakaway. This is to confirm that water will not follow a pathway that ultimately impacts upon third party land or property.

- Details should be provided that show how the drainage system is to be protected from silt and pollution from the parking and access road areas, and also from surface water run off during construction.
- Any surface water run off for flows exceeding the 100 year return period storm event should be stored on site and not discharged onto third party land or the highway. A plan should be produced that shows the route exceedance flows will take and confirming that these flows do not impact upon Thirds Party Land or Property.

Wales and West Utilities

Wales and West Utilities have pipes in the area, which may be affected. They require the developer to contact them before works commence to discuss their requirements. There must be no development over their plant or enclosure of their apparatus.

Housing Delivery Team

Housing are concerned that the proposed units are too small to allow for prospective occupiers to take a partner without essentially making themselves homeless on the grounds of inadequate accommodation. Aside from this the Housing Delivery Team has concerns on the grounds that the units are too small per se and that there is inadequate amenity space. There is a concern also that prospective occupiers from outside the city might in due course become a burden on care services.

Natural Infrastructure

Trees and Woodlands

The proposal will result in the loss of two young Sycamore, 2 Bay (shrubs), 1 multi-stemmed Sycamore and a scrubby regrown Holm Oak. The better trees, five category 'B' in the survey are to be retained and are the largest on site consisting of 3 Lime and 2 Sycamore on the eastern and western boundaries. In addition a category 'C' Sycamore on the western boundary is also to be retained.

The amendment to the parking layout to create a wider turning space means the retaining wall will now be even closer to T5, making the details of the construction of the retaining wall essential to assess possible impact on the root protection areas. A pre commencement condition detailed above will be needed to ensure any root damage is kept to a minimum. An updated Tree Protection Plan and Arb Method Statement will be needed to reflect the changes proposed.

As stated previously the main possible issue in relation to their successful retention is the construction of the retaining walls. The arboricultural impact assessment (AIA) states: Details

of retaining walls are not currently available however the aim is to ensure these do not encroach the RPA of retained trees unless explicitly agreed by the planning authority. This may be the aim but we need more details on the construction of the retaining wall to be sure that the trees to be retained can be done so without entering the root protection areas.

The 3 trees on the site to be removed are proposed to be replaced on the site as indicated in the landscaping to the front of the new development. The Design and Access Statement states 3 Silver Birch will be planted.

Biodiversity

The applicant has provided a Phase 1 Habitat Survey and Ecological Mitigation and Enhancement Strategy conforming to CIEEM guidelines with sufficient information to enable us to condition the delivery of the ecological enhancements in order to deliver net biodiversity gain.

Police Architectural Liaison Officer

Has no objection to the proposed development.

Adult Social Care

Are supportive of the scheme.

6. Representations

Letters were received both for and against the proposals. 23 objections were received on the following grounds;

- a. Prejudicial to highway safety owing to the increased use of Mannamead Avenue by deliveries, refuse vehicles, visitors, parents of children at the pre-school; the latter will block the road for emergency vehicles. Parking will block the road and those attending the pre-school will use this access instead of using the access via Seymour Road.
- b. The turning head at the end of Mannamead Avenue will be blocked.
- c. The nature of the junction with Mannamead Road, with poor visibility and being near a bus stop, means that pedestrians do not realise vehicles are entering and leaving Mannamead Avenue. This already presents a danger to pedestrians, motorists and cyclists, which will worsen with the proposed development. With particular concern for road users and pedestrians, e.g. older adults, anyone who has restricted mobility or any sensory impairments, families using pushchairs, and for children and young people
- d. This is already a dangerous junction, due to the fact that only 1 vehicle can exit or enter at a time, often having the added danger of buses exiting the bus bay at the same time. Often motorcyclists will try and overtake the bus as they have not realised the bus driver has stopped to allow a car out, already resulting in several near misses.
- e. Pedestrians are forced to walk in the carriageway of Mannamead Avenue because cars park on the footway owing to the narrowness of the road. This situation will worsen as a

result of the development. Often residents of Mannamead Rise are unable to access their own entrances without great difficulty as cars are parked either on the pavement opposite entrances, or in such a position in the lane that residents cannot turn out.

f. Visiting drivers, who are unaware of the restrictions in this area, find that once they are down Mannamead Avenue, they are unable to turn around and have to reverse back out onto the main road of Mannamead Road B3250. Many vehicles have to reverse in the street, which is another hazard for pedestrians.

g. The more sensible and safest access would be via the existing entrance and exit on Seymour Road which has been successfully used for many years by the users of the former fitness studio which is being replaced by the proposed development. This would negate the removal of hundreds of tonnes of spoil and create less environmental and nuisance impact.

h. Loss of trees due to proposed access from Mannamead Avenue.

i. Construction vehicles will present a nuisance and a danger and will damage the road and block it for emergency vehicles. The access road is already damaged and the removal of tonnes of soil from the site will further damage the road.

