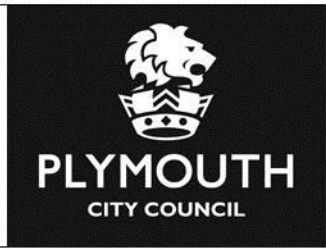


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/01826/S73	<b>Item</b>	<b>02</b>
<b>Date Valid</b>	08.09.2017	<b>Ward</b>	ST PETER AND THE WATERFRONT
<b>Site Address</b>	Peirson House Mulgrave Street Plymouth		
<b>Proposal</b>	Variation of condition 2 of 16/00154/FUL - Minor material amendment including reduction in footprint, elevational & floor plan changes (including residential mix) and alterations to landscaping & car parking provision		
<b>Applicant</b>	Devcor (Plymouth) Ltd		
<b>Application Type</b>	Removal or variation of a condition		
<b>Target Date</b>	<b>08.12.2017</b>	<b>Committee Date</b>	<b>16.11.2017</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Major - More than 15 Public Comments		
<b>Case Officer</b>	Mr Simon Osborne		
<b>Recommendation</b>	Grant Subject to S106 Obligation with delegated authority to Assistant Director for Strategic Planning & Infrastructure to refuse if timescales are not met		



## **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 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.

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 in the second world war. 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.

The existing building itself has been labelled in the Hoe Conservation Area Appraisal and Management Plan as having a negative impact on the Conservation Area.

## **2. Proposal Description**

The Planning Application is a Section 73 Application which seeks to vary condition 2 (plans) which granted consent for the demolition of the care home and construction of a 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure. If the application is approved it will grant a new consent for the site however in determining this application the consideration relates to the acceptability of the proposed changes rather than the acceptability of the full proposal as this has already been granted planning consent under application 16/00154/FUL

This application seeks to amend the approved plans (condition 2). The amendments include:

- Reduction in footprint – The proposed flank elevations would be reduced in depth by approximately 4.5 metres reducing the buildings footprint by approximately 20%.
- Elevational & floor plan changes including removal of the approved corner projections and squaring off the central projection (previously curved), removing attic recess on the side elevations, and general increase in window/door sizes.
- Change of residential mix from the approved 50x 2beds and 26x 1beds to 40x2beds and 36x1 beds.
- Alterations to landscaping & car parking provision including a reduction in parking spaces from 39 -32 and relocation of the proposed bin store from the west side to the east side of the building.

Following comments from officers some amendments have been made to the scheme to address concerns during the application process. These changes are outlined in the analysis section of the report but briefly include reinstatement of the approved horizontal band, removal of an attic projection, additional cladding on the ground floor side elevations, the side of balconies removed

from the side elevations, reinstatement of trees and additional public seating to the front of the building, additional landscaping at the rear and minor changes to the parking arrangements including a visibility splay. Tracking diagrams have also been provided.

### **3. Pre-application Enquiry**

16/02185/MAJ – A similar scheme showing a reduction in depth but with less elevational changes was submitted at pre-app. The revisions were generally supported.

### **4. Relevant Planning History**

16/00154/FUL - Demolition of care home and construction of 7 storey building containing 76 apartments with undercroft parking, & associated landscaping & infrastructure – Permitted.

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

### **5. Consultation Responses**

Historic England– object - Historic England continues to regret the visual impact of these proposals on the character and appearance of the Hoe Conservation Area. They acknowledge that the reduction in the building's footprint - as proposed by this application - will have the benefit of reducing the depth of the proposed building's flank elevations. Despite this modest improvement however, it remains the case that the development will cause serious harm to the conservation area.

Historic Environment Officer – object – Less than substantial harm

Environment Agency – No objections

Local Highway Authority– No objections following submission of amended plans

Police Architectural Liaison Officer – No objections

Public Protection Service – No objections

Natural Infrastructure Team – No objections following submission of amended plans.

Public Health- No objections

Public Protection – No objections.

