



#plymplanning

Democratic and Member Support

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PLANNING COMMITTEE

Thursday 27 July 2017

2.00 pm

Council House, Plymouth

Members:

Councillor Wiggins, Chair

Councillor Mrs Bridgeman, Vice Chair

Councillors Ball, Cook, Sam Davey, Fletcher, Kelly, Mrs Pengelly, Sparling, Stevens, Kate Taylor, Tuohy and Winter.

Members are invited to attend the above meeting to consider the items of business overleaf.

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Tracey Lee

Chief Executive

Planning Committee

AGENDA

PART I – PUBLIC MEETING

1. Apologies

To receive apologies for non-attendance submitted by Committee Members.

2. Declarations of Interest

Members will be asked to make any declarations of interest in respect of items on this agenda.

3. Minutes (Pages 1 - 4)

The Committee will be asked to confirm the minutes of the meeting held on 29 June 2017.

4. Chair's Urgent Business

To receive reports on business which, in the opinion of the Chair, should be brought forward for urgent consideration.

5. Questions from Members of the Public

The Chair will receive and respond to questions from members of the public submitted in accordance with the Council's procedures. Questions shall not normally exceed 50 words in length and the total length of time allowed for public questions shall not exceed 10 minutes. Any question not answered within the total time allowed shall be the subject of a written response.

6. Planning Applications for consideration

The Assistant Director for Strategic Planning and Infrastructure will submit a schedule asking Members to consider Applications, Development proposals by Local Authorities and statutory consultations under the Town and Country Planning Act 1990 and the Planning (Listed Building and Conservation Areas) Act 1990.

6.1.7 Dean Road, Plymouth, PL7 4HE - 17/01289/FUL (Pages 5 - 10)

Applicant:	Mrs Naomi Cook
Ward:	Plympton St Mary
Recommendation:	Grant Conditionally
Case Officer:	Mrs Alumeci Tuima

**6.2. Former Quality Hotel, Cliff Road, Plymouth, PL1 3BE (Pages 11 - 74)
- 17/00952/FUL**

Applicant: Henley Real Estate Developments Ltd
Ward: St Peter & The Waterfront
Recommendation: Grant Conditionally Subject to a S106
Obligation in accordance with agreed
timescales. Delegated authority to the
Assistant Director of Strategic Planning &
Infrastructure to refuse if timescales not met
Case Officer: Mr John Douglass

**6.3. Legacy Plymouth International Hotel, 270 Plymouth (Pages 75 - 94)
Road, Plymouth, PL6 8NH - 17/01167/S73**

Applicant: Eop II Prop Co I S.A.R.L
Ward: Moorview
Recommendation: Grant Conditionally
Case Officer: Mr Alistair Wagstaff

**6.4. "Sherford New Community", Land South/Southwest (Pages 95 - 142)
of A38 Deep Lane and East of Haye Road, Elburton,
Plymouth - 17/00998/S73**

Applicant: Sherford New Community Consortium
Ward: Plymstock Dunstone
Recommendation: Conditional Approval subject to cross border
S106 with South Hams District Council and
Devon County Council and to delegate
authority to the Assistant Director of
Strategic Planning and Infrastructure to:

1. Agree to minor alterations and corrections
of typological errors within the submitted
documents;
2. Make minor alterations to the planning
conditions;
3. Refuse if S106 isn't signed within agreed
timescales
Case Officer: Mr Ian Sosnowski

**6.5. 1 Magdalen Gardens, Plymouth, PL7 1NX - (Pages 143 - 148)
17/01252/FUL**

Applicant: Mr & Mrs Lindsay
Ward: Plympton Erle
Recommendation: Grant Conditionally
Case Officer: Mrs Liz Wells

6.6. Kingfisher Way, Plymstock - TPO 513

(Pages 149 - 158)

Ward: Plymstock Radford
Recommendation: To confirm TPO 513 without modification
Case Officer: Jane Turner

7. Planning Application Decisions Issued

(Pages 159 - 176)

The Assistant Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions determined since last Committee including –

- 1) Committee decisions;
- 2) Delegated decisions, subject to conditions where so indicated;
- 3) Applications withdrawn;
- 4) Applications returned as invalid.

Please note that these Delegated Planning Applications are available to view online at:

<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

8. Appeal Decisions

(Pages 177 - 178)

A schedule of decisions made by the Planning Inspectorate on appeals arising from the decision of the City Council will be submitted. Please note that these Delegated Planning Applications are available to view online at:

<http://www.plymouth.gov.uk/planningapplicationsv4/welcome.asp>

Planning Committee

Thursday 29 June 2017

PRESENT:

Councillor Wigen, in the Chair.

Councillor Mrs Bridgeman, Vice Chair.

Councillors Cook, Sam Davey, Fry (substitute for Councillor Fletcher), Kelly, Mrs Pengelly, Stevens, Kate Taylor, Tuohy and Winter.

Apologies for absence: Councillors Ball, Fletcher and Sparling.

Also in attendance: Peter Ford (Head of Development Management, Strategic Planning and Infrastructure), Julie Parkin (Senior Lawyer) and Helen Rickman (Democratic Support Officer).

The meeting started at 2.00 pm and finished at 2.50 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

13. **Declarations of Interest**

There were no declarations of interest made by Councillors in accordance with the code of conduct.

14. **Minutes**

Agreed the minutes of the meeting held on 1 June 2017 subject to the following change –

Schedule of voting – amend to read that Councillor Sam Davey voted against the recommendation in respect of Minute number (10) and Application (Plymouth Speedway, St Boniface's College Sports Ground Coypool Road, Marsh Mills, Plymouth 17/00648/S73.

15. **Chair's Urgent Business**

The Chair advised Members that the new electronic voting and sound system had been installed in the Chamber; the new equipment, of which Councillors had been trained on, allowed Members to see their votes on the screen after a 20 second period. Members were advised that they were able to amend their votes within the 20 second timeframe however once the countdown had completed the results of the vote were final and could not be altered.

Members agreed to adopt the new process for electronic voting at the meeting.

16. **Questions from Members of the Public**

There were no questions from members of the public.

17. **Planning Applications for consideration**

The Committee considered the following applications, development proposals by local authorities and statutory consultations submitted under the Town and Country Planning Act, 1990, and the Planning (Listed Buildings and Conservations Areas) Act, 1990.

18. **North West Quadrant, Derriford Road, Plymouth, PL6 8DH - I7/00105/FUL**

Mr Tony Christie

Decision:

Application **GRANTED** conditionally Subject to S106. Delegated authority to Assistant Director of Strategic Planning and Infrastructure to refuse if S106 obligation is not signed in accordance with agreed timeframes.

(The Committee heard representations against this application)

(The Committee heard from the applicant's agent)

19. **Planning Application Decisions Issued**

The Committee noted the report from the Assistant Director for Strategic Planning and Infrastructure on planning applications determined since last Committee.

(Councillor Fry attended the meeting during the consideration of this agenda item).

20. **Appeal Decisions**

Peter Ford (Head of Development Management, Strategic Planning and Infrastructure) advised Councillors that there had been three appeals against recent Planning Committee decisions, one of which for 'Land adjacent to Plumer Road' had been allowed by the Inspector; costs had been awarded both against the Council and for the Council.

The Committee noted the schedule of appeal decisions made by the Planning Inspectorate.

PLANNING COMMITTEE – 29 June 2017

SCHEDULE OF VOTING

Minute number and Application		Voting for	Voting against	Abstained	Absent due to interest declared	Absent
6.1	Minute 18 North West Quadrant, Derriford Road, Plymouth, PL6 8DH - 17/00105/FUL	Unanimous Councillors Wigens, Mrs Bridgeman, Cook, Sam Davey, Kelly, Mrs Pengelly, Stevens, Kate Taylor, Tuohy and Winter.				

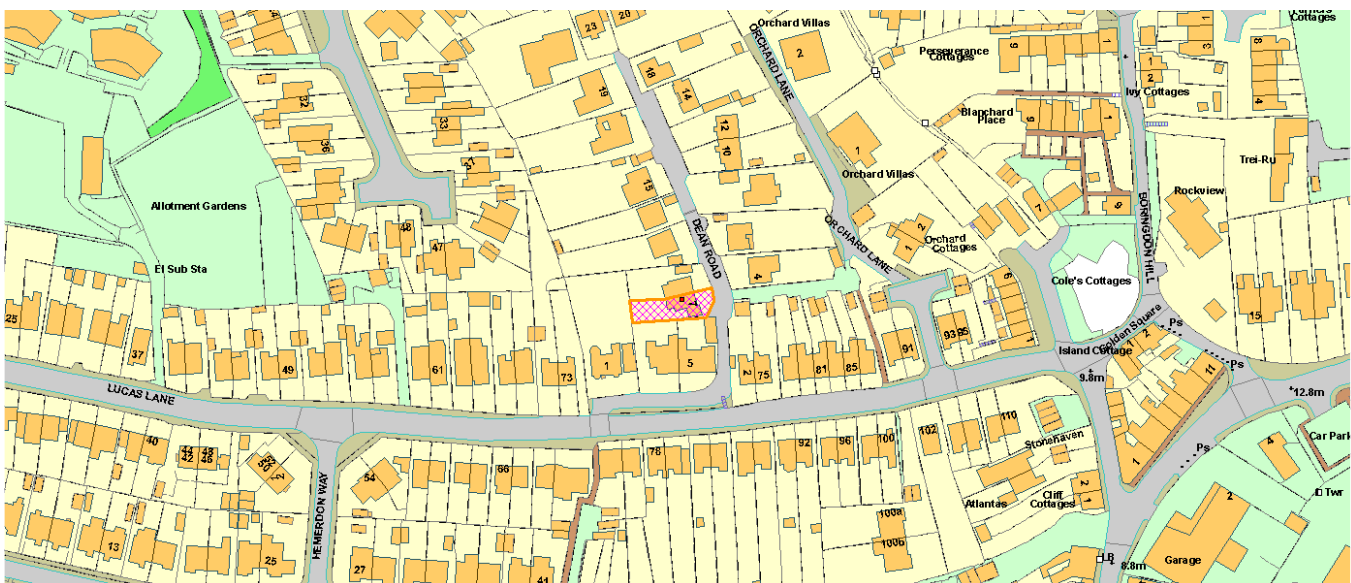
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PLANNING APPLICATION OFFICERS REPORT



PLYMOUTH
CITY COUNCIL

Application Number	17/01289/FUL	Item	01
Date Valid	19.06.2017	Ward	PLYMPTON ST MARY
Site Address	7 Dean Road Plymouth PL7 4HE		
Proposal	Garage demolition and two storey side extension.		
Applicant	Mrs Naomi Cook		
Application Type	Full Application		
Target Date	14.08.2017	Committee Date	27.07.2017
Extended Target Date	N/A		
Decision Category	Member/PCC Employee		
Case Officer	Mrs Alumeci Tuima		
Recommendation	Grant Conditionally		



This application is brought to Planning Committee because the applicant is an Employee.

1. Description of Site

7 Dean Road is a semi-detached dwelling located within the Plympton St Mary neighbourhood. The topography varies throughout, sloping downward from the west to the south of this predominantly residential area. The local shopping area is located south east of the application site.

2. Proposal Description

The proposal seeks permission for a garage demolition and a two-storey side extension.

3. Pre-application enquiry

None requested

4. Relevant planning history

None

5. Consultation responses

Transport: No objection

6. Representations

None received (Consultation ends 18th July)

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 I 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 a relatively advanced stage of preparation, with the pre-submission version 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. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

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:

- o Development Guidelines Supplementary Planning Document

8. Analysis

1 This application has been considered in the context of the development plan, the approved Plymouth and West Devon Local Plan, the Framework and other material policy documents as set out in Section 7.

2 The application is relevant to policies DEVI(1) (Protecting Health and Amenity) and DEV20 (Place shaping and the quality of the built environment) of the emerging Joint Local Plan, as well as Policies CS02 and CS34 of the Local Development Framework Core Strategy and the aims of the Council's Development Guidelines Supplementary Planning Document 1st review (2013), and the National Planning Policy Framework. The primary planning considerations in this case is its impact on neighbouring amenity and the impact on the character and appearance of the area.

3 7 Dean Road is situated at street level, has a generally levelled front and side curtilage with an elevated rear garden that has a steeper gradient and set above the host dwelling. The proposed side extension will involve the demolition of the existing garage, to be made good for the provision of additional storage and living space at ground floor level and an ensuite bedroom at first floor level.

4 The proposed two storey side extension dimensions are approximately 7m(eaves height) x 6m(depth) x 3m (width) to be set back at first floor level and set down from the original roof ridge. This ensures that the proposed side extension is subordinate in appearance and avoids potential for terracing effect. Officers note that this is consistent with paragraph 2.2.47 of the Development Guidelines, Supplementary Planning Guideline, (SPD 2013) which states that 'Where there is an existing or a proposed ground floor extension that is not set back from the front of the house, then a proposed first floor extension should normally be set back by at least 2 metres to ensure that subordination is maintained and terracing avoided'.

5 With regard to character and appearance, Officers note that similar structures exist within the vicinity of the area and that the proposed works to restore the existing garage will raise its appearance from street scene and is acceptable in principle..

6 Given its separation distance from the nearest habitable rooms to the east, the extension is not considered to result in loss of light or the 45 degrees guideline as outlined in the Development Guidelines SPD in paragraphs 2.2.33 and 2.2.34 and is therefore considered acceptable. In terms of overlooking or privacy issues, it is noted that the side elevation will only include a 1.7 metre raised window which is an essential form of escape and is not considered to compromise loss of privacy or outlook and is therefore acceptable.

7 Local Highway Authority was consulted as a result of the proposed garage demolition however, no objections were made by them.

8 The side extension is not considered to impact on neighbouring amenity or the character and appearance of the surrounding area. Its form, detailing and materials will match the host dwelling and without causing significant impact on the neighbouring properties due to its size.

9 The proposal is considered to comply with policies DEVI(1) (Protecting Health and Amenity) and DEV20 (Place shaping and the quality of the built environment) of the emerging Joint Local Plan, as well as Policies CS02 and CS34 of the Local Development Framework Core Strategy.

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

None required

11. Planning Obligations

None required

12. Equalities and Diversities

None

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 the Council's adopted planning policy, supplementary planning documents and national guidance, and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated **19.06.2017** it is recommended to **Grant Conditionally**

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Site Location Plan 16162017 0 received 16/06/17

Site plan 16062017 0 received 16/06/17

Plans and Elevations 16062017 0 received 16/06/17

Plans and Elevations 16062017 0 received 16/06/17

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: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

Informatives

1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

2 INFORMATIVE: CONDITIONAL APPROVAL NO 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 and has imposed planning conditions to enable the grant of planning permission.

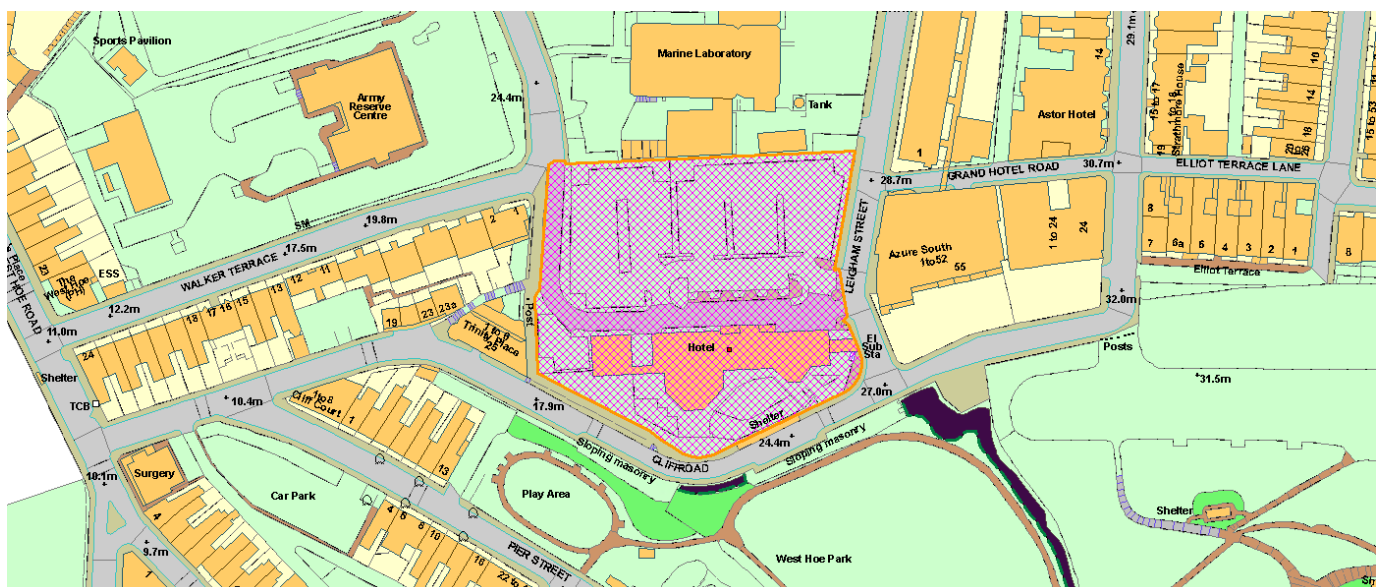
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PLANNING APPLICATION OFFICERS REPORT



PLYMOUTH
CITY COUNCIL

Application Number	17/00952/FUL	Item	02
Date Valid	04.05.2017	Ward	ST PETER AND THE WATERFRONT
Site Address	Former Quality Hotel Cliff Road Plymouth PL1 3BE		
Proposal	Demolition of the existing sub-station and erection of two buildings comprising a 80-bed hotel and ancillary facilities (11 storeys) and 88 residential dwellings (15 storeys), access, pedestrian/cycle way, landscaping, car parking and servicing and associated infrastructure works		
Applicant	Henley Real Estate Developments Ltd		
Application Type	Full Application		
Target Date	03.08.2017	Committee Date	27.07.2017
Extended Target Date	N/A		
Decision Category	Major - More than 15 Public Comments		
Case Officer	Mr John Douglass		
Recommendation	Grant Conditionally Subject to a S106 Obligation in accordance with agreed timescales. Delegated authority to the Assistant Director of Strategic Planning & Infrastructure to refuse if timescales not met.		



I. Description of Site

The application site is the site of the former Quality Inn hotel, which was recently demolished by Plymouth City Council following its acquisition from the previous owners.

The site adjoins the Plymouth Marine Laboratory (PML) site to the North, Leigham St to the east (beyond which lies the residential development known as 'Azure'), and Prospect Place to the west. To the south of the site lies Cliff Road. The site itself slopes gently downwards from east to west, before the land drops away sharply beyond the western boundary down Walker Terrace and Cliff Road towards Millbay. To the south a large historic retaining wall constructed from Plymouth Limestone supports the site in a prominent, elevated position above Cliff Road. The northern footway of Cliff Rd is also elevated significantly above the carriageway, and with the exception of the area where there is a concrete covered walkway and seating area, there is no railing or wall. Pedestrian access is available to the site's boundaries with the exception of that to the PML site. From the vehicular section of Prospect Place (which immediately west of the site is a single carriageway serving only 5 residential parking spaces to 1 Walker Terrace) a footpath ramps down to Cliff Road. A steep flight of historic steps also leads westwards down to Cliff Road from the Prospect Place footpath.

The natural stone wall encloses the site's southern side, but extends only partly up Leigham St and Prospect Place – other parts of the site boundaries are walls constructed from reconstituted (concrete) stone.

The site has two vehicle accesses – one from Leigham St towards its junction with Cliff Road, and one from Prospect Place at the site's north western corner.

With the exception of the PML site, the site's context is residential. The Azure building to the east of Leigham St comprises residential apartments (and duplexes) with parking below. To the west of the site are residential uses fronting Walker Terrace and Cliff Road; closest to the site are 6 apartments at number 1 Walker Terrace and the apartments in Trinity Place which are at lower level on Cliff Road. Trinity Place sits at a lower level (fronting Cliff Rd) such that its roof projects only a small amount above the wall along the Prospect Place Footpath. 1 Walker Terrace features south-facing balconies on its rear elevation and benefits from views of the Sound over Trinity Place.

Prior to the demolition, the latterly named 'Quality Inn' was a hotel offering around 110 bedrooms. It comprised of a 10 storey concrete rectangular tower constructed in the 'brutalist' style, with a lower pavilion style 2-storey extension to its western side. The hotel opened in 1970. The building stood significantly forward of the Elliot Terrace/Cliff Road building line with a 148-space car park to the rear (accessed from Prospect Place and Leigham St) so was highly prominent from the Hoe and beyond.

The hotel closed in January 2014 and was initially monitored and secure. However security was removed from the site in early 2015, and it became the subject of vandalism and anti-social behaviour. A major fire occurred at the site in May 2015.

Plymouth City Council acquired the Quality Hotel site in January 2016, and demolition of the existing building was completed during summer 2016. Demolition included the removal of all structures on the site except for a concrete substation which is retained at the south east corner. Areas of hardstanding were broken up and crushed aggregate was spread across the site to form a temporary surface; trees along the northern boundary were protected and have been retained, and the secure site hoarding erected around the whole boundary remains in place.

Although the site does not lie within a Conservation Area, The Hoe Conservation Area extends close to the site to include Azure and the eastern footway of Leigham St, and West Hoe Park and the southern footway to Cliff Road to the south of the site. As discussed in the analysis section of

this report, the Conservation Area also includes some of the city's finest Heritage assets, including the Citadel (Scheduled Monument), Smeaton's Tower and the Lorimer War Memorial (both Grade I listed), several Grade II*, and numerous Grade II listed buildings. The Hoe Park is also listed as Grade 2 on Historic England's Register of Parks and Gardens. To the south of the site its boundary is similar to that of the Conservation Area (although it excludes the Cliff Rd footway), but it extends further west to include the Children's Play Area and Treasure Island.

2. Proposal Description

The proposal is for an 80-bedroom hotel and 88 residential apartments. Each would occupy a separate building, with shared access to communal gardens and a shared parking area (with spaces allocated to either use). At 11 storeys, the hotel is the smaller of the two buildings and occupies the site's south western corner. The apartments occupy the south-eastern part of the site and would be 15-storeys high.

Vehicle access to the site for residents and hotel guests is proposed from Leigham St (the access is to be moved approximately 15m north from its existing position), with access from Prospect Place limited to hotel servicing functions. A total of 130 parking spaces are proposed on-site, with 50 allocated to the hotel (including 3 accessible spaces), and 88 to the apartments (including 4 accessible spaces).

A new pedestrian and cycle route from Prospect Place to Leigham St is proposed along the northern boundary. Half way along this route a gate and some steps will allow pedestrian access to a north-south route through the car park leading to the terrace area at the site's frontage via a gap between the buildings. This terrace area will be publicly accessible, with its main entrance from the Leigham St/Cliff Road junction, and a second access at the base of the ramp between Cliff Road and Prospect Place. Both this access, and the access from the northern boundary will feature gates enabling them to be closed at night. Pedestrian access to both the apartments and the hotel from the Hoe would be via the main pedestrian access at the junction, the frontage space and the gap between the buildings. The main entrances are centrally located to each building on its north side facing the car park.

The site frontage is terraced into a series of levels of garden and pathway separated banks and small retaining walls utilising reclaimed Plymouth Limestone (notwithstanding the references to rendered walls shown on some of the submitted landscape drawings). The central 'garden terrace' is designed such that it can be used as an event space. The ground floor apartments benefit from small private terrace spaces which are at a higher level to give future residents some privacy.

Accessing the hotel from the drop-off area and main entrance facing the car park you would enter the hotel reception/bar, which opens out onto a south facing terrace overlooking the main garden terrace. To the right are the stairs and lifts to the upper floors. A restaurant access also leads directly into this space from the car park. As well as staff offices and facilities, the health suite/spa, swimming pool and gym will be at this level behind a reception area.

Level 01 is occupied by a function suite with access onto terrace on the roof above the swimming pool. The suite totals 236 sq m (plus toilets etc) but can be divided into smaller spaces by flexible partitions. Hotel bedrooms occupy levels 02-09. There are 10 rooms per floor. These are 28 sq m each, except that one larger suite (45sq m) with a terrace is provided at the centre of each floor. Level 10 provides a restaurant with a terrace (62sq m) at its western end and a kitchen at the eastern end.

Hotel kitchens, plant, laundry and associated servicing are provided at basement level (immediately accessible from the western service access) beneath the western end of the hotel. Several store

areas, plant rooms etc, and a bin store would also be provided either side of the servicing access from Prospect Place.