j. The proposed flat development is out of keeping with the style and character of the surrounding properties and also the Council's own plan for the area.

k. The existing gym was built either before, or despite, being in a conservation area. The building is a clear example of 'garden grabbing' that the council seeks to prevent.

l. To keep this site in keeping with the conservation area the logical action would be to demolish the gym and return the land to be the garden of Blake Lodge. The building to be demolished has an internal floor area of 194sq.m. and the new building a gross internal floor area of 557sq.m. So despite the council getting a reduction of the floor area by 76sq.m this still represents further concreting over of what should be Blake Lodge Garden. This should be a smaller development and keeping the existing access from Seymour Road.

m. Detrimental to setting of listed building and the conservation area. If this development goes ahead, the possibility of maintaining the original land associated with the heritage asset and its gardens will be lost forever.

n. The likelihood is that vehicles reaching the end of Mannamead Avenue needing to turn will find the car park of the new build very convenient as a turning space and the new residents will find a constant flow of vehicles using their car park to turn.

o. The proposed windows, the communal gardens and parking area all directly overlook neighbours resulting in a loss of privacy.

p. The additional use of the avenue by vehicles would change its nature forever.

- q. The increased use of the Mannamead Avenue junction will present a danger to the use of the junction with Elm Road, which is a little further down the hill.
- r. The proposals could lead to the sale of the development site and therefore the subdivision of the curtilage of the listed building to the detriment of the historic asset. What are the legal means to keep the proposed development for the Deaf community and not sold off for profit to others
- s. The development should highlight the connection and responsibility of buildings located within the curtilage of the Heritage Asset. The proposed residential use would weaken this link. A boarding house/secure accommodation use, linked to the Grade 2 listed building and the members of the Deaf Association, would be better.
- t. Overdevelopment of the site. 10 units will generate too much traffic for either Mannamead Avenue or Seymour Road. The development should be reduced in size. There would be only a minimum of private parking with no turning circle for larger vehicles and services vehicles that will be required to service 10 new properties. The old access from Mannamead Avenue was closed owing to problems of vehicular access and the use by school children as a shortcut.
- u. The proposal for 10 flats would add a considerable burden to local services.
- v. Disregard to boundary treatments.
- w. The existing Grade-II Listed Heritage Asset is in need of some serious renovation, any existing monies and investment should surely be focused on the needs of the existing users of the building, its neighbours and the existing responsibility that Heritage Asset owners have to the buildings located within its curtilage.

31 letters support the development for the following reasons;

- i. The British Deaf Association supports this development. This is very much needed in Plymouth.
- ii. Isolation and loneliness are real issues for deaf people as so few hearing people can sign in British Sign Language.
- iii. The development enables deaf people to be part of a community based accommodation. Deaf people are often neglected and disadvantaged because of attitudes, communication and family support. By having accommodation like that proposed at Blake Lodge they will be able to mix with their peers, and lead a more stable and contented life. This development is needed when social services budgets have been cut and support staff is almost negligible. Residents will be able to access deaf community events and activities at the Association.
- iv. This development will go some way to balancing the requirements for independence with the need for community and social interaction. This would benefit the deaf people

living there and the wider health and social care system by reducing support needs and incidents of depression.

- v. The provision of the flats would ease this sense of loneliness for the deaf residents, especially those with additional disabilities such as mobility problems, learning difficulties or old age.
- vi. This would be a much needed resource for the deaf community in a city where resources and support are so sparse.
- vii. Support this application as there is very little in the southwest for those who are deaf
- viii. This is an attractive design, researched by architects sympathetic to the look of the local area, conscious of the needs of the deaf community and the requirements of those with disabilities. It is impressive that these would be the only purpose-made flats for the deaf community within a deaf community setting, in the county
- ix. The impact visually on the surrounding area is infinitely more pleasing than an old gym building. The re-opening of the blocked gate on to Mannamead Avenue would enhance the appearance of the lovely old wall.
- x. Currently the deaf community is not getting enough support at all levels from local all the way up to government. It would be good if Plymouth council can lead the way by example and encourage awareness of such need in the UK.
- xi. Deaf people are at no more of a risk than any hearing person. In fact, as they are more visually aware they, in fact, may be at less risk than a hearing person. Furthermore, as these flats are targeted at the older generation there is likely to be very limited traffic in and out of the property.
- xii. Transport can become an issue or people may have difficulty in organising transport. People have expressed that they go to the Deaf Club every week to meet their friends. They have said that the flats will allow them to continue to do this, as they are unlikely to go out in the dark in the current homes, for fear of their own safety.
- xiii. A petition of 25 was received, which supports the proposals on grounds including making services in Blake Lodge accessible to members of the deaf community, while at the same time allowing members of the deaf community to be together.
- xiv. A petition of six persons has been received which supports the development including stating that Social insolation as a consequence of being Deaf can significantly impact a person's mental and physical health. This is most apparent when considering the robust research that shows the incident of mental illnesses amongst Deaf people is greatly increased compared to a hearing person of a similar age and health.

xv. Many of the residents are likely to use public transport for most purposes and access to the nearby bus stop at the end of the avenue is an asset. The avenue is flat and has a pavement along the whole length.