Hoe Neighbourhood Forum- object:

- Insufficient information to properly assess the scheme.
- Viability and affordable housing needs to be reassessed.
- Privacy concerns from east and west balconies.
- Visual impact of attic and general impact on the Conservation Area and listed buildings.
- Potential impacts on the highway including refuse collection and existing parking bays.

Further detail of responses are provided in the analysis section below.

### **6. Representations**

27 letters of objection have been received. The issues raised are:

1. Poorer design. Features included to improve appearance such as horizontal band, attic set-in have been removed.
2. Less parking spaces and associated overspill
3. The Hoe needs family housing not 1 beds.

4. The bin store has been moved – how will lorries collect rubbish.
5. The position of bin store will impact on neighbouring properties.
6. The one bedroom apartments are aiming at the student market
7. The changes are not ‘minor’
8. The design has been cheapened.
9. The parking entrance has been reduced in size.
10. There are no tracking diagrams to demonstrate movement and impact on existing parking spaces.
11. The rear terraced area is a fire risk and will be noisy due to echo.
12. The elevational treatment is monotonous and bland.
13. The terraced landscaping and public area has been removed.
14. While the reduction in depth is welcome the proposal will still not conserve or enhance the conservation area.
15. The proposed apartments will be narrow and only be served by one opening resulting in the need for artificial light.
16. One bedroom flats are at odds with the city’s demand for 2 bed units.
17. Additional balconies will overlook neighbouring properties.
18. How will emergency vehicles negotiate the narrow lanes?
19. Why can’t the height and width be reduced?
20. The pedestrian route has been removed.
21. The building will look like an office block
22. The viability and s106 should be re-visited with the potential to provide Affordable Housing on site.

It should be noted that at the time of publication the consultation period for comments regarding the amendments made during the application is ongoing. Any additional representations received will be presented in an addendum report.

## **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) and the City Centre and University Area Action Plan.

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 submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is 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, particularly if there are no substantive unresolved objections. 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:

- Sustainable Design Supplementary Planning Document.
- Development Guidelines Supplementary Planning Document (first review).
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document.
- Hoe Conservation Area Appraisal and Management Plan.

## **8. Analysis**

1. This application has been considered in the context of the development plan, the submitted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. The application is a section 73 application which seeks to amend details set out within conditions 2 (Plans) of 16/00154/FUL . If the application is approved it will grant a new planning consent for the site however the consideration of this application focuses upon the changes proposed and their acceptability, rather than the acceptability of the scheme as a whole, which has already been established in the granting of the application.
3. 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).
4. The policies of most relevance from the emerging Joint Local Plan are STP2 ( Sustainable Linked neighbourhoods and sustainable rural communities) SO3 ( Delivering growth n Plymouths City Centre and Waterfront growth area) DEV7 (Meeting local housing needs), DEV10 (Delivering high quality housing) DEV20 (Place shaping and the quality of the built environment) DEV21 (Conserving the historic environment) DEV22 (Development affecting the historic environment) DEV28 (Protecting and enhancing biodiversity and geological conservation) DEV31 (Specific provisions relating to transport) DEV32 (Meeting the community infrastructure needs of new homes) DELI (Approach to development delivery and viability, planning obligations and Community Infrastructure Levy).
5. The main considerations are housing provision, design and historic environment, neighbouring amenity, living standards and highway issues.

### **Housing Supply**

6. When determining applications for residential development it is important to give consideration to housing supply.
7. 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"

8. 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."

9. 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.

10. 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.

11. 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.

12. 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..."

13. 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"

14. 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.

## Historic Environment and Design.

15. 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 Plymouth's 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.

16. DEV 21 and DEV 22 of the JLP require development to sustain local character and distinctiveness of the area and conserve or enhance its historic environment, heritage assets and their settings according to their national or local significance.

17. 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.

18. 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.

19. 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 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

20. The proposed building would remain 7 storeys in height however it's depth would be reduced by approximately 4.5 metres. It is considered that this would reduce the bulk and massing of the approved building improving its overall appearance particularly when viewed from the east and west.