Access via the main apartment entrance (facing the car park) would lead to a lobby area from which the ground floor units, and lifts/stairs to the upper floors would be provided. Two internal refuse stores would be provided (access from either end of the building), and 44 cycle spaces would be provided in a lobby area from the secondary access from Leigham St.

The residential mix comprises 8 no. 1-bedroom, 70 no. 2-bedroom and 10 no. 3-bedroom units. The arrangement of units is the same across floors 01-07 (6x2-bedroom units each), and at 08-13 (the same except that the eastern end is divided into a 1-bed and a 3-bed rather than 2x2-beds). The ground floor comprises a mix of 1- and 2-bedroom units and the top floor features 4x3-bedrooms units, each of which has a larger terrace than those of the units below. 1-bedroom units start from 52sq m, 2-beds from 69sq m and 3-beds from 112sq m.

Floor	1-bed	2-bed	3-bed	TOTAL
00	2	4	-	6
01	-	6	-	6
02	-	6	-	6
03	-	6	-	6
04	-	6	-	6
05	-	6	-	6
06	-	6	-	6
07	-	6	-	6
08	1	4	1	6
09	1	4	1	6
10	1	4	1	6
11	1	4	1	6
12	1	4	1	6
13	1	4	1	6
14	-	-	4	4
TOTAL	8	70	10	88

The architectural design of the scheme is discussed at length in the analysis section of this report. In summary, however, following ongoing negotiation including revisions made during the planning application, the apartment building is proposed to be clad in aluminium anodised cladding with aluminium glazed windows/curtain wall glazing, and glazed balcony balustrades behind the curved aluminium balcony edges. The hotel would feature the same materials to the rear, but to the south side would be primarily glazed. The ground and first floor of both buildings to their rear and sides would be clad with natural Plymouth Limestone. The pool and leisure facility that projects at ground floor of the hotel would also be clad in Plymouth Limestone.

Both buildings features roofs that are higher to their southern edge. The hotel roof features a central plant well to locate plant and equipment in. The apartment roof is to feature a biodiverse roof and solar panels on a structural frame.

3. Pre-application enquiry

The applicant has been engaged in pre-application discussions since January 2017 (Development Enquiry Service application 17/00294/MAJ). Advice on a range of issues has been given through a combination of meetings and written feedback which have responded to an iterative process through which the scheme has evolved. The applicant sought feedback from the 'Creating Excellence' South West Design Review Panel as part of the process. The panel's letter which provided advice to the applicant is available in full on the planning webpages as part of a statement submitted by the

applicant in which they set out why this comment was not made public from the outset, and how they used the advice that they received from the panel. The design of the scheme is not discussed in the analysis section of this report with specific reference to the panel comments, but officers consider that all the issues raised by the panel are covered.

4. Relevant planning history

Current application 17/01419/FUL, made by Henley Real Estate Development Ltd was received 04 July and is yet to be determined. It proposes 'Demolition of existing brick and concrete shelter over the footway on Cliff Road, partial demolition of the stone wall and railings retaining the west end of the Hoe promenade and creation of a new stepped access into the Hoe and link to the promenade; Public realm works around the junction of Cliff Road with Leigham Street'. The proposals are for public realm works to improve links between the application site and The Hoe Promenade.

The Local Planning Authority issued their opinion that Environment Impact Assessment of the scheme was not necessary on 09 March 2017 following receipt of a written request assigned reference 17/00445/ERS105.

Prior approval for the demolition of building and site clearance (including the erection of a perimeter hoarding) was given on 19 May 2016 following notification reference 16/00732/31.

Prior to the demolition notification, there was also a history of monitoring and action by the planning enforcement team. Complaints about anti-social behaviour were received from April 2015 onwards. A multi-agency meeting involving numerous public-sector organisations was held in May 2015 to discuss a strategy to prevent problems at the site. Following a major fire in the building on 15 May 2015, the owner was asked to undertake works to secure the site. This was followed up by a Section 215 notice when the owner failed to act, and the owner was successfully prosecuted in the courts for non-compliance with the notice in September 2015.

It is also worth noting that a pre-application enquiry for a non-hotel use was processed in early 2015. The Local Planning Authority advised in its response that it would be '...unable to support redevelopment of this strategic waterfront site' for the single-use proposed. 'The site is vital to secure the future growth and expansion of the visitor economy and wider economic prosperity of the City. Therefore, as a minimum, we would wish to secure a high quality hotel with associated tourism facilities as part of a mixed-use scheme...'

5. Consultation responses

DESIGN OFFICER (PCC) - Comments are summarised in the analysis section of this report.

DESIGN (LANDSCAPE) OFFICER (PCC) – No objection subject to conditions.

DEVON AND CORNWALL POLICE ARCHITECTURAL LIASION OFFICER – supports the application

DEVON GARDENS TRUST – concurs with the advice and recommendations of Historic England, adding that the proposal would result in more than substantial harm to the significance of the designated historic assets, would not meet NPPF requirements, and should be refused.

ECONOMIC DEVELOPMENT DEPARTMENT (ECONOMY, ENTERPRISE AND EMPLOYMENT, PCC) – fully supportive; outlines economic benefits; requests a planning condition securing an Employment and Skills Plan and consideration of a financial contribution from the development to the Hoe Foreshore Improvement Work.

ECONOMIC DEVELOPMENT (STRATEGIC DEVELOPMENT PROJECTS, PCC) – Provides background information to explain the process undertaken by the Council prior to the submission of this planning application. Key points are that the Council:

i/ following the Plymouth Hotel Market Study of 2014, took a cross party decision to intervene over the delivery of a new 5* Full Service hotel and to deal with the increasingly derelict and dangerous former Quality Hotel building.

ii/ Was advised by an international property firm, who advised on the national site marketing campaign

iii/ received 9 Expressions of interest and short listed 5. These were then taken through a two-stage evaluation, which was more focussed on issues of design and deliverability (including availability of funding) than maximising a capital receipt from the site for the council.

ENVIRONMENT AGENCY – No comment

HIGHWAY AUTHORITY - No objection subject to conditions and advices.

HISTORIC ENGLAND - Historic England has submitted three representations to the application to take account of changes made to the scheme and updated information submitted. Their letters are available in full on the council's planning webpages, but in summary their comments are as follows:

23/05: Objects to the application on heritage grounds. Urges the council to push for quality, and finally secure a hotel scheme that the city can be proud of for years to come. Offers to work with the council and applicant to overcome the (numerous) concerns raised in their objection. Points out that these issues need to be addressed in order for the application to meet the requirements of paragraphs 58, 61, and 128-134 of the NPPF, and reminds the planning authority to bear in mind the statutory duties of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

29/06 (in response to design changes): Reiterates concerns about the scale, massing and elevational treatment of the buildings and their effect on the setting of the Plymouth Hoe Conservation Area and a number of highly-graded listed buildings. Notes that the scale and massing remains unaltered and considers that the design improvements do not mitigate the adverse impact on the historic environment. Continues to object to the application on heritage grounds. Encourages further modification to the design to reduce the height of the proposed apartment building. States that further modification may allow the proposals to meet the requirements of paragraph 58, 61, and 128-134 of the NPPF. Requests an independent analysis of the design quality by a design review panel, and a viability assessment including the phase 2 proposals, if the applicant is unwilling to make further modifications.

11/07 (following a review of the submitted Design Review Panel – DRP - comments): Advises against placing any weight on the merits of the design when weighing the planning balance as part of the decision-making process. Suggests that their concerns about impact on the historic environment and the DRP's independent assessment of perceived failings in design quality should lead to the conclusion that the scheme does not represent sustainable development as defined by the NPPF, and requires fundamental reconsideration.

HISTORIC ENVIRONMENT OFFICERS (PCC) – there is no requirement for archaeological information. Comments regarding the impact on the historic environment adjacent to the site are summarised in the analysis section of this report.

HOUSING DELIVERY TEAM (PCC) – Raise no objection to the application. Accepts the applicant's justification for meeting the affordable housing requirement by way of a financial contribution for off-site works. The rationale for this is set out in the analysis section of this report.

LOW CARBON TEAM (PCC) – considers the submitted energy strategy broadly acceptable in policy terms but expresses some concerns about the strategy for future proofing the apartments for future district heat connectivity. Comments include a report from consultant advisors Buro Happold regarding this aspect of the proposals.

LEAD LOCAL FLOOD AUTHORITY (PCC) – No objection subject to conditions

THE MINISTRY OF DEFENCE were consulted to enable consideration of the development in respect of its safeguarding role and the potential for explosions in the area. No response was received. However, the Ministry of Defence's Defence Infrastructure Organisation responded at the pre-application stage (28 February 2017) to confirm that they 'have no safeguarding objections'. Their response is available on the on-line planning files for this application.

NATURAL ENGLAND - No objection. Notes that the development falls within the zone of influence for potential recreational disturbance to Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA and that a sum of money, as agreed through your Local Plan, will be required as mitigation for the proposed development.

NATURAL INFRASTRUCTURE TEAM (PCC) – No objection subject to conditions and advices as proposed. Offers advice on some aspects of the Ecological Mitigation and Enhancement Strategy. Confirms that Plymouth City Council, as the competent authority, considers that the proposed development will not have likely significant effects on the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and the Tamar Estuaries Complex Special Protection Area (SPA).

PLYMOUTH WATERFRONT PARTNERSHIP – fundamentally fully supportive in recognition of the ongoing economic role to the city in respect of job creation; scheme will have a prominent role in respect of the Mayflower 400 ambitions and post 2020 legacy. Applauds the proposed five star status and although more (100) bedrooms would be preferred, considers that it will significantly benefit the city's visitor economy and provide a much needed uplift to Plymouth's accommodation sector. Further considerations should be whether the conference facility could be expanded, and whether a financial contribution can be made towards improvement works within both prominent areas of the West Hoe Park and the Hoe Foreshore

PUBLIC HEALTH (PCC): reiterates the in principle support they expressed in response to the pre-app

PUBLIC PROTECTION SERVICE (PCC) – No objection subject to conditions and advices

SOUTH WEST WATER – no objection. Modelling indicates that there is capacity in the existing combined sewers to accommodate foul sewerage from the development; surface water is to discharge to the dedicated surface water sewer to the north west of the site.

VIABILITY OFFICER (PCC) – Having reviewed a 'viability appraisal' submitted by the applicant, the viability officer concludes as follows:

In general terms we are of the opinion that the viable delivery of a 4/5 star hotel at this location would require subsidy from a higher value use to enable it. In this instance the use identified is open market residential apartments. We are of the opinion that the applicant has satisfactorily demonstrated that a policy compliant scheme is not possible on this site while also delivering the hotel. Whilst we disagree with some elements of the applicant's appraisal the overall conclusion that a contribution greater than £1m for section 106 would not be viable is one that we support.

Further relevant comments from the viability officer are included within the analysis section of this report.

6. Representations

Letters of representation have been received from 64 contributors in total over the two rounds of consultation. Of these, 58 are in objection, with 6 in support (correct 17th July).

Letters of support focussed on the need for a high standard/5* hotel to meet an unmet demand for visitors and business people and new investors, and for the economic and wider development benefits the hotel will bring. Other positive comments were that the proposals will:

- greatly enhance the city's image and offer
- enhance fabric of the city
- generate sustainable employment across the construction, hospitality and retail sectors,
- provide work experience/placements/apprenticeship opportunities for City College Plymouth

Members should be aware that many objectors in their letters of objection confirmed that they have no objection in principle to the development of the site, or to its development as a high quality hotel. However, they object to the proposal before members today. A significant number put their objections into context by stating that the City Council should take the time to secure the correct development for the site (in quality terms). In other words (using words from objectors) the plans shouldn't be rushed through; it is more important to have a successful development on the site than a poor scheme delivered by 2020. The fact that the previous hotel was built for Mayflower 350 is also stated by way of a potential comparison in circumstances. Redevelopment for 2020 should be an opportunity to create a lasting legacy, whereas this would be repeating mistakes of the past. There are also allegations that the developer is effectively holding the Council to ransom on the basis of the desirability of delivering a hotel in time for 2020.

Some objectors also call for the site to be used solely as a hotel, or at least for the two buildings to be considered in separate planning applications. A small number also suggest that the hotel may have been intentionally designed such that it can be converted into apartments later.

Other themes relate to financial viability of the scheme, including that the commercial justification for the scale proposed is inappropriate, that the stated viability position is untrue, and that the developer is 'profiteering' through overdevelopment.

A number of objectors also make their objections with reference to the Site Planning Statement for the site, with one objector pointing out that this should be given extra weight as it presumably formed the basis on which PCC offered the site for sale.

Other objections are summarised below by topic area:

Suitability of Uses:

- The housing type is not the correct target market – the demand is from 50-somethings who want space for their families and cars
- Would prefer more family housing rather than flats to contribute to a balanced community rather than the existing oversupply problem

Design (Scale/Height):

- Will dominate and overwhelm/be out of proportion with Hoe skyline from The Sound and Hoe Promenade (the most iconic view of the city with national and international renown), dwarfing existing buildings, and diminishing these iconic/signature vistas and the Heritage assets that make them up

- Height of apartments is too great – Maximums suggested are Azure +2-3 storeys; 9 storeys; 10 storeys; 10 / 4 storeys as per SPS
- Hotel should be correspondingly lower
- Two smaller apt blocks would be better than 1 large one
- Whilst a statement building is needed it shouldn't simply be significantly bigger than other buildings; it should adopt clever and innovative design.
- Other buildings in the area preserve an incremental approach to increases in height
- Height and volume much greater than previous hotel (volume is 3x the hotel);
- overdevelopment of the site
- Height and scale disproportionate
- Tall buildings here will harm the harmony between cliff top open space and the buildings behind
- Questions the statement that the site is 3-4m below Hoe Promenade level
- There is no cohesive visual plan for tall buildings
- Tall buildings should be limited to the area near the railway station

Design (Character, Heritage):

- Will change the feel of the Hoe to a high rise business environment
- Will detract from the world-class view of the Hoe from the sea
- Will harm the setting of heritage assets (reference is frequently made to Historic England's representations)
- Should be sympathetic to the Conservation Area
- Not in keeping with surroundings, out of proportion with the rest of The Hoe's buildings; incongruous
- Horizontal emphasis and proportion of the apt building fails to pay adequate regard to the historic builds that form its setting
- Not sufficiently distinctive to justify design difference from historic adjacent buildings
- Not iconic enough
- The introduction of two very large modern buildings will draw the eye away from the historic architecture of the Hoe
- visual dominance will compromise the association of Plymouth's Hoe with its heritage
- An individual, striking landmark that reflects the spirit of the city is needed, like Bilbao's Guggenheim. Architects should be of international renown; building should be internationally recognisable/iconic
- Will impact on views of the Hoe for visitors approaching along the seafront and by sea (this will impact on tourism)
- Potentially undesirable precedent for adjacent sites such as PML, TA site
- Designs should include the whole of the Hoe to allow proper consideration

Design (Layout)

- Site development should use more of the site (with podium parking) at lower scale
- The buildings should be swapped around such that the taller building is to the west
- Turns its back on the city; is one sided
- Blocks views from buildings behind
- Inclusion of a gap between the buildings to preserve future development opportunity of the PML site is to the cost of existing residents in 1 Walker Terrace and the adjacent sheltered Housing in Bond Spere Court.

Design (Detailed design, design quality)

- Not of sufficient visual quality / eyesore / ugly; not a building that Plymothians can be proud of.
- Not aesthetically pleasing; bland/mediocre/boring
- Design does not follow the Regency style of the Esplanade (as Azure does successfully)

- Would have the appearance of an industrial complex
- Rear elevation is monolithic/functional/bland/lacking architectural merit and will dominate the city centre
- design of the 2 buildings should present an unified façade
- Horizontal emphasis and proportion of the apt building fails to pay adequate regard to the historic builds that form its setting
- Design emphasises rather than mitigates the width and height of the new buildings
- Glazed hotel looks like an office and is of little architectural merit
- Not in keeping with local materials in terms of scale, design and the quality of local materials
- Materials must be high spec and colours clarified
- Design is improved from public consultation
- Future occupants should be able to experience views in all directions

Amenity

- Overshadowing/loss of sunlight to Walker Terrace (this is likely to increase the need for heating in this building)
- Overbearing impacts on Walker Terrace due to proximity
- Potential for noise from plant rooms on western boundary
- Ground floor of hotel would be level with 2nd floor apt of 1 Walker Terrace and only 19m away
- Overshadowing/loss of sunlight to Azure W and Azure S
- Loss of privacy to Azure – too close
- There is insufficient information about the relationship between the balconies and rooms at the eastern end of the apt block and habitable rooms and balconies at Azure for [Azure] residents to determine any loss of light impacts
- Azure residents concerned about siting and noise from A/C units, particularly from phase 2 plans
- A considerate contractor scheme should be in place to manage construction stage impacts
- The gap will create a wind tunnel from Cliff Rd to Prospect Place
- Contravenes Right of Light and Privacy Laws
- Additional people would inconvenience local residents and add to ever increasing noise levels

Transport - parking

- Insufficient parking is proposed
- Given Plymouth's transport links, guests are likely to arrive by car.
- Insufficient parking for conference delegates
- Apartment residents are each likely to have 2 if not 3 cars per household
- On street parking is already stretched, especially for events and summer weekends.
- Additional pressure on parking will deter visitors and harm local businesses
- Parking has been reduced since public consultation
- 20% of attendees to the public consultation raised parking as a concern, yet it has been reduced.

Transport - other

- E-W cycle link will extend into carriageway at western end
- Additional road traffic and pollution
- Substation doors will obstruct Prospect Place

Environmental Impacts

- Drainage will be inadequate and will lead to localised flooding

Community Benefits

- Hoe Conservation Residents Assoc (HCoRA) and Hoe N'hood Forum struggles for community space in which to extend its range of activities and would like to discuss this as part of discussions on the social benefits of the scheme
- Benefits to the Hoe park and West Hoe park would be welcomed - disabled access to the Hoe is difficult
- Would like to see S106 spent within the Hoe Neighbourhood, preferably to deliver family housing, but also to ensure ongoing upkeep of Hoe Park and West Hoe Park.

Other

- Disappointing that the developers has not taken on board comments from pre-app community consultation regarding the height and roofline (the only issue raised by the HCoRA that has been address is the colour)
- Had hoped to support the application, but regrettably input to public consultation (reiterated in full) was disregarded

A second round of consultation was undertaken following receipt of revised plans. Many objectors reiterated their concerns, stating that the minor changes made do not overcome their substantive concerns (in many case relating to height/scale). Comments from 8 objectors (and one supporter) have been taken into account although they were received after the 11th July deadline. The following additional issues were raised:

Viability:

- Scheme viability should be publicly assessed
- Viability of whole site including phase 2 needs to be understood – without this the reliance on viability to justify the height cannot be relied upon

Hotel Delivery:

- No issues with design concept or height of hotel
- PCC should satisfy itself of the commercial sustainability of the hotel to prevent it being converted into another apartment block.
- PCC should also satisfy itself that the economics of the standalone hotel are adequate without support from the apartments – ie is the hotel a sweetener to justify apartments?
- Hotel and apartments should be separate applications to allow for hotel delivery by 2020, with more attention to be given to the apartments prior to a new application
- The development ought to have included a conference centre with multi-purpose hall able to attract Orchestras etc that would draw visitors to travel beyond Exeter

Phase 2:

- Developers did not mention phase 2 at public consultation
- Phase 2 could be of a similar scale – details should be submitted to enable a full understanding of these

Design and Heritage:

- The designs should be subject to design review (with ref to NPPF para 62)
- Design review panel comments should be made public
- Design Quality still remains weak
- A further design review panel should be held
- The plans are inconsistent and do not allow proper consideration of the height different with

Azure

- Plymouth should follow other enlightened cities by using 'Place Branding' (Link to, and extracts from Historic England report on this subject are provided) approach to optimise the financial benefits of Heritage assets such as the Hoe

- Planning Officers' report should properly weight the negative financial and cultural impacts of harm to heritage
- Comments should be sought from the Crown Estate

Amenity:

- Increase in glazing on north elevation will be detrimental to privacy of properties to the north and west
- How will visitors feel if Drake's Island gets a hotel with noisy helicopter service?

Fire Safety:

- Queries about cladding type with reference to Grenfell Tower
- Queries about fire access to all sides of building

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 I 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 SPD
- * Sustainable Design SPD
- * Planning Obligations and Affordable Housing SPD.

5 Year Housing Land 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 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

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.

8. Analysis

1. This application has been considered in the context of the adopted development plan, the approved emerging Plymouth and South West Devon Joint Local Plan, the Framework and other material policy documents as set out in Section 7. Reference to relevant policies will be made when consider the merits of the proposal under the key issue headings below.

2. There are two significant pieces of evidence commissioned by the Planning Authority, that have influenced the development of the emerging policy for this site: The Waterfront Masterplan (LDA Design, 2017), and the Plymouth Hotel Market Study (Colliers, 2014). Relevant advice from the Hotel Market Study is set out in the next section of this report where the uses are considered. The Waterfront Masterplan is not discussed at length due to its largely strategic nature. However, the committee should be aware that its Urban Design Framework (Part 2, section 4.0) identifies redevelopment of the Quality Hotel site as a priority for change. In respect of building massing, it suggests:

‘Opportunity for a landmark mixed use hotel/ residential development on the Quality Inn site to be up to 10-12 storeys at the eastern edge and stepping down at the west to around 6 storeys. Buildings should extend the existing building line unless a building of sufficient quality can create a fitting landmark enclosing the western end of the park.’

3. The full wording of the emerging JLP policy for this site is set out in full as follows:

PLY28 - Land north of Cliff Road, The Hoe

Land north of Cliff Road, The Hoe, is allocated for hotel led mixed use regeneration, including housing and potentially complementary uses which supports the tourist function of area. Provision is made for in the order of 80 homes.

Development should provide for the following:

1. A development which respects the site's heritage assets and context, as informed by a detailed heritage character assessment to be undertaken for the proposal.
2. High quality, memorable building design will be sought, given the site’s relationship with the Hoe Conservation Area, and wide prominence, including from the sea and coastline.
3. Publicly accessible active ground floor uses to be encouraged.
4. A new pedestrian / cycle link between Walker Terrace and Leigham Street at the site’s northern boundary.
5. New enhanced and redesigned public realm on and around the site, including removal of the covered walkway against the retaining wall forming the site’s southern boundary, and strong pedestrian and cycle links to the Hoe Park.
6. Innovative solutions to minimise the visual impact of car parking and maximise secure cycle parking.
7. An innovative lighting scheme.
8. Tree planting on the site’s street frontages and open spaces.

4. Referring back to the advice in section 7 regarding the weight that can be given to emerging policies, committee members are advised that four objections to this policy have been received, including one from Historic England. They point out the policy should seek to avoid any harm to surrounding heritage assets in order to meet statutory requirements and relevant parts of the NPPF. They seek a reworded policy that replaces point 1 above with 'A development that preserves or enhances the character or appearance of the Hoe Conservation Area, the Registered Park and Garden and heritage assets along with their settings', and request the deletion of supporting text paragraph 4.114, which states 'This prestigious location presents the opportunity for a high quality, innovative building of significant height' as they consider the reference to significant height to be unsubstantiated as there is no evidence to support this position.

5. Two of the remaining objections also relate to height, including one which suggests that the policy should specify maximum building heights (as City Centre policies do).

Proposed Hotel and Residential Uses

6. The Waterfront Masterplan produced by LDA Design in 2017, and a key piece of evidence underpinning relevant emerging JLP policies, notes that "the area around the Hoe is one of the most visited areas of the waterfront and is ingrained in the identity and image of the city but interestingly doesn't score that well on visitor reviews on quality of experience... This priority is equally important for visitors to the city as it is to existing residents, ensuring that the image and first impression gives the desired message about the city. Finally, is also about ensuring that there is the right kind of accommodation to allow people to stay for longer trips and support high profile destinations and events, in particular there is a need for high quality hotel accommodation and one of the objectives for the masterplan is to identify attractive and landmark sites which are capable of providing a great visitor experience."

7. The 2014 Plymouth Hotel Market Study considered the Plymouth Hotel market in relation to the City Council's desire to see new and quality hotel development in the city. It identified high occupancy rates in the city's existing hotel supply (all year round average of over 78% compared to regional average of 74% and England average of 77%), and the Economic Development Team considers that pressure has increased since then, 'not unconnected with the successful and ongoing economic and physical growth of the city'. The study notes that 'the supply of hotels in Plymouth is lower than many cities of a similar size and there is a notable gap of quality product' and considers that there is a market opportunity to provide higher quality accommodation at the 4 star full service level, which it notes is not sufficiently addressed by the current hotel offer.