Following the publicity of amendments to the scheme, which included the provision of additional visitor parking at the front, Seymour Road side, of the property, and the provision of a turning space within the car park, proposed off Mannamead Avenue, 37 more public comments were received. The comments can be broken down as follows:

36 objections on the following grounds:

1. Significant damage to the Conservation Area. The proposed design, density and use of material results in a scheme that would not enhance or sustain the character of the area or make a positive contribution to the vicinity and to the Mannamead conservation area.
2. The grand view would be lost forever.
3. Blake Lodge itself is poorly maintained. Surely, as a Grade 2 listed building the owners have a responsibility for the basic upkeep of the building. The outside is crumbling and shows signs of real neglect. If the owners cannot care for this fine building I suspect a similar fate would eventually overtake any new buildings in their ownership.
4. Significant damage to and out of character with a listed building.
5. The development would constitute 'garden cramming' and over development.
6. Loss of green space. Councils are allowing supermarkets to purchase land where housing could be placed - Mutley Plain has several shops empty - why could these not be changed to residential use rather than taking up increasingly rare green spaces that should be protected instead?
7. Gardens should stay as gardens. If this space is lost as a garden also lost is the wild life. Already planning permission has been asked for nearby Thorn Park Lodge and near Hermitage Road - which would take away even more natural habitat for wildlife.
8. The proposal would cause serious unacceptable overlooking and result in serious harm to the outlook of the neighbouring property.
9. The design and layout will create conflict with adjacent land uses in respect of overlooking, loss of light and noise.
10. Mannamead Avenue will not support heavy construction traffic and the increased use of foul drainage capacity; will the developer pay for re-laying the drains in Mannamead Avenue which are known to be degraded and not functioning properly?
11. The road is totally inadequate for the increased volume of traffic and parking. It would make the parking situation and subsequent obstruction even worse. This road is not wide enough for increased volume and is very difficult for refuse and delivery lorries. Neither is it suitable for extra parking if the proposed flats were built ... the proposed tight car park would not accommodate more than one car per flat, with no room for visitors. Noise and congestion would result, to the detriment of everyone who lives here.
12. Exit from Mannamead Avenue onto Mannamead Road is already dangerous because of poor visibility and the proximity of the bus bay and drivers racing/overtaking on Mannamead Road.
13. The traffic and parking on Seymour Road would prevent heavy goods vehicles proper access for delivery of building materials at the main entrance of Blake Lodge. If Mannamead

Avenue is going to be used for deliveries instead how are they going to safely get materials over the garden wall, which is part of the listed status of Blake Lodge.

14. Mannamead Avenue hasn't had an opening onto the avenue in over 40 years so to say the development will use an existing entrance/exit for access is a nonsense.

15. The plans show that 70% of the green space would be used to build this development. Loss of this in an already heavily residential area would be detrimental to local wildlife and the environment.

16. The precedent of such a permission would almost certainly lead to other similar developments in the other superb gardens in Seymour Road leading to significant loss of the quality of this conservation area.

17. Perhaps one or two flats could be accommodated within Blake Lodge itself, thus raising revenue. This would leave the garden for the enjoyment of the community who attend Blake Lodge.

18. The local plan for this area makes no mention of this development or any development like it.

19. The Culme Seymour Estate has restrictions on building and the use of properties and gardens.

20. Seymour Road is already used as a park and ride and this development will worsen parking and driving difficulties in the area.

21. The Charity is attempting to raise revenue for the upkeep of Blake Lodge via an economically marginal scheme, which could fail and lead to a change of use of the proposed flats to open market use, i.e. of no benefit to the deaf community.

22. The 10 flats are very close to the legal minimum floor space in order to 'max out' the income from the site. This means that the unacceptable over-intensification in a conservation area is purely driven by economic viability and an over-optimistic plan, and not by planning considerations.

The following comment in support:

- a. On the grounds of the good it will do.
- b. The proposed building would be fairly well hidden from Seymour Road.

A separate notice (of objection), to Friends of the Mannamead Conservation Area, has been forwarded to the Council. This notice states that the development will consume 70% of the rear garden; and the fact that Blake Lodge is a grade 2 listed building in a conservation area should offer protection from inappropriate development. The notice also implies that the development constitutes garden "cramming", "over development" and loss of important green space.