21. Regrettably the attic storey whilst still setback from the front and back elevation would no longer be set in at the sides. However given the reduction in depth of the side elevation this is not considered so detrimental to warrant refusal of the application.

22. Some elevational changes are proposed including amendments to the window arrangement, the squaring off of the proposed central front projection, which was previously slightly curved, removal of the corner projections, and changes to the front entrance including its location slightly off centre losing the symmetry of the building. Following requests from officers the expressed horizontal band across the front of the building has been reinstated. This 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.

23. The changes to the window arrangements generally increase the amount of glazing on the front and back elevations and as such is considered to be an improvement to the approved scheme, likewise the entrance is considered to be larger and less mean than that approved. The loss of symmetry to the front elevation is unfortunate however due to the width of the elevation it is unlikely to be particularly noticeable when viewed from the street.

24. Historic England has been consulted and accept that the proposal offers a benefit in reducing the depth of the flank elevations. However they consider this modest improvement does not overcome their original concerns regarding the approved building, they therefore consider the building would cause serious, albeit less than substantial, harm to the conservation area.

25. The Council's Historic Environment Officer considers that the reduction in footprint and height is beneficial which means the proposals are unlikely to cause additional harm to the Conservation Area (from the approved scheme). However, they would still wish to see further refinements made to the scheme so that the top floor is recessed further back to lessen the visual bulk of the building. Officers have requested this however due to the impact it would have on the viability of the scheme the applicant has declined to make this amendment.

26. The Historic Environment Officer has also highlighted that the parking provision should be carefully considered to ensure that it is appropriate as problems with a lack of parking here will in turn cause additional problems for the Conservation Area. This is considered in detail below.

27. The Hoe Neighbourhood Forum are now a statutory consultee for such applications and have raised issues regarding the level of information available to assess the impact of the scheme on the conservation area and heritage assets. Officers consider that the level of information submitted is acceptable to properly assess the impact of the proposed amendments. In terms of design and the historic environment the Hoe Neighbourhood Forum have highlighted the loss of the set-back to flats on the east and west sides of the 6th floor, reducing the stepped effect that was intended to reduce the visual impact of the upper floor / the overall height of the development on the Conservation Area.

28. While the comments of Historic England, the Historic Environment Officer, and the Hoe Neighbourhood Forum have been given due consideration by officers the proposal has been reduced in depth by approximately 4.5 metres which officers consider improves its bulk and massing within the conservation area. The elevational changes include some positive amendments such as increased glazing and an improved entrance and some less favourable changes such as the lack of setback on the flanks of the attic. However the proposal has to be assessed on its own merits and officers consider the scale and massing, and design of the proposed building would be appropriate and not look significantly out of place in this on the edge of the conservation area.



## Greenspace and Landscaping

29. The previously approved landscaping proposal was 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. The proposal has been amended to remove the stepped terraced effect but would retain a relatively large landscaped area at the front of the building. Following requests from Officers additional public areas and seating is now proposed more in line with the approved scheme. The amended landscaping plan now shows 5 semi-mature Birch to be planted within the landscaped planting areas which is welcomed and preferable to tree pits, originally approved in terms of long-term survival. Additional landscaping has also been proposed on the terraced amenity area at the rear which is welcomed.

## Neighbouring Amenity

### Properties located on Alfred Street

30. The building (not including the outdoor terrace) would be located a further 4.5 metres from the properties on Alfred Street than the approved scheme. The building itself would be approximately 30 to 31.5 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 recognizes 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.

31. 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 as per the previous approved scheme.

32. Shadow analysis was provided for the original application. This showed that due to the building being located almost due north of the dwellings on Alfred Street that shadowing was unlikely to be significant. The reduction in depth of approximately 4.5 metres now proposed will improve this relationship.