8. Officers note that representations made in support of the planning application, from Destination Plymouth, The Waterfront Partnership, and industry groups such as the Chamber of Commerce and Plymouth Manufacturing Group echo this view. At the same time, other Letters of Representation point out how unfortunate it is that the former Grand Hotel was able to be converted to residential flats and no longer retains this hotel function on the Hoe.

9. The Colliers report explains that ideal site characteristics for a new quality hotel in Plymouth include: good views to sights that make Plymouth unique, good access to the main business and tourist areas, not prohibitive costs to acquire the land or refurbish/demolish current buildings, a willing owner and a well-funded developer.

10. It notes that there are a number of opportunities across the city and specifically recommended that sites such as the Quality Hotel site should be protected for hotel use, at least in part, to ensure the city can offer high quality ocean views to the tourists that it wishes to attract to stay in 'Britain's Ocean City'. As well as supporting the case for protection of the site for hotel use in the form of emerging Joint Local Plan policy JLP28, it seems that the findings of this report clearly influenced the City Council's decision to purchase the site and prepare it for development. Indeed the

representation made by the Council's Economic Development (Strategic Development Projects) refers to the Colliers report before explaining that 'the Council took a cross party decision to intervene over the delivery of a new hotel 5* Full Service hotel which is currently lacking in Plymouth'. It appears that this intervention sought to overcome the likely 'prohibitive costs to acquire the land or refurbish/demolish current buildings' which would have otherwise existed and which the Colliers report imply are a potential barrier to delivery.

11. The planning statement describes that the hotel has been 'designed in line with high quality operator requirements... creating a high quality business and leisure hotel.... The aspiration is for the hotel to meet the quality standards of a luxury hotel to meet the demand for tourist accommodation in the city in advance of the Mayflower 400 celebrations.' The applicant has referred officers to the AA Hotel Quality Standards, which set out key requirements for each star level rating. Many requirements ultimately relate to the level of service offered, but it is clear that a number of the requirements of 4 and 5 star hotels can only be met through the design of the building. The following criteria are included, for example (with commentary relating to the proposals):

- * At least one restaurant, open to residents and non-residents for all meals seven days a week – one formal restaurant and a further restaurant bar are proposed.
- * Additional facilities e.g. secondary dining, leisure, business centre, spa, etc. – function/conference suites, spa/pool/gm are proposed
- * The significant majority of bedrooms very spacious, allowing generous ease of use for movement, comfort, dining and relaxation – the plans show 28sqm or 45sqm on suites; the applicant advises that both are considerably larger than 'standard' hotel rooms
- * Spacious bathrooms with generously sized bath, basin and shower – the hotel plans indicate the potential for this
- * Generally a clearly designated reception area within an impressive foyer or entrance hall – the entrance is into a bar area, with glazing offering views across the Sound
- * The expectation at Five Star is a separate lift for hotel services such as luggage, laundry and room service – the four lifts proposed indicate the potential for this
- * Grounds and gardens are a feature in their own right. Well-maintained and high-quality appearance all year round – although the frontage garden will be small compared with equivalent country hotels, it will be a high quality space with excellent views

12. Officers consider that the building has the ability to achieve a high star rating, and therefore welcome this part of the proposal as means to fill the gap in hotel supply identified by the 2014 Colliers Study. Officers also note that the wider facilities, including the conference/function facilities, the spa/pool/leisure suite and the rooftop restaurant all serve to support the third objective of emerging policy PLY21 (supporting the visitor economy), which states that 'Proposals which help enhance Plymouth as a destination for all seasons, including the effective use of the waterfront and the City Centre for events, and which support business tourism and tourist related business development, will be supported.'

13. In respect of the 'in principle' acceptability of a new hotel land-use on the site in policy terms, officers consider this use acceptable, and note that the most recent use of the site was as a hotel. Officers also note that Core Strategy policy CS12 promotes the waterfront as one of a number of cultural/leisure locations, and Area Vision 4 promotes the tourism, leisure and residential functions of The Hoe. PLY21 of the emerging JLP (Supporting the visitor economy) carries this approach forward. National Planning Policy Guidance is also considered to lend support to emerging JLP policies by encouraging planning authorities to acknowledge particular locational requirements of the tourist industry and identify optimal locations for tourism. In light of the above, officers consider that notwithstanding paragraph 24 of the NPPF, which directs hotels towards designated town/city centres, the continued use of the site for hotel purposes is fully in accordance with planning policy.

14. Indeed officers consider it necessary to look beyond ‘acceptability’, and consider that significant weight should be given to ensuring that the site can remain in hotel use. The wording of emerging JLP policy PLY21 indicates that such weight can be given. Not only does it state that:

15. ‘Support will be given for proposals which protect and deliver growth for Plymouth's visitor economy in its core tourism area. This area includes the waterfront stretching from Sutton Harbour / The Barbican to Royal William Yard, including the Hoe and Millbay...’ but it also includes specific provisions to protect strategic opportunities for new high quality hotels ‘...especially on sites which reinforce Plymouth's unique assets such as its waterfront, heritage and culture, including offering views over Plymouth Sound.’. It goes on to set out a presumption in favour of retaining facilities for the visitor economy, with criteria provided against which proposals to lose such facilities are to be tested.

16. Turning to the acceptability of the residential part of the scheme, officers firstly advise members that the proposed residential apartments are critical in this case to enable the delivery of the high quality hotel. This has been established through the assessment of a ‘viability appraisal’ by Local Planning Authority viability officers. Whilst the purpose of reviewing this assessment was to consider the applicant’s request for a reduced package of S106 planning obligations (discussed later in this report), the review of the appraisal offers an insight into the economics of delivering a hotel of this type. The advice given to planning officers by viability officers includes the following statement:

‘It is our view that it is not currently viable to deliver a standalone 5 star hotel within Plymouth, certainly not of the scale proposed on this site. We think it reasonable that a developer or hotel operator may take a long term view of the city’s growth trajectory and potential in relation to the Mayflower 400 celebrations and make that investment however as per National Planning Policy Guidance we must consider the development at present day values and costs and it is on this basis that we do not consider a standalone 5 star hotel development in Plymouth to be viable. The City Council as both planning authority and landowner appear to recognise this and is considering within the application 88 open market apartments to subsidise and enable the hotel development.’

17. Whilst officers therefore acknowledge comments made in objection to the scheme that the site should be protected solely for hotel purposes, officers are clear that a high quality hotel of the scale sought by parties such as Destination Plymouth and the Plymouth Waterfront Partnership will not be delivered on this site without cross subsidy from enabling development.

18. Officers consider residential development to be the most suitable form of enabling development for this site, and consider this fully in line with relevant objectives of the Core Strategy (Area Vision 4) and emerging Joint Local Plan (Strategic Objective SO3).

19. Whilst the desire to optimise the site for residential purposes in order to support the delivery of the hotel means that the construction of family houses would be challenging, officers welcome the fact that the scheme includes a mix of 1, 2 and 3-bedroom apartments. There is no reason why the 3-bedroom apartments could not be occupied by families, whereas the 1 and 2-bedrooms units will appeal to people with a range of ages and family circumstances.

20. Adopted and emerging local planning policy sets out that at least 30% of the total number of dwellings in a major development should be affordable homes, subject to viability. Emerging policy DEV7 clarifies that this requirement should be met on-site where more than 14 dwellings are proposed. In this case, officers of the Housing Delivery Team have confirmed that they accept the principle of a financial ‘commuted sum’ towards the provision of off-site affordable housing in lieu of on-site delivery. The reasons for this are summarised as follows:

* Hotel delivery – the aspiration of delivering a high quality hotel is understood and supported.

* Affordability – the target sales values are high and would not be truly affordable to average income households even with a significant reduction. Service charges for a scheme of this quality are also likely to be prohibitively expensive at around £2000 per annum.

* Housing mix – affordable 1 and 2 bedroom flats in this location would not be especially beneficial to the area's overall mix, type and housing size. A commuted sum could contribute towards the delivery of larger family housing, for which the need is greater, elsewhere. A commuted sum contribution would be available to be spent anywhere in the city but the desirability of prioritising delivery within this ward is acknowledged and accepted.

21. Whilst the exact sum to be secured for off-site affordable housing is discussed later in this report as part of wider viability considerations, officers accept the principle of an off-site financial contribution in lieu of on-site provision. The contribution is to be paid on commencement of the residential element of the scheme such that the benefits of the scheme can be realised as early as possible.

22. In respect of the uses and the residential mix proposed, officers raise no objection. Officers consider the provision of on-site housing as a means by which to deliver the high quality hotel sensible as it delivers other benefits in line with the vision for this area and the wider city. The proposed mix of uses is consistent with Joint Local Plan (JLP) Policy PLY28, the Plymouth Waterfront Strategic Masterplan, and the Site Planning Statement (SPS).

Economic Benefits

23. As set out above, the 2014 Hotel Study by Colliers acknowledges the important role that upscale hotel provision can have to the city's economy, and the Waterfront Masterplan also acknowledges the role of tourist infrastructure in economic growth. Destination Plymouth and the Economic Development department (Economy, Enterprise and Employment Team) outline the economic benefits of the scheme in their consultation responses. Economic Development point out that 'the visitor economy continues to be hugely important to the Plymouth's economy. The city receives around 5m visitors annually spending over £300m and supporting over 7,500 jobs, around 7% of the total economy. A major aim is to grow the number of staying visitors (currently 15% of the 5m) and particularly overseas visitors, a key opportunity particularly with funding recently secured to promote Mayflower 400 in overseas markets. Overseas visitors are by far the largest spending group averaging over £400 per trip and the city is keen to grow this market targeting US, Dutch, German and cruise visitor markets.

24. In addition to the strategic visitor economy case for Hotel 1620 approval, there are a range of broad measureable economic benefits associated with a development of this scale. These include ongoing direct and indirect jobs (c. 90) (a condition is also proposed to secure an Employment and Skills Plan to maximise these benefits locally), direct and supply chain construction jobs (c. 330), additional construction related Gross Value Added (GVA) to the local economy (c. £23m) and the ongoing benefit of the visitor associated spend in the local economy (c. £2m pa). These, collectively, are very substantial economic benefits and strongly support the case for the development proceeding.

25. Policy CS04 of the adopted Core Strategy (Future Employment Provision) sets out that the Council will support a step-change in the performance of Plymouth's economy, including through Supporting the development of tourism, leisure and creative industries, with particular emphasis on the City Centre and Waterfront regeneration areas.... The important role of tourism facilities to the economy is also acknowledged in emerging policy PLY21 as set out above. In light of this policy position, officers advise that members can place significant weight on the economic benefits of the proposal in making a decision on the acceptability of the scheme.

Design

26. The design of the proposal and its impact on the Plymouth Hoe townscape is understandably the principal issue for consideration in this case given the prominence of this townscape and its sensitive historic nature.

27. Issues of design and heritage are interrelated in this case given the existence of numerous designated heritage assets within close proximity of the site. Historic England Guidance on the setting of heritage assets acknowledges that this is often the case: 'Consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas.'

28. Although ultimately this report will draw an overall conclusion on design and heritage matters, the issues are firstly considered separately in recognition of the different policy tests that apply to each.

29. Throughout this section of the report, reference will be made to the Site Planning Statement (SPS) produced for this site. This is one of many Site Planning Statements produced by the Local Planning Authority. The Statement itself clarifies its role and purpose in stating: "This Planning Statement provides guidance for the development (or redevelopment) of this site. It does not establish policy, but assists the development process by bringing together key planning and design issues". The statement was produced in 2015 and updated in 2016. It remains available on the city council's website, and was drawn to the attention of prospective purchasers of the site.

30. Reference must first be made in respect of urban design function to the mix of uses proposed, which as confirmed earlier in this report is consistent with policy and is also welcome in design terms. The applicant has confirmed that both the restaurant use at the hotel top floor, and the more informal bar area at the ground floor will be open to all and this is welcome in terms of the providing an active destination use to enliven the scheme, accessible from the Hoe Park. Given the spectacular views from which it will benefit, the 11th floor restaurant will no doubt be a very high quality, desirable destination. Ideally there would be a further leisure-related retail unit such as a restaurant or café on the ground floor of the apartment block, to optimise footfall and use of the frontage area and the scheme's connection to the Hoe Park. Whilst it is regrettable that the applicant has been unable to provide such a unit, or any smaller kiosk style units at the lower level facing Cliff Road, the publicly accessible frontage will create an attractive pedestrian route across the site linking the two restaurants to the Hoe, and a stairway access will also provide access from Cliff Rd to the south of the site.

Design - Layout and siting of buildings

31. Officers support the proposed building footprints. The scheme was amended during pre-application discussions such that its Hoe frontage has been moved back into alignment with the building line established by the historic Esplanade buildings to the east. This amendment sought to address concerns expressed by Historic England (discussed in more detail in the heritage section of this report), and brings the scheme in line with the Waterfront Masterplan's suggestions for the site. Setting the building back reduces its prominence in views from the east significantly, and officers consider the siting of the buildings to be a very significant positive aspect of the scheme when compared to the pre-existing hotel which was highly prominent (unjustifiably given its appearance) in views from the east. Whilst the revised siting does impact on on-site parking provision, it increases the size of the publicly accessible frontage, offering major benefits for future users through the spectacular views from which it will benefit.

32. Officers consider it positive that the scheme has been separated into two buildings – with a gap between them providing the view corridor sought by the Site Planning Statement - to promote the

benefit of waterfront views inland through the site and beyond. This gap was widened during pre-application discussions by narrowing the footprint of the apartment building. This change, which was welcomed by officers, sought to emphasise the separation of the scheme into two smaller masses. The gap is similar in width to that formed by Elliot Street and Holyrood Place, the north/south streets between the Esplanade buildings and Grand Hotel.

33. The curved geometry of the building footprints echoes the shape of the site's Cliff Road boundary, the contour of the land and the wider landscape. The sweeping curved form of the hotel and apartment buildings is derived from these references.

34. Officers have consistently expressed concerns regarding the extent of open surface-level car parking (repeating the old Quality Hotel format) covering the site to the north of the proposed buildings and the lack of building frontages to Prospect Place and most importantly Leigham Street. The applicant advised that basement parking was explored, but that the shallow depth of soil dictated that major excavation into the bedrock would have been required – officers accept that this would not be desirable on grounds of either cost or sustainability.

35. In the absence of basement parking, a perimeter block approach would have been the preferred option, with buildings addressing all the site frontages rather than the south frontage only, with parking and service zones hidden from public view and contained.

36. The applicant has always resisted this more comprehensive approach to site development on the grounds of deliverability; their intention is to deliver both buildings for 2020 to enable the hotel to capitalise on visitor trade for the Mayflower 400 celebrations, and are concerned that further/more complex development could compromise their ability to do so. Officers accept that position, but consider the lack of frontage to Leigham St and Prospect Place as a shortcoming of the scheme in urban design terms. In response the applicant has sought to demonstrate that further future development could improve the scheme in this respect. An indicative layout for 'phase 2', consisting of development north of the Leigham St access (potentially connected to the apartment building by way of a canopy), with a hotel extension extending northwards from the hotel's western stair/lift core, is therefore shown at section 4.3 of the submitted Design and Access Statement.

37. Officers consider that development of this type would address some of the concerns expressed, although significant further work would be needed before it could be supported. For example, the impacts of decked (multi-storey) car parking on the design and safety of the east-west street, and its relationship to residential development facing Leigham St, would need to be carefully considered.

38. Whilst officers welcome the initial thinking on phase 2 insofar as it demonstrates that further beneficial development at a later date is not ruled out by phase 1, the deliverability of phase 2 is by no means secured. For example, unless there are radical changes in travel behaviour in the interim, car parking lost for the residential element will need to be replaced and additional parking provided. The applicant's suggestion of a multi-level car park offers a technical solution but will be costly, and officers question whether the relatively modest increases in floorspace that phase 2 might bring would be sufficient to meet such costs given the need for a degree of developer profit to incentivise development. The viability of phase 2 has ultimately not been tested and whilst officers understand why Historic England request such information in order to fully understand the economics of the wider site development, officers don't consider it possible at this stage without further detailed design work.

39. Ultimately, officers remind members of the committee that they are being asked to consider the acceptability of the scheme before them as submitted in the planning application. Officers further advise that whilst some weight can be given to the possibility of phase 2 in considering the desirability of site development fronting Leigham St and Prospect Place, ultimately this future development may never come forward. On this basis, the weight to be given can only be minimal,

and members are advised to consider the acceptability of the proposal on the basis of the drawings before them. With the current scheme, strong structural tree planting along Leigham Street is critical to provide some enclosure and mitigate the visual impact of the surface level car parking from the street. Conditions are required to secure this as set out in comments on the landscaping scheme later in this report.

40. Further considerations about the scheme's relationship to the street relate to the position of the entrances, which are mainly at the rear of the buildings facing the car park. Ideally, an active ground floor frontage and/or prominent entrance to the residential block would have been located on Leigham Street. It is positive that the applicant has amended the scheme to provide a Leigham Street entrance to the apartments (although the prominence and scale of the entrance (and the extent to which it activates Leigham Street) is not optimal and people using this entrance would have to navigate the cycle store).

41. The detailed design of the Prospect Place frontage will be important, to ensure it creates an attractive environment and does not appear as a utilitarian service zone. Officers consider it positive that the applicant has agreed to additional windows to overlook the alleyway along the site's west boundary to promote natural surveillance of this route and discourage antisocial behaviour. The western boundary wall has been improved in the recent changes such that a high quality, contextual and historically sympathetic natural limestone wall is now proposed (where previously this was to be reconstituted stone).

Design – Height and Massing

42. The Council's Site Planning Statement (SPS) for the site says that "the site presents the opportunity for a building of significant height, expected to be in the region of about 10 storeys, similar to the Azure development, at the site's southeast corner. Height should reduce to around 4 storeys to the west and north to follow topography and respond to the scale of adjacent residential buildings. Particularly high quality, innovative architecture may justify the case for a taller building than the Azure development." Officers – while positively promoting optimisation of development density on the site - have consistently drawn the applicant's attention to the risk associated with progressing a scheme in excess of the heights recommended in the SPS.

43. Officers have, however, been convinced that the increased height of the apartments (over and above the height of the adjacent Azure development) could be justified provided the architectural quality of the buildings is appropriately high and the hotel building in particular is sufficiently recessive in its design - such that the apartment building reads as the dominant western "bookend" to the terrace of Hoe Esplanade buildings as viewed from the Hoe Park and waterfront. The "bookending" approach - illustrated in the applicant's Tall Buildings Statement – has been discussed by various parties during the design development process as a means by which to justify additional height, with the notion of swapping the buildings around such that the taller building is furthest west also frequently suggested. Officers acknowledge these suggestions, but agree with the applicant's design team that the current arrangement responds more sympathetically to the site's topography whereby the land is already starting to drop away down towards Millbay at this point. Arguments against swapping the buildings also include the likely further impacts of the scheme on residents of I Walker Terrace, and the servicing needs of the hotel, which would inevitably be more prominent and harmful to the site's character if sited close to Leigham St.

44. The current approach, whereby the apartment block serves as the dominant bookend at the opposite end of the Hoe townscape to the Citadel, with the hotel as a high quality elegant, lightweight, reflective glazed building next to it, seems to officers to be appropriate and is supported. Although it is against the backdrop of other significant concerns, it is also notable that Historic England support the application of a different elevational treatment to the hotel building.

45. Whereas the façade design of both buildings was identical in earlier iterations, the applicant's decision at the outset of the pre-application process not to provide balconies to every hotel room meant that the buildings would never appear identical. This change allowed for the possibility of designing the hotel façade to be more recessive as is now proposed. The applicant put forward an option of making the hotel highly glazed in response to concerns raised by officers about the scale and visual bulk of the scheme in key views from the south east. Particular concerns were raised about the apparent mass of the building in views from Jennycliff (and Mountbatten as shown in view 5b on page 37 of the submitted Design and Access Statement) in which the same elevation design concept carried across both buildings and their proximity to one another meant that they read as a large single mass rather than as two separate buildings.

46. Several other significant changes, proposed concurrently in response to officer concerns have also served to significantly reduce the visual bulk of the building in these views. Most notably the apartment building footprint was reduced, and the gap between the two buildings increased, as described above. The adoption of a less pronounced curve to the balcony edges, combined with revisions to the cladding colour (which brings it more closely in line with the colour of materials on Elliot Terrace and The Esplanade and responds to the numerous comments about the colour received at the pre-application public consultation) also have the effect of lightening the appearance of the building and making it appear more refined, delicate and sympathetic to its historic context.

47. Following further negotiations during the application, further amendments to the scheme have been made to remove features on the hotel façade that appeared over-complicated and ran contrary to the objective of achieving an elegance and finesse to its south elevation. These changes, along with improvements to the elevations and materials as outlined above and below, have further increased the design quality, and enable the proposed height of the scheme to be supported on the basis of its "bookending" justification, and acknowledging the enabling role of the taller apartment building in enabling the benefits brought by the high quality hotel to be realised.

Design – Architectural expression

48. The scheme's architectural expression is a strong, bespoke response to this prominent and prestigious site. Both buildings are unashamedly of their time and avoid the pitfalls of pastiche or over-complication that could have been associated with a design that seeks to reference the historic Esplanade buildings. The sweeping curved balconies of the apartment building have obvious marine references, echoes of Art Deco and cruise-liner architecture, whilst also acknowledging the horizontal arc of Hoe structures such as the cantilevered Colonnade and the lines of the local landscape itself.

Design – north (rear) and side elevations

49. Officers considered that the north elevations of the two buildings as first submitted with the application needed significant design changes as they appeared monotonous and read very clearly as secondary, functional rear elevations. Such an appearance ultimately arises from the fact that the layout of the scheme is very frontal, whereby all hotel rooms and apartments face south to the Sound, leaving the rear elevation primarily covering service functions like the stairwells and lifts. However the significant scale of these elevations dictates that they will be particularly prominent inland and officers sought their revision to create a positive "sense of arrival" to the Hoe and waterfront, and indeed, the development itself. The uncertainty around the timescale/delivery of Phase 2 of this scheme means that these elevations will likely remain highly prominent in the immediate and wider city townscape for a significant time.

50. To enhance the north elevations officers recommended that the number of windows be optimised within the stairs cores, along the whole runs of corridor, including corridor ends and to the lift cores and lifts themselves (to generate movement and interest in the elevations, as well as drama, city views and optimisation of natural light for the occupants). The applicant's architect has

responded positively to these recommendations and the north elevations have been improved substantially. The addition of complete glazed curtain walling to the whole of the recessed areas between the lift and stair cores of both buildings is welcome, as is making a glazed feature of the hotel lifts themselves to animate the elevation and open up views for occupants.

51. The general increase in the number and size of windows to the north, east and west elevations is very positive. Additional glazing has also been added to the west elevation of the hotel at basement and ground floor where it is adjacent to the footpath from Prospect Place to Cliff Road. Whilst officers accept that some of this may need to be obscure glazed (male and female changing rooms for example), there are windows proposed here that will serve offices, the gym, and other functions which will increase natural surveillance over this footpath providing public safety benefits. A condition is proposed to control glazing in this area to ensure that overlooking benefits are optimised. Similar improvements have also been made to the east elevation of the hotel at ground floor such that there will be surveillance over the public route between the two buildings.

Design – upper floors and roof form

52. Officers have secured amendments to the earlier scheme to make the top floor “attics” of both buildings lightweight glazed elements in their entirety. The addition of glazing / ‘spandrel panels’ (panels that are glazed but are not transparent such that they hide solid parts of the building) to the attics is welcome as it will support the lantern-like lightweight appearance of these elements. The approach should be consistent on all attic elevations as well as on the spandrel panels in the recessed curtain walling zones. The panels must be carefully detailed in order to give the appearance of glazing when viewed from street level and reflections of the sky given the importance of achieving a quality lightweight appearance (conditions are proposed to secure this).

53. Given the height of the apartment building the form (and edge/canopy detail) of the roof has been subject to several iterations. Officers consider this aspect of the scheme acceptable as now shown. Details of the arrangement and appearance of solar panels will be subject to a condition, and a further condition seeks to ensure that the roof will remain clear of incremental accretions such as railings and masts which could undermine the simplicity of the roof form and negatively affect the city skyline and roof-scape. Officers also note that the hotel roof includes a plant well designed to allow the discrete siting of roof plant, and conditions will also be used to allow a visual assessment of any plant or equipment which will protrude above the lowest edge of this plant well.

Design – the lower floor ‘plinth’

54. The use of Plymouth limestone is welcomed on the hotel ground floor around the part of the building that includes the swimming pool and gym. However, officers are strongly of the view that Plymouth limestone should be used on all the solid ground floor elements of the hotel and apartment buildings, to give a strong link to local character and geology – and, fundamentally, longevity and robustness (the aluminium cladding previously proposed was not considered robust enough). Following further negotiation the applicant has agreed to the use of Plymouth limestone across the two storey ‘plinth’ of both buildings in their entirety (as well as on prominent boundary treatments). This is a significant improvement to the scheme in the spirit of comments made by the design review panel, and is very much welcomed. conditions are proposed to secure sample panels to show the stone finish, jointing and mortar details etc.