A separate letter, from the applicants, was also circulated, which invited residents to a public meeting at the site in March. This letter confirms that the development is solely for use of the Deaf Community and will be the first of its kind in Plymouth and the UK. The letter states that the development will be nestled within the existing topography of the landscape. Additional comments are that: there has never been any access from Mannamead Avenue to Glen Road; the former opening from Mannamead Avenue has been open within the last half

century; the existing fitness centre takes up 7% of the surroundings of Blake Lodge and the proposed development uses 11% and not 70% as stated in a recent comment.

Overall approximately 88% of objectors live locally, compared with approximately 3% who support the proposals. However, it is to be expected that a proposal relating to one sector of the population, i.e. the deaf community, is likely to attract more geographically widespread support.

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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

* For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

* For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been subject to a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision if there are no substantive unresolved objections. However, the precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). Additionally, the following planning documents are also material considerations in the determination of the application:

- Development Guidelines Supplementary Planning Document
- Design Supplementary Planning Document.

8. Analysis

This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Local Plan, the Framework and other material policy documents as set out in Section 7. The relevant policies are CS02 [design], CS15 [housing provision], CS22 [pollution], CS34 [planning application considerations]. Relevant JLP policies are SPT1 [delivering sustainable development], SPT3 [provision for new homes], DEV1 [protecting health and amenity], DEV2 [Air, water, soil, noise and land] and DEV10 [delivering high quality housing].

8.1 Principle of Development

8.1.2 The site is within a conservation area typified by large period buildings on substantial plots. While development on garden land is an issue in the context of 'garden grabbing' the presence of the old gym building on site provides a reason for considering the site as 'brownfield' land, which throws a more positive light on the principle of development. In this respect the great majority of the lower part of the Blake Lodge premises is occupied by the gym and car park. The proposed development would add to this existing built form by encroaching on the steep bank, which is below the upper lawn (which is part of the Blake Lodge and pre-school amenity area), and otherwise mainly by virtue of the new access from Mannamead Avenue and the new car park, which moves closer to the southern boundary wall.

8.1.3 Further to the issue of garden grabbing there has been a recent Court of Appeal case (March 2017). This is namely *Dartford Borough Council v SSCLG*(2016). This case overturned the previous decision of the High Court. Essentially Dartford BC had tried to argue that all private residential gardens are excluded from the definition of previously developed land, but this was not accepted by the Court of Appeal. The Judge stated that the NPPF accommodates the definition of previously developed land, so therefore if a new building is a partial redevelopment of a previously developed site, it is not regarded as inappropriate redevelopment in the Green Belt, provided that it has no greater impact on the openness of the Green Belt, than from the existing development. The Judge also said that Paragraph 111 of NPPF should be relied upon and that planning policies and decisions should encourage the effective use of land by re-using the land that has been previously developed, provided it is not of high environmental value.

8.1.4 The gym is low level but aside from that does not contribute positively to the character or appearance of the CA. Much of the site is otherwise taken up with a large tarmac parking area, which also is at odds with the generally green garden-scape in the surrounding area. In respect of development in rear gardens policy DEV10 of the JLP states that: 'To protect the quality of the urban environment and prevent 'town cramming', development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods.' Within the context of this policy, and the historic development on the site and elsewhere, it is considered that the proposed development is acceptable and would, on balance, improve the site.

8.1.5 The proposal for 10 flats and a communal area includes large scale excavations to reduce the site level to the extent that vehicular access would once again be possible from Mannamead Avenue. The proposals to reduce the site levels [by approximately 1.5 metres] also effectively reduce the visual impact of any new development on the site. Therefore the proposals overall are considered to be acceptable in principle. In this respect the proposals are considered to be in accordance with policies CS03 [Historic Environment], CS15 [Housing Provision] and CS34 [planning application considerations] of the Core Strategy of Plymouth's Local Development Framework as well as policies SPT1, SPT3, DEV1, DEV2 and DEV10 of the JLP.

8.2 Design

8.2.1 The footprint of the building is 'L' shaped and would be flat-roofed with a natural sedum covering. The materials include extensive natural stone walls on the ground floor of the main south elevation, and on the eastern and inward facing elevations. Elsewhere render is the main finish. The windows would be in powder-coated aluminium. Overall the design of the building is considered to be of an appropriate quality and scale in accordance with policy CS02 [design] of the Core Strategy. The ground levels on site would be lowered, partly in connection with achieving access from Mannamead Avenue. As a result the proposed building would be relatively low compared with the upper part of Blake Lodge. Views from Blake Lodge itself would tend to be over and beyond the new building. The proposed sedum roof would further deflect from the built form of the new development and to a degree would appear as a continuum of the upper lawned area.