### The properties on Athenaeum Street.

33. The building would remain 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 however would reduce the depth of the building lessening the impact of the proposal on some of the properties on Athenaeum street. At the request of officers the side of the end rear balconies have been removed to prevent the overlooking raised in the public objections. The distance therefore exceeds the 15m guidance in the SPD and is considered acceptable.

34. The shadowing diagram submitted with the original application 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 was recognised there will be some impact it was not considered significant enough to warrant refusal of the consented application. The current proposal would result in the top storey not being set in at the sides and therefore the perceived building height would be higher than the approved scheme. However officers consider that this would be largely mitigated by the reduction in depth of the side elevation.

35. It is likely that the shadowing would be a slight improvement on the approved scheme given the proposed reduction in width.

Properties along Lockyer Street and the Eastern part of Mulgrave Street

36. The proposed building would remain 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. Again the side elevation balconies have been removed.

37. 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 during determination of the original application it was noted that this 7 metre relationship already exists between these properties and the existing 3 storey building to be demolished. It was considered that given its location in a higher density area the proposal would be acceptable. The current scheme would result in the top storey not being set back at the sides and therefore the perceived building height would be higher than the approved scheme. However it is considered that this would be largely mitigated by the reduction in depth of the side elevation.

38. It is likely that the shadowing would be a slight improvement on the approved scheme due to the proposed reduction in width.

Standard of Accommodation

39. The accommodation would comprise of 36 one beds and 40 two beds in total. The LPA is no longer permitted to refer specifically to the internal size standards for dwellings as prescribed in the Development Guidelines SPD however for reference, all apartments would meet or exceed the size standards found in the SPD. The emerging policy DEV10 (5) requires new dwellings to meet the Nationally Described Space Standards. It should be noted however that there are currently unresolved objections to this element of DEV10 and therefore the policy currently affords less weight. 11 of the 76 apartments would be slightly below the National Size Standards. The units are generally considered to offer an adequate standard of accommodation in terms of space. Given that the majority of the apartments would meet or exceed the national space standards and that policy DEV 10 currently affords less weight the size of the proposal is therefore considered acceptable in this regard.

40. Outdoor amenity space would be provided in the form of balconies for the majority of units with a communal terrace to the rear (now larger than the consented scheme due to the reduction in depth of the building). 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 large full length glazed doors and therefore officers consider that although fairly deep the apartments would have adequate light and outlook.

Highways

42. This application is specifically for the consideration of a 'Variation of condition 2, as a 'Minor Material Amendment'; of planning consent 16/00154/FUL, for the redevelopment of the former Care Home known as 'Pierson House', with an apartment block. Therefore, Aside from those new impacts caused by the proposed changes to the consented scheme, all other impacts would remain the same and as already considered as part of the planning consent. In respect of which some previous relevant comments and conditions are reiterated as appropriate.

43. Pierson House is situated in a sustainable location, on the south side of Notte Street between the Hoe and the City Centre, within convenient walking distance of both. The main pedestrian entrance would front onto Notte Street with vehicle access to the under-croft parking area on the

west side of the building in Mulgrave Street (west). A stepped pedestrian footpath would be provided on the west side of the building, linking Mulgrave Street west with Notte Street.

44. Mulgrave Street and Alfred Street Lane run around the perimeter of the building along its east, west, and south side, which forms an east/west link between Lockyer Street and Athenaeum Street. And there are two service lane spurs that link Mulgrave Street with Alfred Street to the south.

45. The proposed changes affecting highways include:

- A reduction of the width (depth) of the building by approximately 4.5m, taken off the southern end,
- Alterations to the width and position of the vehicle entrance/exit into the basement car park,
- A reduction in the number of car parking spaces from 39 down to 32 (- 7),
- The repositioning of the bin-store with alternative servicing from the east side of the building (rather from the west side as per the consented scheme),
- Changes the residential mix, and the number of bed-spaces, to reduce the number of two-bedroom apartments, and increase the number of one-bedroom apartments,
- Alterations to the landscaping and amenity areas.