Design – aluminium cladding

55. The principle of aluminium cladding is supported provided the specification and detailing is sufficiently robust to have longevity in this exposed waterfront context. conditions are proposed to allow for further detailed consideration of the colour and finish (the colour selection methodology must have a strong connection to place). The need for frequent refinishing of parts of the adjacent Azure building demonstrates how challenging this environment is, and the weathering of the material and the degree to which dirt adheres to it will need to be carefully considered. The applicant has

submitted evidence to demonstrate that the proposed use of anodised aluminium will be adequate in this respect, and officers know of no reason to disagree, but conditions are needed to ensure the necessary quality, along with samples of all external materials. The fire safety aspects of cladding is now also a critical consideration, and the applicant will need to demonstrate that any cladding system proposed is also acceptable to building regulations in fire safety terms. Fire safety issues, although largely the subject of building regulations rather than planning, are discussed later in this report. Further details (including samples as relevant) will also be required of other prominent elements, including glass and the roof top solar installation.

Design – public realm

56. The scheme delivers significantly improved public access to the site, including the provision of a generous area of publicly accessible space to the site frontage. This has been designed to function as a wedding or event space and will benefit from spectacular views. Conditions are proposed to secure the details of the terracing between the various different levels, which were initially proposed in render, but the applicant has agreed to treat in reclaimed local limestone to reflect the site's position above the West Hoe quarry and to ensure greater weathering characteristics.

57. Officers understand that as well as being proposed for the hard surfaces to the frontage area and key pedestrian areas elsewhere on site, high quality granite paving is also to be used on the footways from the south side of the new Leigham St access around the south eastern corner of the site. Vehicle crossovers are also shown in a manner that prioritises pedestrian movement along the footways. Conditions are proposed to secure all relevant details. As part of the package of planning obligations, officers have also negotiated an off-site scheme to improve the public realm from this corner through to the Hoe Promenade. This scheme proposes new granite surfacing across the junction, on the Cliff Road south footway and across the viewing area above the Cliff of West Hoe Park. An associated new set of steps at the west end of the Hoe Park will create a legible new link between the proposed Hotel and the Hoe Promenade. This scheme is welcomed by officers as it will provide significant improvements to accessibility of this part of the Hoe whilst providing a direct connection between the Hoe Promenade and the new Hotel facility. The mechanism for securing these works is discussed later in this report where planning obligations are discussed. The application for these works also proposes the removal of the unsightly painted brick shelter over the footway to the south of the site.

58. Other public realm improvements include the creation of a more direct, fully accessible route for pedestrians and cyclists across the northern boundary of the site from Leigham Street to Prospect Place. This will enable significantly improved east-west movement on foot and by bike, including direct access between Millbay and The Hoe, and is in accordance with the SPS and Waterfront Masterplan. Detailed design will be required to ensure this is an attractive, welcoming, safe and well-overlooked route (conditions are proposed). A high quality, granite paved footpath through the site's car park will link this new route through to the site frontage and The Hoe via the gap between the buildings.

59. Whilst working up the scheme the applicant met with the Devon and Cornwall Police's Architectural liaison officer, and as a result wished to make the site less publicly accessible, and therefore more secure. However, officers are of the view that the route through the site, and particularly the frontage area, are major public benefits of the proposal, and have insisted that these remain publicly accessible as per the Site Planning Statement. A compromise has been reached whereby public access to the routes and spaces will be secured by way of a planning condition, although the applicant will be permitted to close gates at the southern access to Cliff Road and the northern access to the car park from the new East-West pedestrian/cycle street at night. Access through these gates has been agreed between the following hours: 8am to 10pm from March 28th to October 28th, and 8am to 8pm from October through to March. The applicant added that 'in reality as the hotel is a 24hr operation there may well be informal public use of this space outside of these

times.’ Management arrangements for all areas to be publicly accessible will also be secured by condition.

60. Overall officers consider the hard landscaping scheme to be very successful, and subject to successful implementation of the separate Hoe access scheme, consider that the scheme will be highly successful in drawing people from the Hoe Promenade to the Hotel, and conversely that guests and conference visitors to the Hotel will naturally be drawn to the Hoe and its various attractions. Paragraph 61 of the NPPF explains that ‘although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.’ Officers consider that the proposal does exactly that, and consider that in doing so the scheme offers significant public benefits.

Trees and soft landscaping

61. In consultation responses made by the Natural Infrastructure Team, the Tree officer initially objected to the proposals due to the proposed loss of 4 trees on the northern boundary in the absence of adequate justification or compensation. However following receipt of revised information, their objection has been lifted. The applicant has explained that the tree roots will be harmed by the creation of the new E-W path, and officers accept that this is unavoidable given the desirability of a step free route in this location. Although the applicant’s landscape scheme offers to plant replacement trees in this location, officers advise against this as it will be difficult for the trees to establish and they would also obstruct the path. As compensatory planting is proposed elsewhere on the site no objection is raised without these trees. Conditions are proposed, however, to control the size of trees planted as some of the proposed planting is of insufficient size and maturity. Conditions will also secure details of tree protection measures for retained trees and details of root planting infrastructure to ensure that new trees have adequate rooting areas that would not be compacted by vehicles etc.

62. Officers are fully supportive of the applicant’s stated landscape strategy which is to plant the garden terrace in such a way as to evoke the character of a “wild coastal landscape”. This is in line with the naturalistic approach advocated by the Plymouth Waterfront Masterplan, whereby species that flourish in such exposed conditions are promoted. If successful, this will create a unique setting to this development. Whilst the tree species proposed are acceptable, some of the smaller planting species proposed to date are queried in respect of their suitability and ability to deliver the stated strategy. Further changes are being sought, and the final species will need to be secured. Officers consider that these matters of detail can be resolved, so subject to conditions raise no objection.

63. The scheme includes ‘biodiverse’ (green/brown) roofs on the apartment roof and sedum blanket on lower level roofs (those that will be visible from I Walker Terrace) as set out in the submitted Ecological Mitigation and Enhancement Strategy. All are welcome. Further details, and delivery of these elements, will be secured by condition. Other measures set out in the same document will also be secured by condition unless changes are agreed through the approval of alternative landscaping proposals.

64. Finally, a condition is proposed to secure satisfactory management of the landscaping through a landscape management plan.

Heritage

66. The townscape within which the proposal is situated comprises of a large number of heritage assets designated as such in recognition of their historic and architectural importance. Designated historic assets within the vicinity of the site are mapped in Figure 2 of the submitted Heritage Assessment.

67. Whilst there are no designated heritage assets directly associated with the development site, it has the potential to impact upon the setting of numerous heritage assets in the vicinity. The site lies immediately adjacent to The Hoe Conservation Area, the boundary of which extends to include the eastern footway to Leigham St to the east, and the southern footway of Cliff Road with the associated cliff edge to the South. The Hoe Park itself is also a Grade II Registered Park/Garden. Its boundary extends further west than the Conservation Area to also include the play area on Pier St to the south below the site.

68. Designated historic assets within the Hoe Conservation Area are mapped in Figure 3 of the submitted Heritage Assessment. The applicant notes that the Conservation Area contains one Scheduled Monument (the Royal Citadel), one Registered Park and Garden (The Hoe), two Grade I Listed Buildings (Smeaton's Tower mapped as A, and the Lorimer Plymouth Naval War Memorial mapped as B), seven Grade II* Listed Buildings (Elliot Terrace mapped as C and D) as well as 55 Grade II Listed Buildings, the closest of which is the former Grand Hotel (mapped as E) located on Cliff Road. The Drake Statue and Armada Memorial on The Promenade are also listed at Grade II*.

69. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA 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. Section 72(1) of the Act contains similar requirements with respect to buildings or land in a conservation area. Although the setting of conservation areas is not a statutory duty in primary legislation, the NPPF states that the setting of a designated heritage asset can contribute to its significance.

70. Paragraph 132 of the NPPF states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.' It confirms that 'significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

71. In this case, impacts on the heritage assets can only be to their setting as there is no physical connection between the development and the designated heritage assets. The NPPF defines 'Setting of a heritage asset' as follows

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

72. Historic England provides guidance on the setting of Heritage Assets in its Good Practice Advice in Planning: 3 of 2015. Although representations from Historic England do not refer to this guidance, the applicant's Heritage Assessment confirms that its analysis has been carried out in accordance with its 5 step methodology.

73. The submitted assessment took as its starting point all heritage assets within a 1km radius of the site, but then screened many of these out due to their distance and relationship with the site, leaving a smaller number to be reviewed in detail.

74. In respect of the potential effects of the development upon the significance of designated historic assets within the surrounding landscape, the assessment concludes that 'although the proposed development would result in a change in long-distance views towards Plymouth from the designated assets located on Mount Batten, Mount Edgcumbe and Drake's Island, the Devonport Column, and Stonehouse Peninsula Conservation Area (and associated designated assets), such a change would be

visible within a wider urban context and would, therefore, not measurably affect the significance of these designated assets, or the character and appearance of the Conservation Area. The proposed development would therefore result, in terms of the NPPF, in no harm to the significance of these assets.' The Local Planning Authority's Historic Environment Officer agrees with this conclusion.

75. The Heritage Assessment's commentary on designated assets within the environs of the site concludes that whilst there would be no impact on the immediate setting of buildings on Grand Parade (Grade II), a 'less than substantial' degree of harm would be experienced to their wider setting in views from Mount Edgecumbe and Drake's Island. Whilst the proposed development would result in a change in views towards The Hoe from the wider landscape, due to the presence of surrounding built form of varying scale and design, the proposal would be visible within an urban context, and potentially alongside other modern developments, including the recently approved Millbay Marina Village Development (14/01103/FUL). The Historic Environment Officer agrees with these conclusions.

76. The Heritage Assessment also acknowledges that whilst the development would not affect the key contributors to their significance, there would be some harm to the setting of the listed buildings The Esplanade (II*), Elliot Terrace (II*) and The former Grand Hotel (II), but that this would be 'less than substantial'. The harm results from the additional height of the proposal impacting on the aesthetic values of these buildings, and drawing the eye away from them in wider views. The Historic Environment Officer acknowledges this concern, and Historic England describe this in terms of the scale and massing of the proposed apartment block, which threatens to overwhelm the setting of high quality Victorian terraced houses fronting the registered park, drawing the eye and detracting from the pleasing architectural uniformity.

77. The Heritage Assessment considers that the development will not 'detract from the ability to appreciate the historic illustrative, aesthetic or communal values associated with Smeaton's Tower' (Grade I listed), and points out that the values inherent in the physical fabric of these Listed Buildings will continue to be appreciated against a backdrop of planned terraces adjacent to tall modern development within an urban context and with wider coastal and inland views almost entirely unchanged.' However, Historic England raise concerns that 'the view of Smeaton's Tower on the key approach to the Hoe along Madiera Drive [Madeira Road] is threatened by the apartment block by introducing built form behind it' and go on to observe that 'the tower's evocative sense of solitary isolation against an unfettered and open backdrop' would be 'diminished'. Officers accept that the development would introduce new built form, which in some views of Smeaton's Tower from Madeira Road would be seen as its backdrop. However, both the Azure development and the former Hotel were both visible in these views. Although the new apartments would be significantly taller and therefore more prominent in the backdrop, Smeaton's Tower would remain the dominant structure, and in key views from close to the junction with Hoe Road, the apartments are also likely to be screened by Smeaton's Tower completely.

78. In respect of the setting of the Hoe Conservation Area and the heritage assets that lie within it, the Heritage Assessment acknowledges that the development would introduce change, but considers that this would be limited by the existence of other tall modern development, and offset by the regeneration of the site. Ultimately, the Historic Environment Officer agrees with its conclusion that this would constitute 'less than substantial harm.' Historic England's view on this is that 'the introduction of a building of significant scale and massing will have a serious and desultory effect on the Conservation Area's setting, failing to preserve or enhance its character or appearance'. They also point out that 'although Conservation Areas are not graded, this is an outstanding example and a symbol of the city'. The Hoe Conservation Area Appraisal (CAAMP) supports the 'symbol of the city' notion. It states:

79. 'The principal view into the Conservation Area is from the Sound. The panorama from the Citadel across the Park to the facades of the Esplanade, Elliot Terrace and the Grand Hotel has become a defining view of the city.'

80. Whilst it is clearly the scale of the proposals that is of most concern to Historic England, they also raise strong concerns about the integration of the proposed buildings into the wider townscape context. They list the following concerns:

- * Blank, featureless western elevation

- * Monolithic and featureless rear elevations – of particular importance on the approach from Prospect Place where the building should appear as a landmark and where it should offer northward views to its occupiers

- * The strong horizontal emphasis and proportion of the apartment building's principal elevation fails to pay due regard to the character of the historic buildings that form its setting; these typically have more muscular lower floors and while also of horizontal composition, display secondary bay rhythms.

81. Members should be aware in considering these comments that the improvements to the scheme described in the design section of the report have been made since Historic England raised these comments. Commentary on these detailed aspects of the design is set out in the design section of this report. Irrespective of this, Historic England maintain their objection, noting that 'the scale and massing remains unaltered', and that the design improvements do not mitigate the adverse impact on the historic environment. They note that there is no clear and convincing justification for the harm that they consider will arise from the development, maintaining that the design quality remains weak and the necessity to build so high has not been adequately demonstrated.

82. The policy guidance in Paragraph 133 of the NPPF is clear in relation to a development proposal which will lead to substantial harm to or total loss of significance of a designated heritage asset. In such cases, planning permission should be refused unless it can be demonstrated that the substantial loss or harm is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the conditions set out in paragraph 133 apply. Paragraph 134 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use.

83. Officers acknowledge the need to have special regard to the desirability of preserving the setting of listed buildings and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Hoe Conservation Area in line with the requirements of Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Members are advised that the scheme will give rise to some harm to the designated heritage assets within close proximity, particularly as a result of its scale, but officers consider that this constitutes 'less than substantial' harm, and in accordance with paragraph 134 of the NPPF should be weighed against the public benefits of the proposal, which are set out elsewhere in this report. In order to secure the benefits associated with the delivery of the hotel to enable them to be weighed against harm to heritage assets, a condition is proposed to prevent a scenario whereby the apartments (which in general terms are considered the more harmful aspect of the scheme due to their height) are constructed without the hotel.

84. Importantly, officers also remind committee members and interested parties that the proposed new buildings are ultimately to replace the former hotel building, which the Conservation Area Appraisal described as being of 'negative quality' and 'impinging significantly on the Conservation Area', and which clearly caused significant harm to the setting of these assets. When making direct comparisons, it is apparent that in many respects the proposals bring benefits to the significance of some of the heritage assets. For example, as set out in the design section of this report, although

the application proposal is significantly taller and would therefore be more prominent in views from the south, it is more sympathetically sited in closer alignment with the historic building line, so in views from The Hoe Promenade to the east would be much less prominent and less intrusive into the setting of the closest Listed Buildings and the Registered Park/Garden itself. The detailed design of the buildings is also of an unquestionably higher standard and a more sympathetic style than the brutalist concrete structure that it replaces.

Amenity

85. The apartment block itself is considered to offer good standards of amenity for its future occupiers, with excellent outlook, adequate daylighting and space standards and access to private balconies or terraces supplemented by immediate access to the new frontage space and The Hoe Park. There is a need, however, to consider impacts of the scheme on adjacent residential occupiers carefully given the scale of the proposal and its proximity to such occupiers. Overlooking impacts to Azure set out below would conversely also impact to some degree on the residents of the new units, although this is clearly of lesser concern than impacts of the new development on existing residents.

86. Overshadowing impacts are likely to be experienced most acutely by the residential occupiers of apartments in I Walker Terrace. The shadow study included within the submitted Tall Buildings Assessment allows a detailed assessment of these impacts. It compares the overshadowing impacts of four different scenarios at the spring/autumn equinoxes as follows: i/ the previous hotel building, ii/ a notional scheme based on the four and 10 storey heights suggested by the site planning statement (with buildings sited forward of the position now proposed), iii/ the scheme that was subject to pre-application community engagement where the scheme was sited further to the south and iv/ the submitted proposal.

87. In terms of impacts on I Walker Terrace, the studies demonstrate that:

- i. in scenario i/ the properties were overshadowed first thing in the morning, but free of shadow from before 9am;
- ii. in scenario ii/ the upper floors were subject to minimal shadow at 9 and 10am, but the lower floor units were still overshadowed at 11 and not free of shadow until midday.
- iii. in scenario iii/ full shadow is experienced until 11am, with the properties becoming free of shadow by midday
- iv. in scenario iv/ the impacts were similar to those of iii/

88. In terms of impacts on Azure, the studies demonstrate that:

- i. in scenario i/ the lower floor properties were overshadowed from around 2pm, with some overshadowing to the front units still occurring at 5pm;
- ii. in scenario ii/ a greater number of properties were subject to overshadowing from around 2pm with more of the units towards the front of the property overshadowed at 5pm
- iii. in scenario iii/ greater impacts than scenario ii/ were experienced
- iv. in scenario iv/ impacts on units furthest south were less, but impacts are experienced by units further north forming part of Azure West

89. The rationale for testing different scenarios was to understand the impacts of the scheme relative to the pre-existing hotel buildings, to explore whether the additional height of the hotel compared to the site planning statement's four storeys was having a significant impact on Walker Terrace, and to consider whether further additional height on the western side of the site (including considerations at the pre-application stage about swapping the two blocks around) would have further impacts given that the arrangement was under consideration.

90. Officers draw the following conclusions from these considerations:

In respect of impacts on Walker Terrace:

- i. Even a scheme of 4 storeys on the western side has some overshadowing impact on 1 Walker Terrace and would therefore be more harmful than the former hotel (although impacts would be limited to units on its lower floors)
- ii. Impacts of additional height above 4 storeys will be experienced by upper floor units in 1 Walker Terrace in the morning, although the impact is likely to be the same for a 6-storey building as it would for an 11-storey building
- iii. Irrespective of height, 1 Walker Terrace will be unaffected by overshadowing in the afternoon (from shortly after midday)

91. In respect of impacts on Azure:

- iv. Some properties were subject to overshadowing from the previous hotel building, but the scheme will increase overshadowing both in terms of the number of units affected and the overall duration of overshadowing.
- v. Units in Azure West will now be subject to overshadowing whereas previously impacts were limited to those in the southern half of Azure South.

92. Overlooking and loss of privacy issues require close consideration. Whilst windows on the north and south elevations do not create any significant opportunities for overlooking, there are windows and balconies on the east elevation facing Azure south, and smaller windows and terraces on the west side of the hotel.

93. Considering firstly impacts on Azure, officers note that there is no scope for overlooking of Azure from apartment Level 0. There is some scope for the bedrooms to the 2-bedroom apartment closest to Leigham St being overlooked from the raised front garden to Azure (14m away), but this is not a highly used area of the front garden in any case.

94. Levels 01-07 have a 2-bedroom apartment at the eastern end. The window to one of the bedrooms faces towards Azure, and the bedroom also opens out onto an area of balcony to the side of the building which also allows for a view towards Azure.

95. There are 3 sets of windows which would be subject to some degree of overlooking, as well as the balconies on the front of Azure, which also feature a small gap on the western elevation. The gap is 14m from the new balconies at its closest, but loss of privacy will be minimised by the minimal width of this gap (which serves a balcony that mainly faces south).

96. The smallest windows furthest south are closest to the proposed balconies at around 14m. The second set of windows is wider and to the lowest 3 floors includes a spandrel panel linking it to the window above. These windows are 15.5m away from the nearest accessible part of the balconies and 16m from proposed bedroom windows opposite.

97. The third 'column' includes windows likely to be most sensitive to loss of privacy due to their width and full height: the lowest three floors will be nearest to the proposed development as they feature a small balcony projecting towards Leigham St; assuming this projects around 0.5m the nearest new window (to the bedroom) would be around 16.5m away from the balcony edge. The same windows to Azure floors 4, 5 and 6 are set back inside a recessed balcony. The balcony edge would therefore be 17m away.

98. From Level 08 to Level 13, the eastern apartment is a 3-bedroom unit, but the relationship of window/balcony to window remains the same. The (seventh) floor of Azure has a fully glazed treatment but is a similar distance away, and the eighth floor is set back but has a balcony to the front and side. As this is the top floor, windows on levels 09 and above of the proposed scheme

would not directly face residential windows, although they would still provide opportunities to overlook to some degree from above. In this respect it is arguably the penthouse flat of Azure that would be most affected as its front and side balcony will be overlooked from balconies of units at levels 09-14. The end apartment at Level 14 is a 3-bedroom unit with a similar layout to that at Level 13, although it is further set back so has a larger terrace.

99. Officers conclude that there would be some impacts on residents of Azure. However, the existence of a street here suggests that there would always have been windows facing one another. This is the established relationship in the Conservation Area, and the width of Leigham St is typical of side streets in this environment. The historic houses that face one another across Elliot Street, for example, have large bay windows. The design of Azure appears to have acknowledged that windows at the back edge of the opposite footway may be a future possibility, and the absence of principal windows on its western return elevation where it is closest to the Cliff Rd/Leigham St junction helps to minimise impacts. Officers do acknowledge that the inclusion of balconies on the south eastern corner of the apartments leads to a more harmful relationship than that of typical historic buildings facing one another, but the balconies play an important role in the design of the building at this point where they face The Hoe Promenade and the two issues must be weighed against one another.

100. The Development Guidelines SPD suggests distances of 21m for facing habitable windows (or 28m dwellings of 3+ storeys), but the document (written with a focus on managing impacts of residential extensions in residential areas) acknowledges that the levels of privacy expected will differ depending upon the location. It cites as examples that within more densely developed neighbourhoods such as the Barbican, Stonehouse and Devonport, it is not unreasonable to assume that privacy might be less than in lower-density neighbourhoods. It goes on to state that these guidelines should be applied flexibly to reflect the character of the neighbourhood.

101. In this case design considerations are considered to necessitate significant weight, and whilst officers acknowledge that there will be some impact on neighbouring residents, they consider that these must therefore be balanced against wider considerations. On this basis officers consider the balconies in this location to be acceptable in recognition of their positive role in addressing this corner and promoting an active connection between the scheme and The Hoe Conservation Area.

102. The hotel offers limited opportunities to overlook adjacent properties: its north-facing windows face slightly eastwards away from 1 Walker Terrace, and although it features two windows at each floor on its west elevation, one of these (at the end of the corridor) is very small. The window on the end bedroom is far enough south not to give a short distance view to the rear of Walker Terrace properties. Although it would allow for a view over the adjacent Trinity Place, views would principally be over its roof and it has little in the way of useable outdoor amenity space.

103. Overlooking of residential properties to the west from the function suite terrace on the first floor is prevented by having a green landscaped roof here – details of means to ensure that relevant parts of this area are not accessible will be secured by condition. The terrace at level 10 would allow for views towards Walker Terrace, but the terrace principally looks west, and the difference in height here will reduce the degree to which there will be a loss of privacy.

104. The final consideration relates to impacts on outlook from adjacent properties. Officers firstly acknowledge that there will be a major impact on views of the Sound from the rear of 1 Walker Terrace (which features balconies), of which officers have received photographic evidence. Whilst this is regrettable for those residents, the planning system does not provide for the protection of private views. Officers also note that views south around to the west will be unaffected. The planning system does provide for the consideration of overbearing impacts, and given the size of the building and its proximity (the taller part of the hotel would be around 27m from the rear windows, with the balcony balustrades closer), residents will clearly perceive an impact. However, these

apartments will retain an open aspect due south and almost around to the west, as well as to the east across the car park to Azure. On this basis, while officers acknowledge that there will be an impact, this is not considered so harmful that refusal is justified.

105. The outlook from a number of units in Azure will also be affected. However, the old hotel building would have had a similar impact albeit on different units due to its position further south. The relationship between Azure and the site across Leigham St is such that development would always have been expected close to the pavement edge, and it appears that this has been taken into account in the design of Azure South's western elevation. Officers raise no objection to this relationship in this respect.

106. Overall, therefore in amenity terms officers acknowledge that the scheme would have some negative impacts on adjacent residential occupiers. There would be some overlooking and overshadowing to Azure, but officers consider that impacts of this type were always likely here due to the desire for development to adopt a positive relationship with Leigham St. This has clearly been acknowledged in the design of Azure in recent years. The overlooking and overshadowing impacts are greater as a result of the height of the scheme, but are not considered to lead to significant harm.