8.3 Character of the area and listed building issues

The site is within the Mannamead Conservation Area (CA) and any proposed development must preserve or enhance the area's character. At the pre-app stage it was considered that 10 units would overdevelop the site and that eight units would fit on the site more comfortably in respect of the spaces around the building, neighbouring residential amenity and the overall character of the area. The submitted design and access statement addresses this issue and states that: 'The building to be demolished has a gross internal floor area of 194sq.m. The new building has a gross internal floor area of 557sq.m. Orientation, overlooking, massing, appearance, trees, topography, minimum space standards and the needs of the Deaf Community have influenced this amount. The local authority called for a reduction in bulk during pre-planning discussions, hence the floor area of the latest proposal has been reduced by 76sq.m.' Aside from that the main change is that the upside-down 'L' shape has been flipped over so that the north/south part of the L shape now runs down the western side of the site, and not the eastern, as was the case at the pre-app stage.

8.3.1 The Historic Environment Officer is concerned that that the application proposals have not gone far enough in reducing the footprint of the development, which is essentially the concern that both Historic England and the Victorian Society express on the proposals; and it is true that the footprint does not appear to have been significantly reduced. However, the 'mirroring' of the building layout places the greater length of building over on the western side, i.e. where there is an opposing backland development on the adjacent site, whereas the narrower, eastern side of the building, is adjacent to the garden space of the neighbouring house in Seymour Road. This change has balanced out the development in terms of its

layout and impact on the site. On balance, and given the secluded nature of the site, the scale of the proposed development is not considered to give significant harm to the character of the conservation area. As described above, in 8.2.1 the proposed green roof helps to minimise the impact of the development on the setting of Blake Lodge as a listed building.

8.3.2 With regard to the listed building of Blake Lodge, the curtilage has long been partly fragmented owing to the long-standing gym building on the lower part of the site. The proposals advance the proposition that the prospective occupiers of the development would have access to and use of the lawned area immediately behind Blake Lodge, although not at the times the pre-school were using that space. This commitment ties the proposed development to the Lodge and is considered to be an adequate means of preventing the site from being sold off on the open market.

8.3.3 With regard to mitigating the impacts of the development on the conservation area, Historic England refer to paragraph 134 of the National Planning Policy Framework, which states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.' The viable use of the building by the PDA could be helped by the proposed development if resulting revenues are in part used to fund necessary works to preserve the fabric of the listed building. In this respect the Victorian Society has helpfully suggested restoring the front façade of the building, which can be secured by a planning condition that requires details and a timetable for such works before development commences. As well as requiring these works by condition, it is also considered appropriate to limit the use of the building to persons for whom British Sign Language is their first language, as well as requiring the flats to remain incidental to the use of Blake Lodge.

8.3.4 There is some relevant case history under the auspice of the Planning (Listed Buildings and Conservation Areas) Act 1990 In the case of *Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage, National Trust & SSCLG* [2014], it was found that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm. It should be given 'considerable importance and weight' when the decision-maker carried out the balancing exercise. However, there have been challenges to the strength of this judgement. To cite another example, the approval of the demolition of a care home (Pierson House, Plymouth) and construction of a 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure was approved and it was considered that less than substantial harm would be caused to the conservation area. In the case of Blake Lodge, the historic environment issues have been given considerable importance and weight and in this case the issues are balanced in favour of the development being acceptable.

8.4 Residential Amenity

The scale of the building, and the associated comings and goings, would have an impact on the amenities of neighbours. It is recognised that the existing gym is a somewhat alien use

and that it attracts visitors during the day. In that sense the proposed residential use is more in keeping with the area [notwithstanding Blake Lodge and adjoining pre-school are more institutional in character]. However, a block of flats is a more intensive form of development than a single dwelling. At the pre-application stage the scale of the proposed building was considered to be intrusive when viewed from neighbouring properties, despite the lowering of the site levels. For reasons similar to those in respect of the character of the area, it is considered that the amended site layout reduces the impact on neighbours, i.e. the development is lessened, or is further from, the houses on the southern and eastern sides of the site. As a consequence there is more development on the western side of the site, next to the house known as Greensleaves. There is a reasonably thick hedge on this boundary, which is within the control of the applicant. Providing this hedge is appropriately maintained the degree of overlooking from the first floor bedroom and kitchen on this elevation should not be significant. However, in any event, the applicant has agreed to obscure the upper windows in this elevation, which would alleviate any overlooking concerns. The relationship with the properties to the south and east is not considered harmful either in terms of privacy, outlook, light or noise. The distance from the proposed south facing elevation, to Woodville, the property to the south, is 23 to 24 metres, which is greater than the distances recommended in the Development Guidelines Supplementary Planning Document. There is an historic wall on the southern boundary, which is close to the neighbouring property. For this reason, as well as concerns that the old wall is properly preserved and restored, there should be a condition that requires details of the works to the wall. Of significance, too, is the fact that the use of the flats would be limited to deaf people, who use British Sign language as their first language, and would be classed as incidental to Blake Lodge.

8.5 Transport matters

Many of the public comments on this application relate to objections and concerns about the perceived inadequacy of the road serving the development and its junction with Mannamead Road. Mannamead Avenue is considered by many objectors to be too narrow leading to conflict between pedestrians and cars and cars with cars/other vehicles such as refuse and emergency vehicles. The junction with the main road is also cited as dangerous and incapable of further traffic movements without prejudicing highway safety.