46. The reduction in the depth of the building by approximately 4.5m taken off the southern end, would in turn result in the vehicle entrance serving the basement car park being displaced by approximately 3 metres to the north. The entrance was also initially shown reduced in width down to approximately 3 metres wide. Following requests from officers this has now been widened to 4.2 metres. Tracking diagrams have been provided upon request which demonstrate that the width would now allow a car to make the necessary turns into and out of the car park without conflict with the on-street permit parking bays.

47. The required 45 degree visibility splay at the car park entrance has been added. While there is a supporting pillar situated within the splay, given the associated low travel speeds and movements this is considered acceptable.

48. The proposed changes would result in a reduction in the number of car parking spaces from the 39 of the consented application down to 32 (- 7) in this revised proposal. Car parking was considered in some detail in the consented application, and those considerations remain relevant. The application site is situated in a highly sustainable location which also provides parking opportunities within the nearby public car parks, with some on-street parking also available in the local streets. The local streets are also the subject of on-street parking restrictions including a 'Permit Parking Zone'.

49. The development would be likely to give rise to an increased demand for car parking, and therefore would be excluded from eligibility for on-street parking permits; which would safeguard the on-street parking amenity of the existing local residents. Due to the highly sustainable location the development would not necessarily need to provide off-street car parking, therefore the proposed reduction in the number of parking spaces serving the development would be acceptable.

50. The revised application includes moving the bin-store, from the west side to the east side of the building. This change would result in a refuse lorry accessing the building from the east side via Lockyer Street (rather than from Athenaeum Street on the west side); which may be the way in which the adjacent Lockyer Court is currently serviced.

51. The east arm of Mulgrave Street, between Lockyer Street and the application site, has a standard footway along its south side only which is sufficient to afford access for larger service vehicles, bin lorries, or a fire engine. Again, access for service and emergency vehicles was carefully considered as part of the consented development, and apart from the repositioning of the bin store, many of those previous considerations remain relevant, and are considered satisfactory. Emergency access and

waste collection requirements are generally dictated by the Fire Service, and also by the 'Building Regulations', that set out the necessary requirements for both fire access and waste collection. In this case it is considered that emergency and servicing access would continue to be satisfactory.

52. The proposed changes to the residential mix and the comparatively small reduction in the number of bed-spaces, from reducing the number of two-bedroom apartments, and increasing the number of one-bedroom apartments, would have very little transport and highway impact. Arguably, the use would be slightly less intensive, and could result in a very small reduction in associated vehicle trips and car parking demand. It is considered that any such associated reductions would be so small as to be almost indiscernible and largely insignificant from the transport and highway perspective when compared to the flows on the local highway network.

53. Proposed alterations to the landscaping and amenity area at the front of the building onto Notte Street, shown on the revised drawings, to create a segregated and tiered soft landscaped area, would also result in the loss of the stepped pedestrian access at the east end of the site.

54. Previously raised concerns still apply in respect of a car emerging from Mulgrave Street onto Athenaeum Street, which would be the most convenient route to and from the basement car park of the development, due to poor visibility to the south and north at the junction. However, the applicant has previously agreed to accept a planning condition to explore and fund any necessary associated highway safety improvements there. The lack of visibility to the south (left when emerging) is caused by formal on-street car parking close to the road junction, which is an existing situation that is outside of the applicant's control. This could only be resolved by the loss of on-street parking spaces following a successful change to the associated Traffic Regulation Order (TRO), which would be unlikely to gain public support, and no changes are therefore proposed. However the visibility to the north (right when emerging) 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. Concerns have been raised by local residents that the increased vehicle flows generated by the proposed apartments could result in vehicle collisions. From empirical evidence due to the layout and configuration of the Mulgrave Street vehicle speeds are typically very low. In some places vehicle flows rely on give-and-take movements, with one vehicle waiting on another, due to the formal on-street parking spaces restricting two-way vehicle movements. Should the need arise then further mitigation traffic management measures could be considered, for which a TRO may be required. This is covered by an existing condition.