107. Impacts on Walker Terrace (particularly flats in 1 Walker Terrace) are more significant and are regrettable, but these localised negative impacts must ultimately be weighed against the wider benefits of the site development.

108. The potential for impacts on residential amenity from noise, associated with both plant and equipment and with the operation of potentially noisy facilities such as the function suites (and bar/restaurants) have been considered by the Public Protection service. Officers of that service advise that the licensing regime will be best placed to manage impacts from noise generating uses, and several conditions are proposed to manage impacts of noise from plant and equipment (including the proposed new electricity substation facing Prospect Place), from servicing (deliveries and refuse collection only between 07:00 and 22:00 Monday to Saturday, and not at all on Sundays), and to require an adequate acoustic treatment to the proposed apartment building in accordance with the specification submitted.

109. Conditions are also proposed in order to secure a detailed Construction Environment Management Plan (CEMP) for the construction stage. This document will manage and mitigate construction impacts as far as possible to protect adjacent occupiers, whilst also preventing environmental impacts discussed elsewhere in this report.

Transport

110. Vehicular access to the site is to be split into two distinct functions: hotel servicing (from Prospect Place), and residents and guests (Leigham St). Both of these were existing access points, although the exact locations and arrangements are to be revised. A significant difference from the previous site operation is that there will be no vehicular link between the two access points through the site. This is likely to reduce the number of vehicles using the Prospect Place access to the benefit of the amenity of occupiers of 1 Walker Terrace. Both access points are to be designed to prioritise pedestrian movements. Officers consider the general arrangement of both to be satisfactory but given the unusual arrangement at the Prospect Place access, the details will need to be revised to ensure safe pedestrian access into and from the new E-W street. Conditions are therefore proposed to secure further details of both access points.

111. The site would be more intensively developed than previously: the hotel is smaller than the previous hotel but an additional 88 apartments are proposed. Despite this more intensive use of the site the total forecast vehicle traffic impact of the development is considered comparatively small in

respect of the overall traffic impact on the local network. , and is considered acceptable. At 40 trips between 08.00 and 09.00AM, this increase of 12 car movements over the previous use, which equates to 1 every 1.5mins rather than 1 every 2.1mins, can be adequately accommodated on the network.

112. The central location of the development within close proximity of a range of facilities, workplaces, and public transport opportunities means that for many residents daily car trips will not be a necessity. Cycle parking is proposed but will be subject to conditions (notwithstanding details shown... full details of provision for the secure and undercover storage of no less than 44 cycle parking spaces for the apartments, 7 secure and undercover for hotel staff and visitor provision as shown on the approved proposed site landscaping plan), and a condition is proposed to secure ongoing Travel Planning designed to encourage the use of non-car travel modes in accordance with the submitted Framework Travel Plan. The scheme will also make a significant contribution to the permeability (and therefore walkability) of the area by providing new walking and cycling links through the site. These include a new E-W cycle link designed to pick up on connections secured to the Millbay waterfront in future development and link these through to Grand Hotel Road, as well as new publicly accessible walking routes through the site from this link via the car park and site frontage to the western end of The Hoe Promenade (secured by conditions).

113. The accessibility of the site is reflected in the reduced levels of car parking proposed for the scheme: of the total of 130 spaces (compared to the 148 of the previous hotel), 50 are to be allocated to the hotel (60% of the maximum SPD standard), with one space for each of the 80 1- and 2-bedroom apartments, and none for the 8 1-bedroom units. Total provision includes 7 accessible spaces. Surveys carried out by parking services at the request of the Highway Authority reveal that there is often capacity in the on-street parking facilities on Leigham St: at 2pm the number of available parking spaces ranged from 16-20 on weekdays, dropping to 12 only on a Sunday; at 7pm there were between 16 and 20 spaces available. This capacity can be readily utilised by overnight hotel guests or conference attendees by day; the fact that it is chargeable is likely to encourage travel by alternative modes and limit any increases in congestion that local residents may be concerned about. Whilst concerns about the reduced car parking have been expressed by local residents, car parking in the vicinity of the site is tightly controlled so there is limited scope for any overspill car parking leading to highway safety issues or detriment to residents' amenities. The repositioning of the Leigham St access will impact on some on-street spaces, but the same number of spaces can be maintained by repositioning spaces on the street. Although a Traffic Regulation Order will be needed, officers raise no concerns.

114. In response to concerns raised by an objector, and given understandable anxieties amongst neighbouring residents in the wake of the tragic Grenfell Tower fire, the Highway Authority have provided thorough comments on emergency vehicle access. The full Highway Authority comments on our website quote the relevant guidance from the Department for Transport (which incorporates relevant extracts of the Building Regulations and Association of Chief Fire Officers). The pertinent points are as follows:

- * vehicle access for a pump appliance should be available within 45m of every dwelling entrance for flats - agree

- * a 3.7m carriageway (kerb to kerb) is required for operating space at the scene of a fire

115. The transport officer considers that both the hotel and apartments would be able to comply with the necessary requirements regarding the provision and adequacy of safe access for service and emergency vehicles, so neither the Highway Authority nor the Local Planning Authority raise any concerns regarding fire or other emergency vehicle access.

116. The Highway Authority also quote the relevant guidance for servicing vehicles including refuse collection and conclude that the arrangements set out as part of the scheme are acceptable.

117. In light of the above officers consider the transport aspects of the scheme to be acceptable subject to conditions as proposed.

Environmental Considerations

118. The energy strategy for the buildings features a Combined Heat and Power (CHP) unit for the hotel which officers calculate delivers 27% carbon savings, and will be suitable for connection to any future district heating network. Conditions are proposed to secure the CHP unit, as well as details of how this would connect in future to a wider district heating network involving plant room space and valve connections in the north west corner of the site). For the apartments the proposal is to provide 220 sq m of rooftop solar Photovoltaic panels which will reduce the carbon dioxide emissions for this part of the development by 15% (conditions are proposed to secure these). However the Low Carbon Team express disappointment that the heating strategy for the building will be to provide individual gas combi boilers to each apartment. The draft JLP policy requires buildings to be future-proofed for connection to a wider district heating network (in a similar way to the hotel), and this is normally achieved through a system linked to a communal heating source, which would be far easier to connect to a district heat system when it becomes available. Officers have offered to accept a reduced amount of solar panel provision if a communal heating solution can be pursued as evidence emerging in support of Joint Local Plan policy suggests that this will be a priority area for District Heating. Furthermore, as the arrangement for distribution of electricity from the rooftop solar panels is not known, officers question whether it will deliver benefits to any of the residential occupiers (this would be unfortunate). The applicant is offering to install communal hot water pipework within the building to reduce the amount of work needed to swap to district heat in future (details of which would be conditioned to ensure it is designed in line with best practice) but is insistent on installing individual boilers. Officers do not accept that this approach meets the 'future proofing' requirements set out at point 6 of emerging JLP policy DEV34 and this has been confirmed by the Council's retained consultants.

119. Considering the proposal more widely against relevant planning policy it is apparent, however, that as the site lies outside the city centre area action plan, in an area where there is currently no adopted policy requirement for district heating, both parts of the proposal meet the requirements of policy CS20. Whilst it is disappointing that the heating strategy for the apartments is not designed in a way that officers consider is likely to result in connection to a future district heat network in this area of opportunity, the future proofing measures offered by the applicant will be secured in order to increase that likelihood as argued by the applicant. Furthermore, officers note that Carbon Dioxide savings from the hotel CHP significantly exceed the targets of both existing and emerging policy, and when considered together the total savings across both buildings still exceeds the target of new policy DEV34 at 23%. Notwithstanding that officers do not accept arguments put forward about the future connectivity of the apartments, officers nonetheless accept the energy strategy for both buildings as proposed. In reaching this view officers have taken into account the fact that policy DEV34 is not yet adopted so would not wish to pursue refusal on these grounds.

120. Surface Water disposal has been adequately resolved to the satisfaction of the Lead Local Flood Authority. The car parking area includes permeable paving and filter strips to remove pollution. Surface water is then attenuated on site through different types of below ground storage, before connecting to a South West Water surface water sewer in Prospect Place. South West Water has written to confirm that they raise no objection to this. Details of exceedance flows, detailed Construction Stage drainage details (in a Construction Environment Management Plan), Management and maintenance details and the design of the system as constructed are to be required by condition. The Environment Agency were consulted but confirmed that they did not wish to comment.

121. Land quality (contaminated land) issues can be readily addressed through a proposed condition.

122. Natural England raises no objection to the proposal in respect of its potential impacts on designated European Marine sites. They note that the development falls within the zone of influence for potential recreational disturbance to Plymouth Sound and Estuaries SAC and the Tamar Estuaries Complex SPA and that a sum of money, as agreed through the Local Plan, will be required as mitigation for the proposed development. The applicant has agreed to pay the sum requested, which is to be secured through the S106. The Natural Infrastructure Team have confirmed that a full assessment is not required to satisfy the Habitat Regulations.

Other Issues

123. The Ministry of Defence were consulted to enable consideration of potential explosions in the area, including from Frigates moored in the Sound. Although they did not respond they had already responded at the pre-application stage to confirm that they 'have no safeguarding objections to this proposal'.

124. In the wake of the tragic Grenfell Tower fire, questions have been raised about fire safety from the Hoe Conservation and Residents Association, on behalf of its members within the Azure development. As reported elsewhere in this report the two buildings would in places be within 14m of one another, and as they are both considered tall buildings (under the definition of buildings that Local Authorities were asked to investigate the cladding of since the fire) the anxieties of residents are understood. In light of the request the applicant has submitted a statement which sets out their approach to fire safety, and this is publicly available on the planning website. Having reviewed its content, 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. Separately, officers have sought advice from PCC Building Control officers. They confirm that they cannot undertake the detailed analysis necessary to report on the fire safety strategy for the buildings to objectors or planning committee until the applicant has entered into a formal process. However, they are familiar with the site and foresee no problems in being able to find an acceptable solution to fire safety for the scheme.

125. 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.

126. The transport section of this report sets out the highway authority's view in respect of emergency vehicle access to the site, including access for fire service vehicles.

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

This development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to the fact that it is located within the area in which residential uses are charged at £0 per square metre. Hotel uses are also charged at £0 per square metre. An informative is attached to this effect.

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.

Although the Natural Infrastructure Team, Highway Authority and Economic Development Teams (and the Plymouth Waterfront Partnership) sought planning obligations from the scheme (and contributions towards education were also requested at the pre-application stage), the applicant has submitted a detailed 'viability assessment' with the application to justify their request for the scheme to be considered acceptable without a full package of planning obligations.

Viability Officers conclude that 'The viability assessment tests the proposed development assuming a number of scenarios and concludes that, the development cannot viably provide a policy compliant scheme and that a maximum s106 contribution that the council can reasonably request is the £1m offered by the applicant'. In support of this view, viability officers confirm in respect of the value of the scheme that 'on balance we are comfortable with the valuation of the hotel', and 'we would again observe that the appraised sales values for the apartments are at the more optimistic end of the expected range'. Whilst they consider that a number of the costs included are overstated, adjustments for these have been made in their own assessment and these do not affect their conclusions. Finally, they note that the developer profit included in the appraisal is significantly below the benchmark that they might anticipate a developer would seek in order to undertake this development.

In a separate statement of relevance more to concerns raised about the scale of the scheme than to the package of S106 obligations that it is able to offer, officers also confirm that 'the scale of the apartment block is driven by the need to subsidise the delivery of the hotel'.

The applicant has agreed that the £1m financial contribution will be paid when construction of the residential block is started. Housing Delivery and Planning Officers welcome this as it will enable benefits of the scheme derived from its contribution to the delivery of off-site affordable housing to be realised at the earliest possible opportunity.

Notwithstanding the conclusions of the viability appraisal that the scheme cannot justify the delivery of any additional planning obligations, officers have negotiated for the scheme to provide further benefits in the form of a package of off-site public realm works to improve the linkage between the proposed hotel and The Hoe Promenade. These are discussed in more detail in the design section of this report. Whilst the applicant's agreement no doubt reflects the fact that such measures will benefit the hotel itself, officers are of the view that these are significant benefits from the scheme of wider community and environmental benefit. The scheme is considered in-line with the aspirations of the Waterfront Masterplan and relevant policies of the emerging JLP. It also supports the objectives of the Conservation Area Management Plan, and as it will offer improvements to The Hoe Registered Park/Garden, it also goes some way to meeting requests for wider benefits requested by the Waterfront Partnership, and Natural Infrastructure Team, and helps to offset harm as discussed in the heritage section of this report.

As negotiations over this part of the scheme were ongoing at the time this application was submitted, it is subject to a separate planning application (ref 17/01419/FUL). The application is made by Henley Real Estate, who has agreed to deliver the works once approved. In order to enable planning committee to take these benefits into account in making this decision, a financial sum is sought through a S106 obligation. Whilst the intention remains for the applicant to undertake the works, this approach would allow the City Council to implement the scheme in the event that the

applicant is unable to do so for any reason. At the time of writing, officers are double checking these costs with the contractor South West Highways to ensure that this estimate is sufficiently robust to ensure that the full costs of the scheme would be met if the Council implements the scheme. Officers will confirm this amount via an addendum report.

The applicant has agreed to pay financial obligations towards a 'Fishing Interpretation Project on the West Hoe Pier' to offset the impacts of additional recreational pressures on the European Marine Site. These obligations total £2155.88 (£1032 of which are for the hotel).

Officers are aware of discussions between the applicant and the Hoe Conservation and Residents Association regarding potential community benefits such as community meeting space. Whilst officers encouraged these discussions, it was not considered that there currently exists any policy basis to assist on a formal agreement.

12. Equalities and Diversities

New routes around the site are proposed. Although out of necessity given the topography of this area, some of these feature steps, the new route from Prospect Place to Leigham St will be step-free and the hotel will be fully accessible from the Hoe via the site frontage without steps. All apartments are also fully accessible via lifts.

13. Conclusions

In considering the proposal before members today, officers have taken account of the NPPF, S38(6) of the Planning and Compulsory Purchase Act 2004 and sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Although Policy PLY28 of the approved JLP is not yet adopted and has been subject to some objection (largely due to the absence of statements designed to limit the height of proposals), it does offer a useful framework against which to undertake a summary review of the proposal. With brief commentary under each point, its full wording is as follows:

PLY28: Land north of Cliff Road, The Hoe, is allocated for hotel led mixed use regeneration, including housing and potentially complementary uses which supports the tourist function of area. Provision is made for in the order of 80 homes.

- The uses are in line with the policy.
- 88 homes are proposed.

Development should provide for the following:

1. A development which respects the site's heritage assets and context, as informed by a detailed heritage character assessment to be undertaken for the proposal.

- Officers acknowledge that the scheme would give rise to some harm to the setting of heritage assets, but consider this is 'less than substantial' in respect of NPPF paragraph 134.

2. High quality, memorable building design will be sought, given the site's relationship with the Hoe Conservation Area, and wide prominence, including from the sea and coastline.

- Officers consider the building design memorable and high quality.

3. Publicly accessible active ground floor uses to be encouraged.

- A publicly accessible ground floor bar restaurant is proposed to the hotel, and although the absence of a further active ground floor use beneath the apartments is regretted it is accepted.

4. A new pedestrian / cycle link between Walker Terrace and Leigham Street at the site's northern boundary.

- The scheme includes this.

5. New enhanced and redesigned public realm on and around the site, including removal of the covered walkway against the retaining wall forming the site's southern boundary, and strong pedestrian and cycle links to the Hoe Park.

- The scheme includes public realm improvements, and although some of these are subject to a separate application, a S106 obligation is proposed to secure their deliverability.

6. Innovative solutions to minimise the visual impact of car parking and maximise secure cycle parking.

- The traditional parking layout is disappointing, but is mitigated to a limited degree by the planting scheme, and potentially further mitigated in future if phase 2 comes forward.

7. An innovative lighting scheme.

- The lighting strategy has been submitted and is considered acceptable, but will ultimately need to be subject to further development with a condition proposed to secure further details

8. Tree planting on the site's street frontages and open spaces.

- The scheme includes this.

Considering the scheme against the draft policies, officers are of the view that its requirements are met to adequate level.

Returning to a wider assessment against all relevant policies and material considerations, officers acknowledge that against the significant regeneration, economic and environmental benefits of the scheme, some localised amenity impacts on the adjacent residential occupiers, and some harm to the setting of designated heritage assets in the vicinity of the site must be balanced.

Of critical importance to this balancing, given the requirements of sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraphs 132-134 of the NPPF, is officer's view that any harm to heritage assets is 'less than substantial'. Although the Devon Gardens Trust do consider the impacts substantial, neither the Local Planning Authority's Historic Environment Officer, nor Historic England claim that 'substantial harm' will be caused.

Officers are of the view that the nature of the former hotel is important in these considerations: given the City Council's proactive work to acquire and demolish the former hotel in order to derisk the site to prepare it for development, it is easy to overlook the significant negative impacts that the former hotel building had on the area. These impacts were significant whilst the building was occupied and well managed, and yet more harmful when the site was derelict, blighted, and a danger to public safety. Officers are of the view that the existing situation to which the development proposals are to be compared to, ought to be that of the former hotel. In other words the appearance of the former hotel building is a material consideration of very significant weight. Although the development now proposed is taller than the previous building and would therefore be more prominent in some views, there can be no doubt whatsoever that the new proposals are of significantly greater design quality and far more sympathetic to the site's historic context. Of further relevance is the fact that the former hotel was sited much further forward than The Grand Hotel and Elliot Terrace, such that in views from the east along The Promenade, and particularly the sensitive views from the axis of Armada Way with The Promenade, the former hotel was significantly more prominent and intrusive. Officers acknowledge that the height of the apartment building will make the building more prominent in the 'gateway' or 'front page of the city' views, and are acutely aware of the sensitivity of these views. However, viability appraisal works confirm that the height is necessary in order to facilitate the delivery of the high quality hotel proposed by this scheme.

The value to the city of introducing a hotel of this calibre in this location in economic terms is significant, and the economic benefits are lent significant policy weight by adopted and emerging Development Plan policies. Although the timing of its delivery holds little weight in planning terms, officers also acknowledge that further economic benefits are likely to be accrued if it is in place for the 2020 Mayflower 400 celebrations. In light of the fact that officers place significant weight in this recommendation on the benefits brought by the hotel, with the apartments effectively enabling its delivery, a condition is proposed to prevent a scenario whereby the apartments are constructed without the hotel. The condition will only allow for partial occupation of the apartment building in order to maintain a commercial incentive for the completion of the hotel. The final number of apartments that the condition will permit occupation of will be confirmed in an addendum report.

Paragraph 134 of the NPPF 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...'. Weighing up the 'less than substantial' harm that officers consider will be brought by this scheme, against its numerous benefits, officers conclude that the proposal accords with local policy and national guidance, and therefore recommend conditional approval subject to S106 obligations as set out in this report.

14. Recommendation

In respect of the application dated **04.05.2017** it is recommended to **Grant Conditionally Subject to S106**

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Sections 2172 - AP(06)01 Rev A received 28/04/17
Sections 2172 - AP(06)02 Rev A received 28/04/17
Sections 2172 - AP(06)03 Rev A received 28/04/17
Basement Plan 2172 - AG(04)01 Rev B received 04/05/17
Site Location Plan 2172 - AE(0)00 Rev A received 03/05/17
Footpath Section 2172 - AP(06)05 Rev A received 04/05/17
Ground Floor Plan 2172-AG(04)02 Rev D received 26/06/17
1st Floor Plan 2172-AG(04)03 Rev C received 26/06/17
2nd Floor Plan 2172-AG(04)04 Rev C received 26/06/17
3rd Floor Plan 2172-AG(04)05 Rev C received 26/06/17
4th Floor Plan 2172-AG(04)06 Rev B received 26/06/17
5th Floor Plan 2172-AG(04)07 Rev C received 26/06/17
6th Floor Plans 2172-AG(04)08 Rev C received 26/06/17
7th Floor Plan 2172-AG(04)09 Rev C received 26/06/17
8th Floor Plan 2172-AG(04)10 Rev C received 26/06/17

9th Floor Plan 2172-AG(04)11 Rev C received 26/06/17
10th Floor Plan 2172-AG(04)12 Rev C received 26/06/17
11th Floor Plan 2172-AG(04)13 Rev B received 26/06/17
12th Floor Plan 2172-AG(04)14 Rev B received 26/06/17
13th Floor Plan 2172-AG(04)15 Rev B received 26/06/17
14th Floor Plan 2172-AG(04)16 Rev C received 26/06/17
Roof Plan 2172-AG(04)17 Rev B received 22/06/17
2nd Floor Plan 2172-AG(04)23 Rev B received 22/06/17
3rd Floor Plan 2172-AG(04)24 Rev B received 22/06/17
4th Floor Plan 2172-AG(04)25 Rev B received 22/06/17
5th Floor Plan 2172-AG(04)26 Rev B received 22/06/17
6th Floor Plans 2172-AG(04)27 Rev B received 22/06/17
7th Floor Plan 2172-AG(04)28 Rev B received 22/06/17
8th Floor Plan 2172-AG(04)29 Rev B received 22/06/17
9th Floor Plan 2172-AG(04)30 Rev B received 22/06/17
10th Floor Plan 2172-AG(04)31 Rev B received 22/06/17
Roof Plan 2172-AG(04)32 Rev B received 22/06/17
Proposed Elevations 2172-AP(05)02 Rev C received 26/06/17
Proposed Elevations 2172-AP(05)03 Rev C received 26/06/17
Proposed Elevations 2172-AP(05)04 Rev D received 26/06/17
Proposed Elevations 2172-AP(05)05 Rev C received 26/06/17
Proposed Elevations 2172-AP(05)01 Rev C received 26/06/17
3D Views 2172-AP(10)30 Rev C received 26/06/17
3D Views 2172-AP(10)31 Rev C received 26/06/17
Ground Floor Plan 2172-AG(04)21 Rev E received 26/06/17
Basement Plan 2172-AG(04)20 Rev D received 26/06/17
Proposed Layout 2172-AG(04)50 Rev E received 26/06/17
1st Floor Plan 2172-AG(04)22 Rev C received 26/06/17
Footpath Section 2172-AP(06)04 Rev B received 26/06/17
Proposed Elevations 2172-AP(10)01 Rev B received 10/07/17
Landscaping 2172-AG(09)01 Rev G received 17/07/17

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: 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

3 CONDITION: PHASING OF DELIVERY

GRAMPIAN CONDITION

No development of the residential part of the scheme (including groundworks) shall commence until the hotel part of the scheme has commenced (including groundworks). No more than XX, or an alternative number submitted (with written justification) to and approved in writing by the Local Planning Authority, of the apartments shall be occupied until the hotel hereby approved is open and ready for occupancy.

Reason:

In order to ensure the delivery of the hotel in line with relevant policy aspirations set out in policies PLY20, 21 and 28 of the Approved Plymouth and South West Devon Joint Local Plan (and the evidence that underpins it), in order to realise the economic and wider public benefits of the scheme in accordance with the planning balance with particular reference to paragraph 134 of the National Planning Policy Framework 2012.

4 CONDITION: CONTAMINATED LAND

PRE-COMMENCEMENT

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 risks to health through contamination are properly considered and addressed before building works commence.

5 **CONDITION: TREE PROTECTION MEASURES**

PRE-COMMENCEMENT

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 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, paragraphs 61,109 and 118 of the National Planning Policy Framework 2012 and Joint Local Plan Policy DEV30.

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

6 CONDITION: ARBORICULTURAL METHOD STATEMENT

PRE-COMMENCEMENT

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 the 6 existing trees to be retained on the northern boundary. The statement shall detail how the trees are to be protected during construction and in particular the installation of the footpath and resin bound surfacing. 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, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012 and Joint Local Plan Policy DEV30.

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

7 CONDITION: SURFACE WATER DRAINAGE

PRE-COMMENCEMENT

Further details of the following aspects of the surface water drainage system for the development hereby approved shall be submitted to and approved in writing prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority:

a/ A surface water exceedance flow plan, clearly identifying exceedance routes which take account of the requirements of any relevant landowners.

b/ Confirmation of the drainage infrastructure adoption and maintenance proposals.

c/ Relevant extracts of a detailed Construction Environment Management plan setting out how the surface water drainage system and wider water environment will be constructed during the construction (and any demolition) phase.

Construction stage details required by part c/ of this condition shall be implemented in accordance with that approval prior to the commencement of development. The surface water drainage strategy for the completed development shall be implemented in accordance with details set out in submitted drainage strategy (Curtins, ref B064404 dated 28/04/17, supplemented by Flood Exceedence Sketch dated 03/07/17) and in accordance with alternative or additional details agreed as a requirement of this condition prior to the first occupation of the development hereby approved (and thereafter maintained as such) unless an alternative timetable is first submitted to and agreed 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) Adopted 2007.