8.5.1 The Local Highway Authority does not object to the proposed development. The fundamental issue is whether the level of traffic generated by the development would lead to conditions that prejudice highway safety and convenience, i.e. with regard to the function of Mannamead Avenue and its junction with Mannamead Road. In this case the level of traffic generation arising from 10 flats is considered to be well below dangerous levels, i.e. three movements over the peak am or peak pm period would not add significantly to turning movements at the junction; nor would they make a significant difference to the nature and volume of vehicular comings and goings on the access road. The same reasoning goes for emergency and refuse vehicles, all of which might have cause to attend properties on Mannamead Avenue as it stands, and the frequency of which would not increase significantly as a result of the development. However, as a result of concerns about access for emergency vehicles, a three metre wide turning space has now been shown on the site, which would help manoeuvrability for larger vehicles that attend the premises. Relevant amended plans have been obtained from the applicant.

8.5.2 With regard to proposed access versus utilising the existing access from Seymour Road, which the gym users used, the applicant's agent states the following: "Seymour Road Access: There are a number of reasons why we are proposing to have the access via Mannamead Avenue rather than Seymour Road; (1) From the initial pre-planning response there were no issues for use of this access from Highways, this has been further quantified by highways response in the full planning application. Concluding that there are no access or visibility issues by using this entrance. (2) The orientation of the development allows access directly to the front of the apartments via Mannamead Avenue, making use of an original entrance of the grade II listed building plot. (3) By using the entrance to the south of the site it directs the cars away from the existing nursery on the site, and therefore increasing the safety of those 2-5 year old children and their parents/ carers. (4) The access to the south also directs cars away from the front of Blake Lodge where there are currently 2 residential flats. (5) Due to the drop in site level, as you can see by the external staircase on the east into the car park, the levels of the vehicular access down the east would have to be regraded to meet the proposed level. This is not viable as the protected tree roots project into this area and therefore needs to remain as is." In officers' view the proposed access from Mannamead Avenue is appropriate: the traffic generated by the development is not considered harmful by the Highway Authority and would accord with the usual principle of avoiding traffic passing by the 'host' property, which in this case is Blake Lodge. The regrading of the existing driveway, down from Seymour Road, which would be necessary in order to meet the reduced site/build level, would appear to compromise trees on the eastern boundary.

8.5.3 Concerns have been expressed that heavy construction traffic will damage the fabric and drainage capacity of Mannamead Avenue. It is therefore recommended that the construction management plan condition includes a section requiring a detailed road condition survey prior to development commencing. In this way any damage to the highway can be monitored and pursued with the developer/contractors. The management plan condition will also address concerns generally about how construction vehicles would safely access the site.

8.6 Housing matters

Housing Supply

When determining applications for residential development it is important to give consideration to housing supply.

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"

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.”

For the reasons set out in the Authority’s Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22.

It should be noted, however, that the Local Planning Authority is at a relatively advanced stage in the preparation of the Plymouth and South West Devon Joint Local Plan. The pre-submission version of the JLP has been formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. The pre submission draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representations which will be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- Available to develop now
- Suitable for residential development in terms of its location and sustainability; and
- 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.

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...

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- 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, when assessed against the policies in this framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted”

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as set out in the adopted Core Strategy, 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.

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 SPT3 of the Plymouth and South West Devon Joint Local Plan.

8.6.1 With regard to concerns raised by the Housing Delivery Team, the proposed units are a minimum 40 sq.m, which is adequate for one-bedroomed units and meets the National Space Standards. Officers consider that the prospect of out-of-town occupiers of the flats is justified due to the specialist nature of the accommodation provided through this application. Concerns that proposals for 10 flats are maximising profits at the expense of the conservation area are noted. Economic viability is often a key consideration for developers, but in planning terms this must not be at the expense of other important material considerations. As discussed elsewhere in this report the impact of the development is not considered to be demonstrably harmful in these respects.

8.7 Housing Need

The applicant's agent has provided the following overview of information provided in the application: The Plymouth Deaf Association are proposing to create a 'deaf friendly community', they want to provide independent living for the potential residents with easy access to support at Blake Lodge and with the ability to mutual support and relationships with those in a similar position. The amount of units is influenced by the idea of creating the community feel, not housing a few deaf residents but with the ability to create a home for 10 residents creating accommodation that is deaf friendly, incorporating all those aspects not found in regular housing. The charity want to create sustainable accommodation, putting in place this kind of facility that is not available in South West. This will be the first deaf friendly community in Plymouth and is something that should be encouraged to reduce the isolation of the deaf community. Based on the figures set out in the Statement of Need there is a clear need for this type of accommodation, providing equal opportunities and inclusion for the deaf community. In this respect Plymouth City Council and NHS Northern Eastern and Western Devon Clinical Commissioning Group (NEW Devon CCG) are broadly supportive of the development. The Public Health team are supportive of this application in principle. The provision of high quality living accommodation for a vulnerable community fits with their ambitions for a growing city where an outstanding quality of life is enjoyed by all.