#### Affordable Housing and accessible homes

56. Affordable housing is one of the top priorities for Plymouth City Council. 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. The previous planning permission secured an off-site affordable housing contribution of £500,000 following protracted development viability negotiations. PCC's Development Viability Officer advised that a policy compliant 30% affordable housing scheme 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.

58. Therefore after careful consideration, a section 106 contribution of £500,000 for off-site affordable housing delivery was agreed by negotiation with the developer. At the time of determining the full application, the £500,000 contribution was equivalent to 10-14% on-site affordable housing and was considerably higher than the applicant's initial offer.

59. This Section 73 application proposes to keep the off-site affordable housing contribution at £500,000, which is a marginal increase in the proportion of affordable housing given the revised housing mix (i.e. a proposed reduction in the number of two bedroom flats in favour of one bedroom flats) has reduced the open market value of dwellings and the gross development value of the scheme.

60. A fresh viability assessment taking into account the proposed amendments has been assessed by the viability officer who has concluded that £500,000 (together with £130,000 in s106 contributions) is the maximum that can be achieved without affecting viability.

61. The Council's Housing Delivery Team continues to support its initial recommendation to accept the £500,000 contribution. This offer was accepted on the basis that such offsite contributions 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 off-site contributions can be used to good effect.

62. In addition, there is an abundance of affordable and supported housing in proximity of the development site and in the wider PLI 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.

63. 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 also 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.

64. The Section 73 application proposes replacing 10 of the two bedroom flats with 10 one bedroom flats to provide 36 one beds and 40 two beds in total. This is supported given the high demand for one bedroom properties in central Plymouth. Policy DEV7 of the emerging Joint Local Plan outlines a particular need to deliver small dwellings to accommodate younger and older people.

#### Other Issues

65. In the wake of the Grenfell Tower fire tragedy, issues have quite rightly been raised about fire safety of the building. With regard to the cladding system Officers are of the view that it is beyond the scope of the planning system, and will instead be the subject of detailed analysis as part of the requirement for building regulations approval once the applicant has appointed either the Council or an alternative Approved Inspector to complete this process.

66. Separately officers have however sought advice from PCC Building Control officers and based on assumptions from the section plans, it appears that the building is more than 18 metres in height (when measured from upper floor surface to ground level on the lowest side of the building) therefore it does appear to fall under the remit for BR135. With this assumption made the makeup of the cladding system would constitute a 'tall building' and therefore regulations appropriate to the size of the building will be adopted.

67. Officers intend to secure sample panels of cladding for the building, but under the current regime and guidance this will be for the purposes of determining their suitability in terms of aesthetics and related durability. In the event that guidance has changed by the time that samples are approved such that fire safety and cladding does become an issue within the scope of the planning system, it would of course be possible to also consider the flammability of any product against any relevant guidance.

#### Bin Storage

68. A bin storage area has been proposed to adequately accommodate the appropriate amount of wheeled bins for refuse and recycling.

### **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **10. Local Finance Considerations**

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended).

### **11. Planning Obligations**

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

Planning obligations were agreed on application these required the following contributions:

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

£500,000 towards offsite affordable housing provision

These contributions were secured following the submission of viability information. Due to the proposed changes the viability of the scheme has been re-assessed and it is considered that the original contributions are still relevant and acceptable.

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**

No further issues.

### **13. Conclusions**

Officers have considered the development against the guidance of the NPPF and in particular paragraph 134, which states that when the harm to a heritage asset is less than substantial it should be weighed against the public benefits of the proposal.

As with the approved scheme 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 relevant policies in the Local Development Framework, the emerging JLP, and the NPPF including the impact on heritage assets.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval subject to s106.