Justification: To ensure the drainage provisions within the development are adequately provided for (including construction stage provisions) before development commences and does not cause undue problems to the wider drainage infrastructure.

8 CONDITION: EMPLOYMENT AND SKILLS PLAN

PRE-COMMENCEMENT

No part of the development hereby approved shall be commenced until an Employment and Skills Plan has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Plan should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Plan should cover the groundworks phases as well as the construction phase of the development.

The development shall thereafter be carried out in accordance with the approved Employment and Skills Plan unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure employment and skills development in accordance with policy CS04 of the Plymouth Local Development Framework Core-Strategy (2006-2021) 2007.

Justification: To ensure that opportunities for employment are incorporated into the development, including the construction/conversion period.

9 CONDITION: DETAILED CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (CEMP)

PRE-COMMENCEMENT

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. Unless otherwise agreed in writing by the Local Planning Authority, the management plan shall be in accordance with the submitted "Environmental and Site Waste Management Plan (Rev2)" (dated 05/03/2017), and shall also comply with the requirements of the Council's Code of Practice for Construction and Demolition Sites (which can be viewed on the Council's webpages), including its guidance on hours of working. Any variance from these documents should be highlighted and justified in writing in the submitted management plan.

All construction works associated with the development shall be undertaken in accordance with the approved management plan or in accordance with any variation to it approved in writing by the Local Planning Authority.

Reason:

In the interests of the retention and protection of the marine environment, including the European Marine Site features, and to protect the residential and general amenity of the area from any harmfully polluting effects in accordance with policies CS19, CS34 and CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF.

10 CONDITION: FURTHER DETAILS

PRIOR TO RELEVANT PART OF THE WORKS

The relevant part of the works hereby approved shall not take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority:

Apartments

- a) typical sections through apts balconies and facade to show balustrade (glass & waved aluminium, 07), soffit, and window/door/curtain walling frames (14)
- b) dividers between balconies (13)

- c) sections to demonstrate roof edge (15) and louvres
- d) horizontal sections through rear elevation to demonstrate relationship between cladding (03), curtain wall glazing (14), windows (10) and spandrel panels (04)
- e) vertical sections through rear elevation to demonstrate relationship between limestone plinth (05), projecting featuring cladding (02) and glazed top floor (14/18), including any spandrel panels
- f) entrances including doorsets glazed canopy (11), Leigham St entrance canopy, and other doorsets

Hotel

- g) curtain walling/glazing to hotel ground and first floor (south elevation),
- h) curtain walling to main hotel south façade, including spandrel panels (04), and relationship to aluminium framing (2), ground and first floor curtain walling, recessed balconies and top floor glazing
- i) sections through pool/leisure suite south elevation to show relationship between glazing, limestone walling (5) and terrace balustrade (06)
- j) section through brise soleil/roofline
- k) horizontal sections through rear elevation to demonstrate relationship between cladding (03), curtain wall glazing (14), and windows (10)
- l) vertical sections through rear elevation to demonstrate relationship between limestone plinth (05), projecting featuring cladding (02) and glazed top floor (14/18), including any spandrel panels
- m) glazing overlooking prospect place footpath at basement & ground floor (including any windows which are to feature obscure glazing)
- n) entrances including doorsets and glass canopy (11) and other doorsets including servicing access
- o) Any plant or equipment which exceeds the height of the flat roof to the northern or eastern parts of the building
- p) Hotel outbuildings within servicing area (bin store, stores, plant rooms, substation etc)

The works shall be completed in accordance with the approved details prior to occupation of the relevant buildings unless an alternative timetable is submitted to and agreed in writing in advance by the Local Planning Authority.

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 Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20-21 & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 of the National Planning Policy Framework 2012 .

11 **CONDITION: MATERIALS SAMPLES**

PRIOR TO RELEVANT PART OF THE WORKS

The relevant part of the works hereby approved shall not take place until samples of the following materials have been approved in writing by the Local Planning Authority. Sample panel(s) demonstrating proposed materials together shall be erected on site for inspection by the Local Planning Authority, with an associated specification of materials submitted to the Local Planning Authority for approval.

All external building materials, including:

- a) Plymouth limestone (5), to include details of stone finish, jointing and mortar details)
- b) Plymouth limestone random rubble (17) to include details of stone finish, jointing and mortar details)
- c) Aluminium Cladding (03)
- d) Feature projecting aluminium cladding (02)
- e) Curtain wall frames (14)
- f) Curtain wall glass
- g) Curtain wall opaque/spandrel panels (04/18)
- h) Balustrade glass (06)
- i) Aluminium cladding to waved balconies (07)
- j) Apartment Balcony dividers (13)

All hard Landscaping materials, including:

- k) Granite paving
- l) Granite setts
- m) Tactile paving
- n) Kerb edgings between granite and macadam
- o) Grasscrete
- p) Resin bound gravel
- q) Natural stone for retaining and boundary walls in the frontage area (notwithstanding the details shown on submitted drawings)

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 Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20-21 & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 of the National Planning Policy Framework 2012.

12 **CONDITION: LANDSCAPE DESIGN PROPOSALS**

APPROVAL PRIOR TO RELEVANT WORKS; IMPLEMENTATION PRIOR TO OCCUPATION

The relevant part of the works hereby approved shall not be commenced until full details of the relevant hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with that approval prior to the first occupation of the buildings, or in accordance with any alternative timetable agreed in writing in advance by the Local Planning Authority.

Further hard landscaping details, which shall be in accordance with the approved 'Proposed Site Landscape Plan' shall include:

- a) finished levels or contours;
- b) all means of enclosure, including railings to northern and western edges of car park
- c) any changes needed to existing boundary structures
- d) Retaining wall structures along new East-West pedestrian/cycle route car parking areas;
- e) all retaining walls and banks
- f) minor artefacts and structures
- g) Scheme signage
- h) Surfacing to new East-West pedestrian/cycle route, including junctions with existing footways and treatment in vicinity of retained trees
- i) Pedestrian and vehicular gates, including gates to servicing access

Details of soft landscaping works shall include:

- j) 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),
- k) 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].
- l) Tree pits (each tree will require no less than 15cu m of root zone)
- m) Sedum blanket roofs as set out in submitted Ecological Mitigation and Enhancement Strategy
- n) Biodiverse roofs as set out in submitted Ecological Mitigation and Enhancement Strategy
- o) any planting (or structures) to be provided to the western end of function suite terrace at hotel level 01, including an assessment of how these will prevent any unacceptable overlooking of adjacent residential properties

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.

13 CONDITION: ACOUSTIC STANDARDS FOR SUBSTATION

PRIOR TO INSTALLATION

New electricity substations at the site shall not be installed until full details of the acoustic properties of their enclosures, including confirmation of the expected noise levels at the nearest noise sensitive properties have been submitted to and approved in writing by the Local Planning Authority. The substations shall be installed in accordance with approved details and be maintained as such thereafter.

Reason:

To protect existing adjacent and proposed future residents from unwanted noise, after occupation of the building to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

14 CONDITION: EXTRACT DESIGN FOR KITCHENS

PRIOR TO INSTALLATION

Prior to installation, the following additional information shall be submitted to and approved in writing by the Local Planning Authority to enable review of the design of the ventilation systems for the commercial kitchens:

- i) Schematic plans of the ventilation and ducting systems from point of extract through to dispersion point, including the proposed siting of mechanical plant within the systems
- ii) Technical information on the exhaust fans proposed
- iii) Technical information of the odour filtration and other odour abatement measures proposed for the kitchen extraction systems

The systems shall be installed in accordance with that approval and maintained as such thereafter.

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any mechanical extract ventilation system and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

15 CONDITION: EXTERNAL PLANT DETAILS

PRIOR TO INSTALLATION

Prior to installation, the following additional information shall be submitted to and approved in writing by the Local Planning Authority to enable review of the design and siting of external plant (including refrigeration and pool filtration plant):

- i) Details and siting of any and all external plant
- ii) Any noise abatement measures proposed for externally sited plant
- iii) Details of any vibration reduction measures proposed for both internally and externally sited plant

The plant shall be installed in accordance with that approval and maintained as such thereafter.

Reason:

To protect the residential and general amenity of the area from noise emanating from plant and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

16 CONDITION: DETAILS OF NEW JUNCTIONS

PRE-OCCUPATION

Details of the alterations to form the two junctions located in Leigham Street & Walker Terrace/Prospect Place between the proposed service road and the highway (including the footpath along the northern boundary) shall be submitted to and approved in writing by the Local Planning Authority; the buildings hereby shall not be occupied unless an alternative timetable is agreed in writing by the Local Planning Authority until those junctions have been constructed in accordance with the approved details.

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

17 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

The buildings shall not be occupied or brought into beneficial use until the car parking area shown on the approved plans has been drained, surfaced, and laid out in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of vehicles (except in the event that planning permission for its use for alternative purposes is granted).

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.

18 CONDITION: TRAVEL PLAN

PRE-OCCUPATION

The buildings hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of first occupation the occupier shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

19 CONDITION: CLOSURE OF EXISTING ACCESS

PRE-OCCUPATION

The buildings shall not be occupied or brought into beneficial use until the existing access to the site in Leigham Street has been permanently closed in accordance with details previously agreed in writing with the Local Planning Authority.

Reason:

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.

20 CONDITION: TRAFFIC REGULATION ORDER

PRE-OCCUPATION

Prior to any occupation of the development hereby permitted the developer shall fund and begin the process to amend the Traffic Regulation Order (TRO) to take account of the proposed new vehicle entrance/exit in Leigham Street and the associated relocation within the street of the car parking bays and restrictions. The details of which shall be prior agreed between the developer and the Council Highway Authority. The actual associated costs of which shall be borne by the applicant.

Reason:

To preserve the function and safety of the Local highway Network and convenience to the public in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

21 CONDITION: CYCLE PARKING PROVISION

PRE-OCCUPATION

The relevant dwelling or building shall not be occupied unless otherwise agreed in writing by the Local Planning Authority until space has been laid out within the site in accordance with further details to be submitted to and approved in writing by the Local Planning Authority for bicycles to be securely parked. The details shall include:

- * no less than 44 secure and undercover cycle parking spaces for the apartments
- * no less than 7 secure and undercover for hotel staff
- * visitor provision as shown on the approved proposed site landscaping plan

The details once approved shall remain available for their intended purpose in accordance with that approval and shall not be used for any other purpose without the prior written 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.

22 **CONDITION: LOADING AND UNLOADING PROVISION**

PRE-OCCUPATION

The relevant dwelling or building shall not be occupied unless otherwise agreed in writing by the Local Planning Authority until adequate provision is made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) 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.

23 **CONDITION: REFUSE STORAGE**

PRE-OCCUPATION

The bins stores shown on approved ground floor apartment, ground floor site layout, and hotel basement plans shall be provided prior to the beneficial occupation of the relevant building unless otherwise agreed in writing by the Local Planning Authority. The stores shall thereafter remain available for the storage of refuse and recycling only, and waste associated with the relevant use shall thereafter be stored only in the stores except on the day of collection.

Reason:

To ensure that adequate space is provided for the storage of waste associated with the development as required by policy CS26 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

24 CONDITION: EXTERNAL ARTIFICIAL LIGHTING

PRE-OCCUPATION

The buildings hereby approved shall not be occupied until a scheme of external artificial lighting has been provided at the site in accordance with details which are to be submitted to and approved in writing in advance by the Local Planning Authority. The details shall accord with the submitted external lighting design and scoping statement unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an acceptable lighting design for the scheme which is sympathetic in design terms given the site's prominence and which also safeguards the amenity of adjacent occupier and the safety of users of the site and its immediate surroundings in accordance policies CS02, CS03, CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20, 21 and 28, & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 and 69 of the National Planning Policy Framework 2012.

25 CONDITION: LANDSCAPE MANAGEMENT PLAN

PRIOR TO OCCUPATION

A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all areas of the site, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development for its permitted use or in accordance with any alternative timetable agreed in writing in advance by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved.

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.

26 CONDITION: APARTMENT SOLAR ARRAY

PRE-OCCUPATION

Unless an alternative strategy to reduce Carbon Dioxide emissions from the proposed apartments to the satisfaction of the Local Planning Authority has first been submitted to and approved in writing by the Local Planning Authority, the apartments hereby approved shall not be occupied until a solar PV array of no less than 220 sq m has been installed and made fully operational in accordance with

details to be submitted to and approved in writing in advance by the Local Planning Authority. The submitted details shall be sufficient to enable a visual assessment of the proposed installation so shall include details of array layout and size, panel appearance (including colour, reflectivity, frames and surface conductors), and supporting frames/structures.

Reason:

To reduce Carbon Dioxide emissions from the development in a manner which is sympathetic to this prominent site as required by policies CS20, CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (adopted 2007), policies DEV20-22, and 34 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 and 94-96 of the National Planning Policy Framework 2012.

27 CONDITION: APARTMENTS FUTURE DISTRICT HEAT CONNECTIVITY

PRE-OCCUPATION

Measures set out in the submitted document titled 'Apartment block strategy to facilitate future connection to District Heating Network' (Couchperrywilkes dates 02 June) to facilitate connection of the apartment block to future District Heat networks shall be provided prior to the occupation of the apartments hereby approved unless an alternative strategy to enable connectivity to future District Heat networks to the satisfaction of the Local Planning Authority has first been submitted to and approved in writing by the Local Planning Authority.

Reason:

To reduce Carbon Dioxide emissions from the development as required by policy CS20 of the Plymouth Local Development Framework Core Strategy (adopted 2007), policy DEV34 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 94-96 of the National Planning Policy Framework 2012.

28 CONDITION: HOTEL COMBINED HEAT AND POWER UNIT

PRE-OCCUPATION

The hotel hereby approved shall not be occupied until a Combined Heat and Power Unit has been commissioned at the site (including measures to enable future connection to district heat network) in accordance with details set out within the following documents submitted in support of the application:

* Submitted Energy Statement (Couchperrywilkes, ref 17150)

* Email from Couchperrywilkes to Jonathan Selman dated 02 June 2017 confirming that the central gas fired boiler / CHP plant will serve the Hotel domestic hot water demand (including gym,

restaurants, bars, bedrooms and function suites), heating demand of ventilation plant (serving all elements of the building), and heating demand associated with swimming pool plant

Reason:

To reduce Carbon Dioxide emissions from the development as required by policy CS20 of the Plymouth Local Development Framework Core Strategy (adopted 2007), policy DEV34 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 94-96 of the National Planning Policy Framework 2012.

29 **CONDITION: REMOVAL OF CLIFF ROAD FOOTWAY CANOPY**

PRE-OCCUPATION

The buildings hereby approved shall not be occupied unless otherwise agreed in writing by the Local Planning Authority until the canopy covering part of the northern footway to Cliff Road abutting the site's southern boundary has been removed (in accordance with any approvals required).

Reason:

To deliver benefits to the appearance of public realm adjacent the site in accordance with policy CS02 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20, 21 and 28, & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 and 69 of the National Planning Policy Framework 2012.

30 **CONDITION: PUBLICLY ACCESSIBLE AREAS**

PRE-OCCUPATION DETAILS; ONGOING COMPLIANCE

The owner of the site shall permit public access to the following areas of the site following first beneficial occupation in accordance with a management and maintenance plan to be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the site:

- a) East-West street to be formed along the northern boundary providing access from Prospect Place to Leigham St
- b) Garden Terrace and surrounding footpath in the frontage area to the south of the proposed building, which is accessed from Cliff Rd to the south, Cliff Rd/Leigham St to the east, and the car park (between the two buildings) from the north
- c) North-South route through the car park providing a link between a) and b)

The 'Night Gates' shown on approved plan that provide access from a) to c), and from Cliff Road to b) at the south of the site can be closed and secured to restrict public access between the following hours: 22:00 through to 08:00 between March 28th and October 28th, and 20:00 through to 08:00 for the remainder of the year. The East-West street a) shall remain open 24 hours a day.

The management plan shall set out details for future maintenance and management of these publicly accessible parts of the site, which shall thereafter be managed in accordance with the approved management plan unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To secure the community benefits of the scheme brought by providing public access as set out in policy PLY28 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and to allow the arrangements for management and maintenance of these public routes and publicly accessible parts of the site to be agreed to ensure that the safety, security and well being of users, as well as satisfactory environmental standards will be maintained in accordance with policies CS02, CS32 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20, 21 and 28, & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 and 69 of the National Planning Policy Framework 2012.

31 **CONDITION: BIODIVERSITY (EMES) MEASURES**

PRE-OCCUPATION

Measures set out in the submitted Ecological Mitigation and Enhancement Strategy shall be implemented in accordance with that document - except where set out below - prior to first beneficial occupation of the buildings hereby permitted or in accordance with any alternative timetable agreed in writing in advance by the Local Planning Authority.

- a) Soft landscaping measures agreed through other conditions attached to this consent, which shall be delivered in accordance with that approval even if in conflict with the submitted EMES
- b) Revised proposals for bird nesting boxes (including swifts), which shall be provided in accordance with details which shall be submitted to and approved in writing in advance by the Local Planning Authority.

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 paragraphs 109, 118.

32 CONDITION: ACOUSTIC STANDARDS FOR APARTMENTS - DESIGN

PRE-OCCUPATION

The development should be built in such a way that it meets BS8233:2014 Good Room criteria, 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).

Reason:

To protect the residents from unwanted noise, after occupation of the building avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

33 CONDITION: ACOUSTIC STANDARDS FOR APARTMENTS - VERIFICATION

PRE-OCCUPATION

Prior to occupation of the apartment building hereby approved the applicant shall submit in writing for approval a noise verification report demonstrating compliance with the levels required in the 'ACOUSTIC STANDARDS FOR APARTMENTS – DESIGN' condition attached to this consent).

Reason:

To protect the residents from unwanted noise, after occupation of the building to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

34 CONDITION: ROOF PLANT AND EQUIPMENT

PRIOR TO INSTALLATION

Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no plant or equipment shall be added to the roof of any of the buildings hereby permitted without the prior written consent of the Local Planning Authority (any application for which will be expected to demonstrate the visual impact of such equipment), except in the following circumstances:

a) Solar PV array to the apartment block in accordance with details approved under the relevant condition attached to this consent

b) Equipment sited within the plant well of the hotel roof which does not protrude above the height of the adjacent flat roofs to the north and east

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 Policies CS02, CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, PLY20-21 & DEV20-22 of the Approved (not yet adopted) Plymouth and South West Devon Joint Local Plan, and paragraphs 63-64 of the National Planning Policy Framework 2012.

35 CONDITION: NOISE FROM PLANT

ONGOING

The noise emanating from all plant associated with the Hotel (LAeqT) shall not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at any time as measured at the facade of the nearest residential property. All plant installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

Reason:

To protect the residential and general amenity of the area from noise emanating from the operation of any Plant and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

36 CONDITION: DELIVERIES AND REFUSE COLLECTION

ONGOING

Goods deliveries and refuse collections (as well as any outdoor handling of glass waste) to the hotel hereby approved, shall be carried out only between the hours of 0700AM and 2200PM Monday to Saturday , and not at all on Sundays or Bank Holidays.

Reason:

To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

37 **CONDITION: USE OF LOADING AREAS**

ONGOING

The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience, and (iii) 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.

Informatives

1 INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

2 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.

3 INFORMATIVE: BASEMENT KITCHEN EXTRACT SYSTEM

The current plans advise that the extraction system for the basement kitchen will terminate at roof height as part of the pollution dilution and dispersal model. This will require a long run of ducting and increased energy to vent the air to this height: this may have an adverse impact on noise and effectiveness of extract cleaning. Cleaning of the ducting should be undertaken in line with the HVCA guidance document TR/19. A scheme to vent kitchen air at or near ground level could be considered where an enhanced system of odour abatement is to be installed and maintained.

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: RESIDENT PARKING PERMIT SCH

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.

6 INFORMATIVE: COMMERCIAL VEHICLE CROSSING

The applicant should contact the Highway Authority to facilitate the works in the highway by way of a licence and fees in accordance with this authority's procedure for the construction of a Commercial Vehicle Crossing.

7 INFORMATIVE: EXTERNAL LIGHTING SCHEME

You are advised when designing a scheme for the above to discharge the relevant condition attached to this consent of the desirability of an innovative lighting scheme for the development as suggested by emerging Joint Local Plan Policy PLY28.

8 INFORMATIVE: MARINE GRADE MATERIALS

You are advised when specifying materials for the development prior to submitting these for approval to discharge the relevant condition attached to this consent to specify materials of an appropriate specification to withstand this exposed marine environment.

9 INFORMATIVE: CONDITIONAL APPROVAL NEGOTIATED

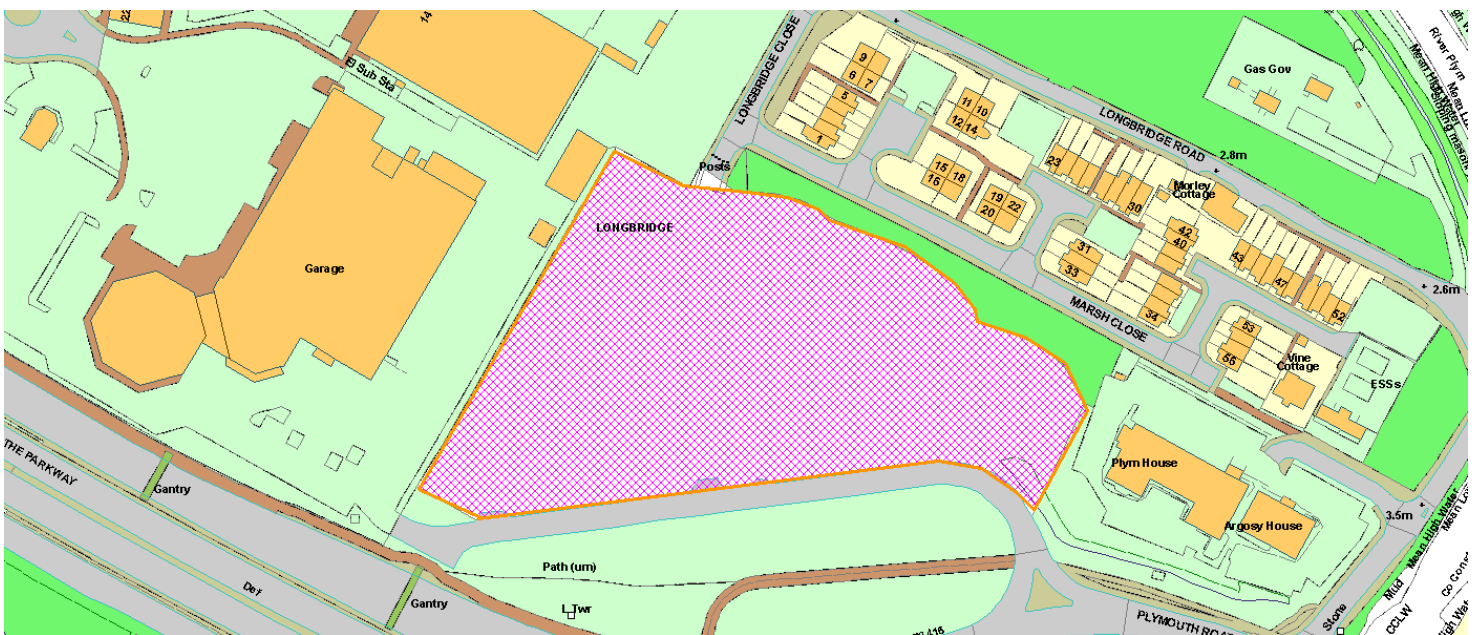
In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application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

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PLANNING APPLICATION OFFICERS REPORT



Application Number	17/01167/S73	Item	03
Date Valid	30.05.2017	Ward	MOORVIEW
Site Address	Legacy Plymouth International Hotel 270 Plymouth Road Plymouth PL6 8NH		
Proposal	Vary condition 30 of application 17/00150/S73		
Applicant	Eop II Prop Co I S.A.R.L		
Application Type	Removal or variation of a condition		
Target Date	29.08.2017	Committee Date	27.07.2017
Extended Target Date	N/A		
Decision Category	Assistant Director of SPI		
Case Officer	Mr Alistair Wagstaff		
Recommendation	Grant Conditionally		



The application has been referred to Planning Committee by the Assistant Director of Strategic Planning and Infrastructure due to finely balanced policy and precedent issues.

1. Description of Site

The site is the former Legacy Hotel; it is a site of approximately 2.1 hectares north of the principal junction into Plymouth from the A38 Parkway at Marsh Mills. The hotel has now been demolished and the site is vacant with the central section boarded with protective hoarding.