8.8 Trees and Natural Infrastructure

The trees on site are protected by virtue of being in the conservation area. Those that are intended for removal would not in officers' views significantly impact on the character of the site or the CA overall. However, further information is required to ensure that significant, retained trees would be adequately protected.

The applicant has provided a Phase 1 Habitat Survey and Ecological Mitigation and Enhancement Strategy conforming to CIEEM guidelines with sufficient information to enable

the Planning Authority to condition the delivery of the ecological enhancements in order to deliver net biodiversity gain.

8.9 Drainage matters

The proposed method for disposing of surface water is via infiltration to ground. It is important that the proposed infiltration to soakaways, which is preferable in principle, can be achieved without impacting on third party land or property. In the circumstances a planning condition is recommended, which requires appropriate tests to be carried that ensure infiltration will work for the development without leading to drainage problems for neighbours or other third parties. The planning condition requires the submission of these details prior to the commencement of development. This means that appropriate survey work will have to be carried out before any other development takes place.

8.10 Other matters

There is a concern that the proposal for 10 flats would add a considerable burden to local services. However, the scale and nature of the proposed development is not considered to be onerous in this respect. The applicant has sought to demonstrate that the access from Mannamead Avenue was in use within the last half century. While it appears that the access was at some time in use, the issue today is whether such an access is appropriate for the proposed development. In this case it is considered that the proposed access would not be problematic in highway terms. There are concerns, too, that allowing permission in this case would set a precedent for allowing further developments to the detriment of the character and wildlife of the area. However, each planning case is considered on its merits and in this case the existence of the old gymnasium is a telling factor in favour of the proposals. Reference has also been made to building restrictions on the Culme Seymour Estate; although covenants of this type are not material to the Local Planning Authority's consideration of the case. There is also concern that the scheme is marginal in economic terms and that, should it fail, there would be pressure to allow change of use of the flats to open market housing. However, such a proposal would require the submission of a planning application to the Council, which would be considered on its merits.

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; £13,174.96 (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. The applicant should check the current rates at the time planning permission first permits development.

11. Planning Obligations

Not relevant in this case as the scheme is below the threshold for requiring Section 106 obligations..

12. Equalities and Diversities

The proposals are considered to provide valuable, up-to-date modern accommodation for deaf people in a location that is close to an existing hub for the deaf population in Plymouth, i.e. Blake Lodge. The inter-relationship with existing services and support, together with the independent living this development will foster, is considered to be a welcome and positive development in improving the quality of life for this sector of the community.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and will provide valuable accommodation while at the same time preserving the character and appearance of the conservation area and the setting and fabric of the listed building. In other respects the proposals are not considered to be harmful to residential amenity nor highway safety. The development is therefore considered to be in accordance with policies of the Core Strategy of Plymouth's Local Development Framework and the Joint Local Plan and it is recommended that permission be granted.

14. Recommendation

In respect of the application dated **19.12.2016**
it is recommended to **Grant Conditionally**

15. Conditions / Reasons

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

1 CONDITION: APPROVED PLANS

Proposed Elevations 1512_P04 Version: A received 28/10/16

Plans and Elevations 1512_P02 Version: A received 15/12/16

Plans and Sections 1512_P03 Version: A received 09/01/17

Cross Section 1512_P05 Version: 0 received 09/01/17

Site Plans 1512_P01 Version: E received 10/03/17

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.

1 CONDITION: COMMENCE WITHIN 2 YEARS

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 in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

2 PRE-COMMENCEMENT: ACCESS FOR CONTRACTORS

Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV10 and DEV15 of the

Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

3 PRE-COMMENCEMENT: BOUNDARY TREATMENT

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority:

- a) Details and a methodology for the restoration and construction of the boundary wall on the southern elevation of the site including the preservation and restoration of the vehicular entranceway from Mannamead Avenue and any new means of enclosure;
- b) Details of the permanent retention of the hedge on the western site boundary including a maintenance schedule and undertaking to replace any dead, dying or removed plants in the first planting season following death or removal.

Development shall be carried out in accordance with the approved details and the said boundary treatments shall be completed before the building is first occupied. In addition the boundary fencing shown on the approved plans shall be provided before the building is occupied and all approved boundary treatments shall thereafter be permanently retained.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity and in order to preserve the building or its setting or any features of special architectural or historic interest which it possesses in accordance with Policies CS03 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1 and DEV22 of the Plymouth and South West Devon Joint Local Plan, sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 61 to 66 and 132 - 134 of the National Planning Policy Framework 2012.