#### **14. Recommendation**

In respect of the application dated **08.09.2017** it is recommended to **Grant Subject to S106 Obligation with delegated authority to Assistant Director for Strategic Planning & Infrastructure to refuse if timescales are not met**

#### **15. Conditions / Reasons**

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

##### **I      CONDITION: APPROVED PLANS**

Ground Floor Plan 2147B-110 Rev B received 30/10/17  
Proposed Site Plan 2147B-105 Rev A received 30/10/17  
Landscape Management Plan 2147B-106 Rev A received 30/10/17  
Proposed Elevations 2147B-126 Rev A received 30/10/17  
6th Floor Plans 2147B-113 Rev A received 30/10/17  
Proposed Elevations 2147B-125 Rev A received 30/10/17  
Visualisations 2147B/190 rev A received 30/10/17  
Visualisations 2147B/191 rev A received 30/10/17  
Visualisations 2147B/192 rev A received 30/10/17  
Site Location Plan 2147B-100 - received 08/09/17  
Site plan 2147B-101 - received 08/09/17  
1st Floor Plan 2147B-111 - received 08/09/17  
Proposed Floor Plans 2147B-112 - received 08/09/17  
Landscaping 2147B-107 - received 02/11/17  
Roof Plan 2147B-114 Rev A received 06/11/17  
Sections 2147B-130 - received 06/11/17  
Sections 2147B-131 - received 06/11/17

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.

## 2 CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

The development hereby permitted shall be begun before the expiration of two years beginning from 04/11/2016.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Objective I0(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

## 3 PRE-COMMENCEMENT: SURFACING MATERIALS

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.

Justification: To ensure all materials are acceptable prior to work commencing.

## 4 PRE-COMMENCEMENT: DRAINAGE

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.

## 5 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:

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 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.

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

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

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.

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

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.

## 8 PRE-COMMENCEMENT: ARCHEOLOGY

No development shall commence until a programme of archaeological work has been secured and implemented to include archaeological trial trench evaluation, aimed at providing information of the location, nature and extent of any surviving archaeological remains and/or human burial remains which may be present.

The development shall be carried out in strict accordance with the approved scheme, or such other details as may be agreed in writing by the Local Planning Authority.

All of the above to be in accordance with a written scheme of investigation which shall previously have been submitted to and approved in writing by the Local Planning Authority

Reason:

The site may contain archaeological deposits and/or human burial remains which would warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 128 of the National Planning Policy Framework 2012.

Justification: To ensure that any archaeological interest that might be present will not be compromised by construction.

## 9 PRE-DPC LEVEL: LANDSCAPE DESIGN PROPOSALS

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

## 10 PRE-DPC LEVEL: FURTHER DETAILS

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 eill, window/door reveals, balconies, screens, electronic gate, rainwater goods, attic details 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

#### 11 PRE-OCCUPATION: REAR BOUNDARY SCREEN

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.

#### 12 PRE-OCCUPATION: BUILDING MAINTENANCE

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.

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

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.

#### 14 PRE-OCCUPATION: CYCLE PROVISION

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.

#### 15 PRE-OCCUPATION: DESIGNING OUT CRIME

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.

#### 16 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.

#### 17 PRE-OCCUPATION: SUSTAINABILITY

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

## 18 CONDITION: NOISE HABITABLE ROOMS

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

## 19 CONDITION: BIODIVERSITY

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.

## 20 CONDITION: TREE REPLACEMENT

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.

21      CONDITION: PRESERVATION OF SIGHT LINES

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.

22      CONDITON: DRIVEWAY GRADIENT/RAMP TO CAR PARK

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

23      CONDITION: UNDERCROFT GATE TYPE (ADJACENT TO HIGHWAY)

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

24      CONDITION: PART M (ACCESSIBLE AND ADAPTABLE DWELLINGS)

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**

### **1 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](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.

### **2 INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATION**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

### **3 INFORMATIVE: KERB LOWERING**

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 Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.

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

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth 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.

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

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.

## **6      INFORMATIVE: PUBLIC HIGHWAY**

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.

## **7      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.

## **8      INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

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 34181R1 December 2014.

Design and Access Statement