Access to the site is via an existing junction with Plymouth Road which provides a direct route onto the site from the Marsh Mills roundabout with egress onto Plymouth Road eastward only. The access road extends along the front of the site.

A large area of soft landscaping occupies the area in front of the site which contains a number of bushes and trees. Further grassed areas and planting extend around the remaining boundaries of the site.

The site is bounded by a simple, three-storey, red brick, commercial office development to the east and the large units of Marsh Mills retail park to the west. To the north of the site is residential development arranged around a series of parking courts which are accessed from Marsh Close. These are principally two storeys and are of a similar dark red brick to the nearby office development.

2. Proposal Description

The planning application is a Section 73 application which seeks to vary condition 30 of the previously approved application 17/00150/S73 (which is one of a number of Section 73 applications relating to planning application 12/02320/FUL) which granted consent for 4 retail units which are located along the western edge of the site with car parking to the east in front of the units and a restaurant/takeaway along the eastern edge of the site. In determining this application the consideration relates to the acceptability of the proposed change rather than the acceptability of the full proposal and other approved changes as this has already been granted planning consent under application 12/02320/FUL as amended by 16/01102/S73 and 17/00150/S73.

This application seeks to amend the bulky goods restriction (condition 30)
The existing condition restricts the proposed development to bulky goods:

“Notwithstanding the permitted use of the retail units hereby permitted falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) the development shall only be used for the sale of bulky goods falling within any of the following categories (and for no other purposes within the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification):

- (i) DIY products, materials, tools and machinery for the repair, maintenance or improvement of the home, the garden and motor vehicles;
- (ii) Electrical goods and other domestic appliances of a bulky nature;
- (iii) Furniture, beds, floor coverings, wall tiles, soft furnishings and textiles of a bulky nature;
- (iv) Cycles, motor and cycle accessories of a bulky nature;
- (v) Kitchen units and accessories of a bulky nature;
- (vi) Office Furniture and Equipment of a bulky nature.

For the avoidance of doubt, only the above products and no others shall be sold at any time.”

This application originally sought to add additional text to that condition allowing an increased range of goods to be sold from Unit one of the scheme only, however during the course of the application it has been agreed with the applicant that a separate condition should be added instead. The new condition is to include the following wording:

“Notwithstanding Condition 30 and the permitted use of the retail units hereby permitted falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), Unit 1 (as identified on drawing reference 10163_L01.01) shall also be used for the sale of the following goods of a bulky nature: child and baby home and travel products (including prams, pushchairs, strollers, car seats and booster seats); baby entertainment goods (including baby walkers, bouncers, swings and highchairs); nursery furniture (including cots, wardrobes, chests, changing units, nursing chairs, travel cots and mattresses); and baby baths.

If the unit is used for the above range of goods the following additional goods may also be sold:

- (i) clothing, footwear and accessories for babies and children (up to 10 years of age) and maternity clothing and accessories; (from a maximum area of 465 square metres);
- (ii) Baby feeding products and equipment;
- (iii) baby monitors; cot mobiles; other products designed to meet the need of babies, children (up to 10 years of age) and mothers-to-be;
- (iv) toys, games, party and play equipment for babies and children (from a maximum area of 93 square metres); and
- (v) soft furnishings including duvets, rugs, bedding, towels and changing mats for babies and children (up to 10 years of age).

The maximum cumulative area to be used for the sale of the above products (i-v above) shall not exceed 799 square metres.

For the avoidance of doubt, up to 10% of the gross internal area of Unit 1 may also be used as a café and/or play area.”

This change as set out in the application is to enable Mothercare to take occupation of Unit 1 within the development. However, in considering the application, it should be highlighted that planning permission runs with the land and is not operator specific and as such the determination of the application relates to the broad range of goods sought to be sold and not the identified operator.

3. Pre-application enquiry

Formal pre-application engagement has taken place on the application which focused on establishing the required documentation to support the application rather than the acceptability of the proposal.

4. Relevant planning history

17/00150/S73 - Section 73 application to modify conditions: 2 (plans), 31 (Hours of Delivery and Collection), and 37 (Floor Space Restriction) of Application Reference Number: 16/01102/S73 - Granted Conditionally

16/01102/S73 - The application seeks amendment to the following conditions: 2 (plans), 11 (car parking provision), 14 (car parking management), 19 (odour control), 20 (delivery hours), 39 (hot food takeaway), 40 (opening hours) of application 12/02320/FUL to allow re-siting of unit 5 (168 sqm) A3 restaurant/café and to trade between 7am - 11pm – Granted Conditionally

16/01100/FUL – Erection of drive-thru restaurant (Class A3/A5) with access and servicing arrangements, car parking, landscaping and associated works - Granted Conditionally

12/02320/FUL - Full planning application for demolition of the existing hotel and development of a maximum of 7,900 square metres of A1 retail floorspace and a maximum 712 square metres of A3 restaurant/café floorspace, with access parking, landscaping and associated works - Granted conditionally

99/01123/ADV – Provision of new flag pole and re-siting of existing flag pole – Granted conditionally

94/01044/ADV – Illuminated welcome sign – Granted conditionally

94/00748/ADV – Illuminated welcome sign – Withdrawn

86/01831/FUL – Construction of new entrance/exit road and alterations to car park – Granted conditionally

81/00058/FUL – Erection of 101 bedroomed hotel (amendment to approved plans) – Granted conditionally

79/02608/FUL – Erection of 125 bedroomed hotel including 12 staff bedrooms – Granted conditionally

5. Consultation responses

Economic Development Department – Object to the application in relation to impact on the City Centre from both the immediate impact and also the precedent it sets for future adverse impacts.

6. Representations

One received from Plymouth City Centre Company - The application site has tight restrictions on the sale of goods, which the Council went to great lengths to secure, to protect the City Centre. The weakening of these conditions will allow further applications in out of centre locations to alter the bulk goods restrictions having a cumulative negative impact on the City Centre.

Also are not convinced the wording will stand the test of time to stop sale of adult clothing and footwear should Mothercare exit the unit.

Do not consider sufficient attention has been given to the former BHS unit and potential for subdivision of the block on the western side of Armada Way recently acquired by AEW who are seeking to extend the block to allow large units, which could include Mothercare. If approved the loss of a national brand like Mothercare from the City Centre will impact investment in the City Centre. The approval of Next at Marsh Mills opened the doors to such applications. The Council should not weaken the conditions to protect the City Centre and as such the application should be refused.

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 I 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 a relatively advanced stage of preparation, with the pre-submission version 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. It is also considered consistent with the policies of the Framework as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of the representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations. Other material considerations include the policies of the Framework itself and guidance in National Planning Practice Guidance (NPPG).

8. Analysis

1. This application has been considered in the context of the development plan, the Pre-Submission Joint Local Plan, the Framework and other material policy documents as set out in Section 7. The key policies relevant to the consideration of the application are Policies, CS06, CS07, CS08, CS09, AV3, AV9, CS28 and CS34 of the Core Strategy and Policies SPT 1, SPT5, SPT6, DEVI, DEVI6, DEV20, PL7, PLY8, PLY10, PL11, PL12, PL13, PLY38, of the Pre-Submission Joint Local Plan and the relevant paragraphs of the NPPF.

2. The key considerations in determining the application are considered to relate to the following matters: retail considerations relating to the sequential test; impact of the proposal and the retail strategy for the city; highways considerations; and the impact on residential amenity.

3. The application is a section 73 application which seeks to amend details set out within condition 30 of application 17/00150/S73, through a new condition, therefore 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 previous planning consents on the site.

Retail consideration

4. The application proposes the addition of a new condition which would allow unit 1 to sell an enlarged range of goods to that set out in condition 30 of 17/00150/S73 to allow the following goods of a bulky nature: child and baby home and travel products (including prams, pushchairs, strollers, car seats and booster seats); baby entertainment goods (including baby walkers, bouncers, swings and highchairs); nursery furniture (including cots, wardrobes, chests, changing units, nursing chairs, travel cots and mattresses); and baby baths. If the unit is used for the above range of goods the following additional goods may also be sold:

- (i) clothing, footwear and accessories for babies and children (up to 10 years of age) and maternity clothing and accessories; (from a maximum area of 465 square metres);
- (ii) Baby feeding products and equipment;
- (iii) baby monitors; cot mobiles; other products designed to meet the need of babies, children (up to 10 years of age) and mothers-to-be;
- (iv) toys, games, party and play equipment for babies and children (from a maximum area of 93 square metres); and

(v) soft furnishings including duvets, rugs, bedding, towels and changing mats for babies and children (up to 10 years of age).

The maximum cumulative area to be used for the sale of the above products (i-v above) shall not exceed 799 square metres. It would also allow, up to 10% of the gross internal area of Unit 1 may also be used as a café and/or play area

5. Unit 1 currently extends to 1,338 square metres (gross at ground floor level) and the applicant advises that a further 279 would be provided at mezzanine level for back of house purposes, this mezzanine extension would be permissible under condition 31 of application 17/00150/S73. Under that condition, unit 1 could be further extended at mezzanine level as long as the total gross internal floor area of the 4 retail units does not exceed 7,875 square metres in total and the mezzanine level of the units does not exceed 3,242 square metres of gross internal area in total.

6. In considering the scheme there are three key interrelated retail considerations. These are (1) the compliance with the sequential test, (2) the impact of the scheme on the vitality and viability and investment in the network of centres required by paragraph 24-27 of the NPPF, (3) how the scheme impacts the spatial retail strategy set out in the Core Strategy and Joint Local Plan. In considering these matters, the focus is on how the future use of the unit is to be controlled in relation to the range of goods to be sold.

7. The restrictions set out in the condition restrict the goods to be sold to in part bulky goods. While these are different to those set out in the existing condition as previously worded, they are bulky goods which can have specific locational requirements. It is however acknowledged that the 799sqm for additional goods are not bulky and this matter and the range of goods set out equally require detailed consideration. While the application is explicit that the proposal relates to Mothercare, as already set out, planning permission runs with the land and is not operator specific. It is also the case that this will not be a personal consent, as such the consideration relates to the broad range of goods to be sold. In this regard while the consideration of the proposal being for Mothercare is not in itself a key consideration, the condition as worded would restrict potential operators able to occupy the unit to those such as Mothercare, Kiddicare or Mamas and Papas and it is this consideration that the determination of the application focuses upon.

Plymouth's Retail Strategy and policy context

8. Plymouth has a strong retail strategy for the future of the city and it is important that proposals for retail and other town centre uses are considered in this context. This strategy is set out in the adopted Core Strategy and Pre-submission Joint Local Plan. The Core Strategy takes a supportive approach to new retail development which maintains and enhances the City Centre's role as a major shopping destination, protects the primary retailing role of the City Centre and supports and strengthens the network of District and Local Centres. The Core Strategy also requires proposals to comply with the sequential approach and not have an unacceptable adverse impact on the City Centre, district and local centres. These requirements are set out in Strategic Objective 7, Policies CS06 and CS08 of the adopted Core Strategy. Policy CS09 recognises the role and function of the retail parks at Marsh Mills and, subject to the consideration of the other policies in the Core Strategy, it identifies that the Council will take account of proposals to enhance recognised short comings of the retail parks.

9. The Pre-Submission Joint Local Plan continues this strategy with SPT5 setting out that proposals which meet a compelling qualitative need will be considered favourably. Specifically of relevance to this application is the requirement of the policy to secure 'continued improvement of the overall provision of retail floorspace within the City Centre'. This is a key consideration in relation to the acceptability of the application of the Sequential Test and Impact Assessment which are set out in Policy DEV16. Point 4 of DEV16 also provides specific guidance in relation to proposals for bulky

goods. It supports a limited amount of such goods but only where it is robustly demonstrated that it relates to a format of store which has particular market and locational requirements and cannot be located in 'in Centre' locations.

10. The Core Strategy and Joint Local Plan set out a clear retail strategy which it is important to consider the proposal against. The proposal relates to a consented retail park and seeks to alter the proposed range of goods to be sold from a single unit. While the proposal seeks to increase the offer to sell a broader range of goods, the proposal does retain the units in part to a bulky goods store which on the face of it could be considered to be consistent with the retail strategy. However, it is important to consider whether the increase in the units product range would substantially alter the appeal of the retail park and wider Marsh Mills area and therefore impact on the wider retail strategy and should therefore be located in a more central location. These matters need to be considered in the context of the national and local planning policies relating to the sequential test and impact assessment.

Sequential Test

11. Paragraph 24 of the NPPF deals with the requirement for a sequential approach for main town centre uses. The application site is not in a defined centre or in an edge of centre location and as such it is necessary for the applicants to demonstrate that there are not any sequentially preferable sites. A Sequential Assessment has been submitted alongside the application. While the applicant sets out the case for why the assessment should focus on the whole development it does however adopt the approach recommended by officers to focus on the individual unit which the proposed amended condition relates to, rather than the wider scheme. This is considered to be the correct interpretation and application of the sequential test.

12. In considering flexibility in the sequential test the applicant set out their search for sequentially preferable sites focussed on sites with a floor area of 1,170 sqm with the majority at ground floor level (approximately 30% reduction of the scheme's floor area). This is considered to present a robust approach by officers. The applicant also set out that it needs to be in a commercially viable location such as main road frontage or adjacent to appropriate footfall generators. This point is also accepted, however the officer view is that City Centre or potential District Centre location would satisfy this requirement and will be considered by officers in reviewing sites.

Locational requirement

13. The applicant's assessment includes a letter from Mothercare and further information submitted in the addendum report. These elements seek to establish that there are specific operational, market and locational requirements as acknowledged in paragraph 11 (ID: 2b-011-20140306) of the NPPG and in point 4 of Policy DEV16 of the Pre-Submission Joint Local Plan. These matters need to be considered if they could have a bearing on the application of the sequential test. While the letter is from Mothercare, the position set out could equally apply to other similar operators in relation to the proposed condition. These include the need to sell a wide product range, specifically the display of range of bulky goods items including prams, pushchair and baby furniture such as cots. This is something that the operator's current store is not able to facilitate being just 440sqm of net retail floor space. The evidence submitted also establishes the need for a car fitting service for car seats to be in close proximity to the store. The addendum note also sets out the need for the bulky items which are available for immediate purchase to be transported easily to adjacent car parking. This point, while argued by many operators, is in this instance unlike other schemes considered legitimate. This is given the large bulky nature of such items and that items unlike some other retailers are able to be purchased and taken away from the store directly rather than always buy order and home delivery.

14. The addendum letter also identifies the need for larger circulation space due to customers being accompanied by children in pushchairs, which is a specific operational requirement of such operators.

It is equally the case that the customers of such operators do place a more important need for car parking specifically for parent and children close to the store to meet the needs of customers. While not all these matters are accepted by officers, they are in part considered to have a bearing on the application of the sequential test and have been robustly demonstrated in relation to the type of potential occupiers in relation to the specifics of the application given the condition which would control the nature of the potential occupiers.

15. It is therefore considered, subject to the condition, that the proposal could be considered in this instance to (as set out in the applicants assessment) have specific operational, market and locational requirements as acknowledged in paragraph 11 (ID: 2b-011-20140306) of the NPPG and in Policy DEV16 of the Pre-Submission Joint Local Plan in applying the sequential test.

16. In considering the sequential sites the applicant has followed the sequential hierarchy. This begins with the City Centre sites they have considered a range of sites this includes the following: Cornwall Street including land identified in PLY10 and PLY11 of the Pre-Submission Joint Local Plan. While their assessment is not detailed, officers are not aware of any currently available sites in these areas able to come forward for this scheme in a reasonable time frame. This conclusion is also in part related to the locational requirements set out which are specific in relation to the application which would impact the suitability of the location.

Former BHS Store - The detailed consideration of this site is not necessarily agreed by officers and the site is currently available. However in relation to the locational requirements, the ability for bulky products to be easily transported to customer vehicles and the fitting services for child car seats, a subdivided part of this unit is not considered suitable in this specific instance. The consideration set out by the City Centre Company has been considered but given the specific matters in this application it is not considered by officers to be suitable for the proposal.

Colin Campbell Court – the applicant's evidence is accepted in relation to this site in the context of the emerging policy for the site which is set out in Policy PLY7 of the JLP and is not therefore considered suitable for the development proposed.

Former Derrys Department Store- it is acknowledged by officers that this site is currently being redeveloped and that the site would no longer be suitable or available for the proposed unit considered in the application.

Other City Centre sites - the applicant has also reviewed other potential sites and concluded these are not suitable; the City Centre Company letter also identifies a further unit which is understood to be either the site included in proposed allocations PLY11 or PLY12. At present officers are not aware of any scheme which would be currently available in these locations and there are no large vacancies. Given the locational requirements of the proposal, officers are satisfied that at present there are not currently any available units within these proposed policy allocations. While there are a range of other vacancies within the City Centre and proposed allocations, officers have concluded given the specifics of the application and the availability of sites in a reasonable time frame that there are no sites either within or on edge of the City Centre which are both available and suitable for the proposed development.

17. The second location in the hierarchy of centres in the City relates to the existing and proposed district centres. Officers are satisfied that there are not any suitable and available locations in the network of existing district centres.

18. Policy CS07 of the Core Strategy allocates two proposed centres one in Weston Mill and the other in Derriford. The Weston Mill centre is identified to be for a new medium sized food store with complimentary comparison goods as part of a mixed use centre. While this proposed centre

has not been considered by the applicant, the proposal is not considered to comply with the policy aspiration in CS07. It is also important to consider that the Pre-Submission Joint Local Plan does not carry forward the proposed centre and instead the site is allocated through Policy PLY58 for the re-provision and enhancement of sports facilities with a new food retail store as enabling development.

19. Policy CS07 of the Core Strategy also identifies a new centre is to be provided in Derriford. Area Vision 9 identifies the Council's objectives in the Derriford and Seaton Area. This includes the development of district shopping centre, centred on the western side of the A386. Therefore the proposed centre needs to be considered in the sequential search; however there is no defined location for the proposed centre. This position is updated by the Pre-Submission Joint Local Plan Policy SPT6 which again seeks to provide a new mixed use district centre in Derriford. This is amplified by the strategy for Derriford Commercial Centre set out in Policy PLY38 of the Joint Local Plan which will have the status of a District centre.

20. The applicant's assessment of the proposed centre seeks to establish that the site is not available or suitable. It considers the strategy for the centre set out in the Core Strategy and makes reference to the Derriford Area Action Plan and the strategy set out in the JLP and Policy PLY38 it concludes that the site is not suitable or available for the proposal. This view is not shared by officers, as a proposed centre it cannot simply be assumed that the proposal could not include such uses (and therefore be considered suitable) although it is acknowledged that the volume of floor space proposed would not be considered to be complimentary comparison goods to a new supermarket which policy CS07 requires.

21. The question of the site's availability is also important. It is the case that there has been little progress on the proposals for the district centre schemes which are identified on the Council's website. However with the publication of the Pre-Submission Joint Local Plan, the position on the district centre has altered from that set out in the Core Strategy, although it is acknowledged that the Core Strategy is the Development Plan in place at the time of determining this application. However, as set out in section 7 of this report as the Regulation 19 Proposed Submission Development Plan the Joint Local Plan does have weight in the decision making process. It provides the most up to date position on the proposed centre and given that unlike the Core Strategy, the Local Plan identifies the site, the weight afforded to the specific policy is considered to have a key bearing on this application.

22. Of particular significance to the consideration of the proposal is Policy PLY38, which seeks to allocate the Commercial Centre which will have the status of a district centre. The policy identifies that in relation to the district centre composition, non-food and other retail facilities in the centre should be limited to a scale and type that will not have a significant adverse impact on the city centre. In this regard (as set out in the Impact Section below) the proposal is not considered to have a significant adverse impact on the city centre so the proposal could be considered on face value to be a suitable use in the centre. Therefore the consideration needs to move to if the centre and the parts there of are truly suitable and available for the development proposed.

23. In relation to Policy PLY38, the requirements in relation to the North West Quadrant part of the site seeks the area to be intensely developed and specifically in relation to Town Centre uses requires smaller retail and food and drink uses and small to medium sized retail units suitable for food retail. The inclusion of large format stores, including bulky goods, does not accord with the strategy for this part of the centre. It is also noted that this area has challenging topography and a range of existing infrastructure which makes the area unsuitable for the proposed scheme to form part of the proposed district centre.

24. In relation to the former Seaton Barracks Parade Ground area this part of the commercial centre is identified for a range of uses including the potential for larger format retail which there is

insufficient space in the northern part of the site. It is considered that this part of the commercial centre could therefore be considered suitable for the proposal. Given this position, it is important to establish therefore if the site is available. On face value the site is largely vacant scrub land and as such could be considered to be available.

25. Part of this site is currently the subject of planning application 17/01288/FUL for a new retail store and office development by the Range. This element of the site is not therefore available. On a previous application 16/02106/FUL, the Council's Economic Development Department advised that the rest of the land in their ownership which extends to 2.93 hectares (7.23 acres) is proposed for BI offices and uses which would contribute to a commercial district centre and that they do not consider that the remaining available development land to be suitable for the bulky retail units proposed in that application and as a result is not available. It is acknowledged that this proposal is for less development than contained in application 16/02106/FUL, however a clear position from the land owner has been given. Correspondence between the applicant and the Council's Economic Development Department has been provided. This correspondence advised the following 'We are in the process of appointing consultants to prepare a masterplan for Seaton Barracks which will include a mixed range of uses to create a Derriford commercial centre. Whilst this will include retail uses it would not be suitable for the type of development proposed in your note.'

26. The position of the Council's Economic Development Department as land owner accords with the strategy for this part of commercial centre set out in PLY38, although the scheme contained in application 17/01288/FUL has yet to be determined in detail through the planning application process. It is therefore considered that although on face value the district centre proposed in policy PLY38 is suitable and available in relation to the proposal, after further interrogation it is concluded that in relation to this proposal specifically it is not available. This position is specific to this scheme, at this point in time and is not considered to set a precedent for future proposals which will need to be considered on their own merit and material circumstances. On balance it is therefore considered that in relation to the proposed Derriford District Centre set out in the Core Strategy and Joint Local Plan that this is not a location which is suitable and/or available.

27. Given that there are no suitable and or available sites available in the City Centre, District Centres including the proposed District Centres it therefore turns to whether there are any better located and more accessible locations. In this regard it is acknowledged that the location itself is in a highly accessible location and is well served by public transport and that there are no sites which are considered more sequentially preferable. It is therefore concluded in relation to the sequential test set out in para 24 of the NPPF and policies DEV16 of the Joint Local Plan and the CS08 of the Adopted Core Strategy that the proposal passes the sequential test. This conclusion is however reached in the context of the locational requirements and position at this current time.

Impact Assessment

28. Paragraph 26 of the NPPF requires the impacts of proposals on the investment in and vitality and viability of town centre locations to be considered. This is also required by policies DEV16 of the Joint Local Plan and CS08 of the Core Strategy.

Impact on the vitality and viability of the Network of Centres

29. The applicant has provided a Retail Impact Assessment which is further elaborated by the addendum report which was submitted following queries raised by GVA who are assisting officers with the consideration of the retail impact of the proposal. The assessment by the applicant considers the impacts of the proposed change resultant from this application. It also considers it cumulatively with updated figures for the wider scheme on the former Legacy Hotel site and then with commitments. It identified sales densities for unit 1 of £4,672 per sqm with total estimated turnover of £5.7 million. It updates the sales density of the wider scheme to £3,250 per sqm with the other 3 units having a total turnover of £15.3 million which together with the proposed changes

to unit one equal a total turnover of £21 million for the wider Legacy hotel site scheme. This is a difference of £1.7 million from the existing scheme for the site granted under the original application 12/02320/FUL in their assessment. Table 3.1 of the addendum report summarises the impacts of the proposal on the City Centre and network of District Centres. The impacts of the proposal alone is envisaged to be -0.4% on the City Centre and the impact on the network of district centre with the exception of Transit Way is all under -0.8% with Transit Way being -2%. Importantly, the consideration of impact also needs to include the cumulative impact with known commitments and in this regard the total cumulative impact on the City Centre is -1.7% and the impact on the network of the district centres is under -6.5% on each of the centres. This cumulative impact is not more than -0.3% than that of the existing consent on the site granted under 12/02320/FUL and the commitments on the City Centre and not more than -0.4% on any of the individual District Centres in the view of the applicant.

30. Both the consultation response to this application from the Council's Economic Development Department and also the letter of representation from the City Centre Company raise concern over the impact of the proposal on the City Centre and its potential to have further impacts with other future development. In considering the impact of the proposal, guidance from GVA has been sought. GVA have considered the envisaged impact and advised that they do have a range of concerns with the data present by the applicant in their evidence. These concerns by GVA include; underestimating trade diversion from the City Centre, differing view on the impact of commitments, and the level of trade diversion from outside Plymouth. In relation to specific impact of the proposal given the concerns with the figures used by the Applicant, GVA have undertaken their own assessment of the potential impact of the scheme.