Justification: To ensure that the boundary treatment can be properly accommodated within the development proposals / addresses its purpose.

4 PRE-COMMENCEMENT: CONTAMINATED LAND

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

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archeological 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'.

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 must 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.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must 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 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.

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 must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be

prepared in accordance with the requirements of condition 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 condition 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, DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

Justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence

5 PRE-COMMENCEMENT: EXTERNAL MATERIALS

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies Dev20 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 and 132 - 134 of the National Planning Policy Framework 2012.

Justification: To ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

6 PRE-COMMENCEMENT: ARBORICULTURAL METHOD STATEMENT

No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority in relation to Tree ref:T5. The statement shall detail how trees are to be protected during construction of the flats and in particular the retaining wall to the east. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

Justification: To ensure that trees are protected throughout the scheme.

7 PRE-COMMENCEMENT: MANAGEMENT PLAN

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 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, policy DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

Justification: To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking.

8 PRE-COMMENCEMENT: SURFACE WATER DRAINAGE

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

- o Calculations and modelling results, which demonstrate that the proposed drainage system, including any attenuation is able to provide a 1% Annual Exceedance Probability (AEP) standard of protection plus a 40% allowance for climate change;
- o a ground investigation study to assess and confirm water pathways following discharge to the soakaways;
- o a construction environment management plan;
- o provision for storage and exceedance pathways and overland flow routes;
- o a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and

timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To 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, and to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 of the Plymouth and South West Devon Joint Local Plan and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

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

9 PRE-DAMP PROOF COURSE: SURFACING MATERIALS

Notwithstanding the submitted plans the development shall not proceed beyond damp proof course level until details of all materials to be used to surface external areas have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies Dev20 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 and 132 - 134 of the National Planning Policy Framework 2012.

10 PRE-DAMP PROOF COURSE: RESTORE FACADE OF BLAKE HOUSE

Details and a timescale for works to restore the front façade of the main house of Blake Lodge, or other works as agreed in writing with the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority before the development proceeds beyond the damp proof course stage.

Reason:

To mitigate the impact of the development hereby permitted on the setting of the Grade 2 listed building and the Conservation Area, in accordance with policy CS03 of the Core Strategy of Plymouth's Local Development Framework., DEV22 of the Plymouth and South West Devon Joint Local Plan, sections 16 & 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraphs 132 - 134 of the National Planning Policy Framework 2012.

11 PRE-OCCUPATION: ACCESS FOR PEDESTRIANS

The building shall not be occupied until a means of access for pedestrians has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV10 and DEV15 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

12 PRE-OCCUPATION: PROVISION OF PARKING AREA

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, policies DEV10 and DEV15 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

13 PRE-OCCUPATION: CYCLE PROVISION

No unit shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 5 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, policies DEV10 and DEV15 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

14 PRE-OCCUPATION: LANDSCAPE WORKS AND IMPLEMENTATION

Landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, ground preparation and tree pit details. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development.

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, policy DEV24 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012 .

15 PRE-OCCUPATION: LANDSCAPE MANAGEMENT PLAN

A Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The plan will include the long term objectives, indicate the ownerships and responsibilities and set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment.

Reason:

To ensure that due regard is paid to the continued enhancement and maintenance of amenity is afforded by the changed landscape in accordance with Core Strategy Policies CS18 and CS34.

16 CONDITION: ECOLOGICAL MITIGATION

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 March 2017) 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, policies SPT11 & DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 109 and 118 of the National Planning Policy Framework 2012. This pre-commencement condition is required to ensure that wildlife habitats are adequately protected from the development.

17 CONDITION: TREE PROTECTION

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

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

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or

hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans 16.42.1.TPP and/or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy 30 of the Plymouth and South West Devon Joint Local Plan and paragraph and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

18 **CONDITION: USE RESTRICTION**

The occupation of the accommodation hereby approved shall be limited only to persons for whom British Sign Language is their first language and the use of the flats hereby permitted shall remain incidental to the use of Blake Lodge at all times.

Reason:

The accommodation is considered to be suitable for deaf people but its occupation by any other persons would raise issues relating to the impact on the listed building and the character of the conservation area; access and the level and use of outdoor amenity space and would need to be the subject of a further planning application for consideration on its merits, in accordance with policies CS03, CS15, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework and policies DEV10, DEV15, DEV22, DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraphs 32, 61, and 132-134 of the National Planning Policy Framework 2012.

19 **CONDITION: OBSCURE GLAZING**

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the windows (at first floor level) in the west elevation of the proposed building, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.75 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV1 of the Plymouth and South West Devon Joint Local Plan and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

1 INFORMATIVE: CONDITIONAL APPROVAL NEGO

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 proactive way with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

2 INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

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

3 INFORMATIVE: CODE OF PRACTICE

The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of

repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and

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

4 **INFORMATIVE: RESIDENT PARKING PERMIT SCHEME**

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.