31. In considering the impact of the proposal on the vitality and viability of the network of centres, GVA consider, having undertaken their own assessment, that the impact on the network of district centres will not be significantly adverse however, the impact on the City Centre is a more finely balanced consideration.

32. In relation to the impact on the City Centre GVA have considered the impact including the cumulative impact of the proposal. GVA consider the impact of the original scheme under 12/02320/FUL including commitments to be -3.1% and the impact of the change allowed by the current application to amend condition 30 to be -3.5%. These impacts are an approximately 2% greater impact than the applicant envisaged and in monetary terms GVA consider the financial impact of the proposed scheme to be £3.1m while the applicant's view point is £2.3M. Based upon the assessment GVA have undertaken their consideration is that the difference in turnover from the extant scheme to that proposed is not a significant one in relation to the impact on the City Centre. GVA do however recommend that the Council do not just consider the difference in financial impact of the proposal but consider the wider impact of the scheme. This relates to two key elements, the scope of the proposed change and the cumulative impact with the other development.

33. In relation to the scope of the proposed change, GVA have identified concern specifically in relation to the sale of toys and clothing and the ability to sell the range of additional goods without the bulky baby and child goods being sold. These concerns are shared by officers and have already been addressed by officers with the applicants and the wording as set out in this report further restricts and controls the future proposal in a way that helps deal with the concerns raised by GVA in the advice received. This includes tying the sale of additional non bulky goods to the sale of bulky goods for children and babies rather than the wider bulky goods allowed by the original condition and limiting the amount of floor space for clothing and toys and restricting the clothing for children up to 10 years only.

34. Consideration is now given in relation to cumulative impact with other consented out-of-centre scheme on the City Centre. In considering this cumulative impact it is important to refer to planning application 15/01831/FUL for 'Erection of retail unit, associated car parking, landscaping and access' for a flagship Next store. In determining that application officers and GVA advised the Planning Committee that it was considered that the impact of that proposal was significantly adverse on the health of the city centre. This was based on that scheme having an impact of -1.4% on the city centre. Part of the reason for this concern related to the quantum of the impact on the expenditure on clothing and fashion within the City Centre and the trading overlap of that proposal.

35. The application was approved following members of the Planning Committee reaching an alternative view to officers in their determination of the application. In relation to retail impact they concluded that the proposal would have an adverse impact on the City Centre but not a significantly adverse impact. In the advice received on this application GVA have concluded that while their view point is that the impact of application 15/01831 was significantly adverse, in relation to this application the additional impact of this current application over and above the Next application and other commitments will not make a material difference in the impact on the city centre. Officers agree with the guidance provided to them by GVA and this consideration is reached in part in relation to the recent Secretary of State decision at Scotch Corner Ref. APP/V2723/V/15/31/32873 which clarified that while the cumulative impact of a proposal is important in relation to the test set out in paragraph 26 of the NPPF, it is also the impact of the proposal itself which needs to be considered if it is significantly adverse. As previously stated, having taken the advice of GVA, officers are satisfied that this application would not significantly alter the impact on that already allowed including that of 15/01831/FUL on the City Centre and as such would not have a significantly adverse impact on the health of the City Centre.

Impact of the proposal on the Investment

36. In considering the impact of the proposal, it is also important to consider whether the impact would effect the existing, planned and future investment in the network of centres. In relation to the network of existing centres, it is not considered that there would be an impact on likely investment given the limited range of goods the amended condition allows which do not have a significant overlap with the core offer of these centres. In relation to the proposed centres, consideration is given to the more up to date direction set out in the JLP as part of this consideration. The Weston Mill centre was never envisaged to include such operators (as proposed in this application) and the Policy PLY58 (which removes the proposal for a District Centre) further confirms this difference from the proposal, giving no rise to concern. In relation to the proposed Derriford Centre as envisaged in the existing Core Strategy, there is limited progress in advancing a specific scheme which this proposal could impact on. In relation to the updated policy strategy set out in the JLP and Policy PLY38, the proposal, given its limited expanded offer (from the consented scheme) and lack of direct relationship to the type of development envisaged in the policy, is not considered to impact on future investment in the proposed Derriford District Centre.

37. The City Centre is a more finely balanced matter and this is identified in both the letter of representation and consultation response received to this application. It is clear that the potential operators (for the proposal) of such a scheme do, as is the case with Mothercare, operate in City Centre locations and that seeing high street operators vacate from the City Centre could reduced confidence in the centre (as identified by GVA). This point was a key consideration in application 15/01831/FUL, however in that instance the size of the proposal, the wide range of products available and the key role of fashion in the City Centre gave rise to officers considering that the impact on investment was significantly adverse. In this instance, while there are overlaps with the product offer with other City Centre operators, few operators provide direct competition with the specific offer as set out in the condition. It is also the case that there are very few occupiers who could operate under the condition. These matters help reduce concern about the impact of the proposal on investment in the City Centre.

38. It is acknowledged that the provision of Mothercare, Kiddycare or Mamas and Papas would have the potential to further alter the offer in the Marsh Mills area. This could increase the appeal of the location particularly with the approval of 15/01831/FUL and it is clearly the case that this could have an adverse impact on the City Centre, however the test set in the NPPF is not whether the impact of the proposal is adverse it is whether the impact is significantly adverse. In this case and bearing in mind the limited market of such operators and their role in the City Centre it is not in this case considered this higher level of impact is reached by this proposal. With development such as that at Drake's Leisure, Former Derry's Department Store and strategy set out in the City Centre Master Plan and JLP the potential for a significant adverse impact is on balance not considered to result from this application.

Retail Conclusions

39. Having considered the sequential test and impact assessment, consideration therefore falls back to the other local policy requirements of the Council's retail strategy set out in the Core Strategy and Joint Local Plan. Given the application meets the above tests, it is not considered that the proposal will compromise the retail strategy of the Core Strategy or Joint Local Plan. Should the proposal ultimately be occupied by Mothercare the loss of this retailer from the City Centre would be a loss to the City Centre but this does not alter the conclusions reached above. In relation to policy CS09, the applicant's proposal which forms a new retail park at Marsh Mills will improve the physical appearance of the Marsh Mills retail parks through the redevelopment of the former Legacy Hotel Site with an enhanced landscaping plan. That scheme will deliver improvements to the access to the site and the installation of MOVA at the Marsh Mills Junction and junctions along Plymouth Road. The proposal is considered to help to address the recognised short comings of the Marsh Mills retail parks required by policy CS09. While the Joint Local Plan does not require improvements to the Marsh Mills Retail Park, similar requirements are set out in policy DEV16 for the location of proposals and as such are also considered to accord with that part of the policy. It is therefore considered that the proposal meets the retail policy requirements of the NPPF, Joint Local Plan and Core Strategy.

Highways

The proposed changes to condition 30 are not considered to alter the highways matter in relation to the wider scheme and as such the scheme is considered to accord with the requirements of policies SO14 and CS28 of the Core Strategy or policies SPT9, SPT10, and DEV31 of the pre-submission Joint Local Plan

Amenity

The proposed changes to condition 30 in relation to Unit 1 of the wider scheme are not considered to alter the impacts of the wider scheme to the surrounding residential properties. As such the proposed changes are not considered to alter the acceptability of the wider scheme granted in 17/00150/S73 in relation to the requirements of policies CS34 of the Core Strategy and SO11, DEV1 and DEV2 of the Pre-Submission Joint Local Plan.

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 Proposal is not liable to pay CIL, which only applies to residential development and retail superstores.

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 12/02320/FUL and carried across to application 16/01102/S73 which required the following contributions:

- £10,000 towards parking restrictions in the vicinity of the site and the provision of a residents parking zone within Marsh Close.
- £20,000 contribution towards the provision of the Strategic Cycle Network including improvements to National Cycle Network 27 in the vicinity of the site and connections to it in the Marsh Mills/Coypool area.
- £35,000 contribution to enable biodiversity improvements to be delivered in accordance with the Efford Marsh Local Nature Reserve Management Plan.
- £6,500 Planning Obligations Management Fee relating to the administration, monitoring and management of the Planning Obligation.

All of the above are payable upon commencement of development.

These contributions were paid in full following the granting of 16/01102/S73 and as such no further section 106 contributions are required as a result of this amendment application as the mitigation monies have been paid.

12. Equalities and Diversities

The proposed development will be available to all members of the public and will not prejudice against age, gender, religion, sexuality, ethnic background or nationality. The development will be fully compliant with the Disability Discrimination Act and therefore access for the disabled is provided.

The site is accessible to people from all areas of the city as the site is extremely well served by public transport, being adjacent to an existing Park and Ride site. The development will also provide car parking and cycle storage. The development will be available to all equality groups. The application therefore does not have any adverse impacts on any equality groups.

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 specifically the requirements of paragraphs 24-27 of the NPPF, Policies, CS06, CS07, CS08, CS09, AV3, AV9, CS28 and CS34 of the Core Strategy and Policies SPT 1, SPT5, SPT6, DEV1, DEV16, DEV20, PL7, PLY8, PLY10, PL11, PL12, PL13, PLY38, of the Pre-Submission Joint Local Plan and the relevant paragraphs of the NPPF.

The proposal is considered to be in accordance with the retail strategy set out in the Core Strategy and Joint Local Plan and the national requirements in relation to the Sequential Test and Impact Assessment, subject to the amended condition set out. The wider scheme is also considered to enhance the recognised short comings of the retail parks in Marsh Mills area.

The proposal is not considered to alter the relationship to the surrounding residential area and will not alter the impact on the local highway network.

It is therefore recommended that the development be conditionally approved subject to the amended conditions set out below.

14. Recommendation

In respect of the application dated **30.05.2017** it is recommended to **Grant Conditionally**

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Softworks Plan I0163_L93.01 Version P

Other KEYLOCK CONCRETE BLOCK PAVING

Other ROOF AND WALL PANELS KS600-1000

Other TRAPEZOIDAL ROOF UK_R-RW_KS1000

Other OP000042930- LD07332 Version LR Layout

Other SHEFFIELD CYCLE STANDS Version A

Landscape Management Plan LANDSCAPE MANAGEMENT PLAN Version A

Other FURNITUBES ZENITH BOLLARDS

Other FURNITUBES ZENITH LITTERBINS

Other MARSHALLS PERFECTA PAVING

Other MARSHALLS PRIORA POROUS BLOCK PA

Other RENEWABLE ENERGY PLANNING REPORT

Site Plans I0163_LO1.01 Version W received 09/01/17

Ground Floor Plan I0163_LO2.01 received 09/01/17

5th Floor Plan I0163_LO2.2 Version O received 09/01/17

Proposed Sections I0163.103.01 Version O received 09/01/17

Plans and Elevations I0163_L04.01 Version G received 09/01/17

External Works I0163_L92.01 Version T2 received 09/01/17

External Works I0163_L92.02 Version T3 received 09/01/17

Hardworks Plan I0163_L93.01 Version Q received 09/01/17

Secure by Design Plan I0163_L93.10 Version A received 09/01/17

Boundary Plan I0163_L94.02 Version C received 09/01/17

Boundary Plan I0163_L94.03 Version B received 09/01/17

Planting Plan I0163_L94.05 Version B received 09/01/17

Site Plans I0163_L01.01 Version V received 09/01/17

Site Plans I0163_L01.02 Version C received 09/01/17

Cycle Detail I0163_L01.04 Version A received 09/01/17

Elevations I0163_L04_06 Version 0 received 09/01/17

Boundary Plan I0163_L94_04 Version B received 09/01/17

Other OP000042930-LD07332 Version LR Report received 09/01/17

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 41: BULKY GOODS RESTRICTION UNIT I**

Notwithstanding Condition 30 and the permitted use of the retail units hereby permitted falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), Unit I (as identified on drawing reference I0163_L01.01) shall also be used for the sale of the following goods of a bulky nature: child and baby home and travel products (including prams, pushchairs, strollers, car seats and booster seats); baby entertainment goods (including baby walkers, bouncers, swings and highchairs); nursery furniture (including cots, wardrobes, chests, changing units, nursing chairs, travel cots and mattresses); and baby baths.

If the unit is used for the above range of goods the following additional goods may also be sold:

- (i) Clothing, footwear and accessories for babies and children (up to 10 years of age) and maternity clothing and accessories; (from a maximum area of 465 square metres);
- (ii) Baby feeding products and equipment;
- (iii) Baby monitors; cot mobiles; other products designed to meet the need of babies, children (up to 10 years of age) and mothers-to-be;
- (iv) Toys, games, party and play equipment for babies and children (from a maximum area of 93 square metres); and
- (v) Soft furnishings including duvets, rugs, bedding, towels and changing mats for babies and children (up to 10 years of age).

The maximum cumulative area to be used for the sale of the above products (i-v) shall not exceed 799 square metres.

For the avoidance of doubt, up to 10% of the gross internal area of Unit I may also be used as a café and/or play area.

Reason

In order to protect the vitality and viability of the City Centre and other centres in Plymouth from significant harm, to ensure the range of goods sold is appropriate for the site's location and is in line with that tested in the submitted Retail Impact Assessment and the Sequential Assessment; to ensure the range of goods sold complies with policies CS01, CS06, CS07 and CS08 of the adopted Local Development Framework Core Strategy (2006-2021) 2007, together with paragraph 24 and 26 of the National Planning Policy Framework.

3 ADDITIONAL CONDITION

The officer recommendation is subject, in addition to the condition set out above, which supplements condition 30 of the original application, to the conditions 2- 40 as set out on the decision notice which remain unchanged from those which form granted consent on application 17/00150/S73.

Informatives

1 **INFORMATIVE:** (1) 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.

2 **INFORMATIVE:** (2) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

3 **INFORMATIVE:** (3) The document required in connection with the Travel Plan should be based upon the Council's guidance for Travel Plans published on the Council's website and should, where possible, be created using iTRACE, an online travel plan management tool available through Plymouth Transport and Infrastructure. The applicant is advised to contact Plymouth Transport and

Infrastructure prior to preparation of this document for site-specific advice on the requirements for the Travel Plan, which are likely to include:

- (a) appointment and contact details of a Travel Plan Coordinator
- (b) recommendation of the use of iTRACE
- (c) site specific targets, measures and management/monitoring plan.

4 **INFORMATIVE:** (4) An adequate number of toilet and hand washing facilities should be provided for use by customers as well as staff, in order to meet the provision laid down in Approved Document G and BS 6465-1:2006 & A1:2009. The aforementioned documents must be referred to in order to determine the number of facilities required in each unit in which people are invited to sit and eat based on the number of covers and staff. The facilities should be adequately ventilated with a minimum of 15 air changes per hour to remove stale air and odour.

5 **INFORMATIVE:** (5) The drainage in a food preparation area should be fitted with a grease separator in line with Building Regulations Approved Document H and prEN1825-1:2004, design in accordance with prEN1825-2:2002 or other effective means of grease removal.

6 **INFORMATIVE:** (6) The applicant/s should submit details of the proposed layout and design of any proposed kitchen to the food safety and standards team prior to the installation of any equipment in order that comments can be made regarding the layout and compliance with hygiene regulations.

7 **INFORMATIVE:** (7) The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance. Index-linking may also apply.

8 **INFORMATIVE:** (8) Before the access road shown on the approved plan is constructed the public highway access rights over part of the associated land shall be formally extinguished in accordance with Section 247 of the Town and Country Planning Act.

Reason:

In the interests of public safety and amenity in accordance with Policies CS28 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007 and policies and provisions of the NPPF.

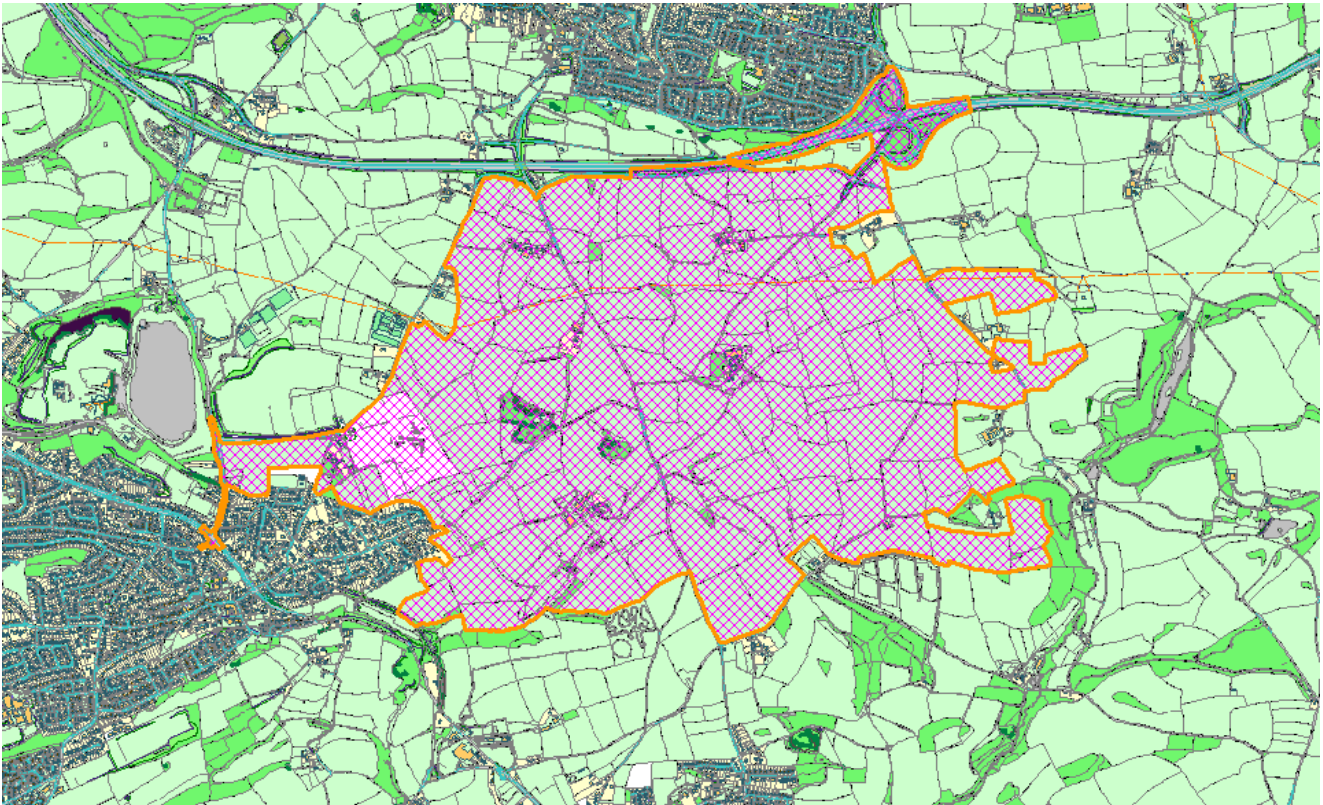
9 **INFORMATIVE: (9)** In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and proactive way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

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PLANNING APPLICATION OFFICERS REPORT



Application Number	17/00998/S73	Item	04
Date Valid	08.05.2017	Ward	PLYMSTOCK DUNSTONE
Site Address	"Sherford New Community" Land South/Southwest Of A38 Deep Lane And East Of Hays Road Elburton Plymouth		
Proposal	S73 application to remove/vary conditions 2, 5, 6, 16, 20 and 21 of PCC outline planning permission ref: 16/00247/OUT and conditions 3, 6, 12, 14, 17, 26 and 57 of SHDC outline planning permission ref: 0484/16/VAR relating to the 'Sherford New Community', including amendments to documents as listed within the approved drawings conditions in respect of the Town Code and Sustainability chapters.		
Applicant	Sherford New Community Consortium		
Application Type	Removal or variation of a condition		
Target Date	07.08.2017	Committee Date	27.07.2017
Extended Target Date	N/A		
Decision Category	Assistant Director of SPI		
Case Officer	Mr Ian Sosnowski		
Recommendation	<p>Conditionally Approve subject to cross border S106 with South Hams District Council and Devon County Council and to delegate authority to the Assistant Director of Strategic Planning and Infrastructure to:</p> <ol style="list-style-type: none"> 1. Agree to minor alterations and corrections of typological errors within the submitted documents; 2. Make minor alterations to the planning conditions; 3. Refuse if S106 isn't signed within agreed timescales 		



This application has been referred to Planning Committee by the Assistant Director of Strategic Planning and Infrastructure for public interests reasons.

1. Description of Site

The application site covers 490ha of greenfield land to the south west of Deep Lane junction and to the north west of Elburton within Plymouth. The site straddles the administrative boundary with South Hams District Council, and is bound by the A38 to the north, and Vinery Lane to the west. Brixton and the A379 lie approximately 3km to the South. With the exception of some former nursery glass houses to the west, and existing farm buildings, the site is mainly agricultural land. Outline planning permission exists for the development of the “Sherford” new community and a full description of the site is set out in the officer’s report under references 06/02036/OUT and 7_49/2426/06/OUT.

Members will no doubt be aware that development at Sherford started in November 2014 and construction work for some 240 dwellings and infrastructure are currently taking place on site.

2. Proposal Description

Comments raised by Officers during the initial consultation period for this application have resulted in revisions to the submitted documents, and receipt of these amended versions were re-advertised for 14 days up to the 21st July.

A further revision was received on 13th July following further discussions with Officers. The application description set out in this report relates to the revised documentation.

The application proposes to amend the manner in which the Sherford development is brought forward, by seeking to amend a number of the ‘approved plans’ that were granted as part of the original outline planning permission. The ‘accord with plans’ condition is proposed to be varied, alongside other consequential conditions which refer to the relevant documentation, to allow the development to be implemented in accordance with these new control documents. If granted, a new

outline permission will have effectively been granted, which sets out the alternative framework for shaping the reserved matters that come forward. The amendments being sought can be categorised as;

Sherford Town Code

A new Town Code document is proposed to replace, in its entirety, the currently approved Sherford Town Code which Members will be aware was prepared on behalf of the then applicant by the Prince's Foundation for Building Community. The Town Code forms part of a two tier design code, and provides the design language and framework for future designers to work to when preparing reserved matters. The applicants propose an alternative approach in which design is governed at the outline stage, by replacing the current Code with a series of Town Wide 'principles'. The approach is to permit greater design flexibility within a detailed set of site wide principles, rather than being dictated by a number of prescribed rules. The revised Town Code also proposes that the second tier of design coding will be replaced with Neighbourhood Design Codes, and that these will be developed for a specific neighbourhood area at the appropriate time in the development programme. Neighbourhood Design Codes will replace the existing process, which involves Detailed Design Codes, when it comes to developing the detailed composition of each neighbourhood.

Sherford Review Panel (SRP)

The applicants also propose to remove the SRP from this process. The SRP is currently the body, made up of design experts, whose role it is to determine whether the submitted Detailed Design Code complies with the Town Code. The alternative approach being sought by this application is that the Neighbourhood Design Codes will require approval directly by the Local Planning Authority via a planning condition.

There are also a number of other variations to conditions that are not related to the Town Code amendment as outlined below.

Affordable Housing

Condition 20 will be amended by removing the words "a minimum of 32 Shared Ownership and 32 Affordable Rented homes" from the current condition. This is to reflect an earlier deed of variation to the Sherford S106 to amend the number of Affordable Housing units within the Plymouth part of the site to 59.

Swimming Pool

Condition 21 required completion of the proposed swimming pool and playing pitches associated with it by 256 dwellings. It is proposed that this condition is removed, as it is in conflict with the S106 agreement which requires provision of these facilities by 700 dwellings.

Sustainability

The application at the point of submission also sought to amend the section "4.d Resource Efficiency of the Built Form" from the original Masterplan. During the determination of the application, it was requested by the applicants that this amendment be removed from the proposal to allow them to consider further the nature of the amendments being sought. The terms of the original consent in this respect will continue therefore as originally approved.

3. Pre-application enquiry

The developers and officers have been engaged in a series of explorative workshops in reviewing the Sherford permissions. The matters which are subject of this application have formed part of those workshops, and this has since been manifested into the current application. Officers in the Sherford Delivery Team were also able to have sight of, and provided initial feedback to, the revised Town Code shortly before the application submission.

There has however, been no formal pre-application advice sought prior to submission.

4. Relevant planning history

Within the application site boundary there have been a range of planning applications for agricultural and householder proposals, none of which have any bearing on this development and are not relevant for the purposes of determining this application.

The relevant planning history for the application site within the Plymouth area is as follows:

05/01790/ESR10 – New Community at Sherford (including approximately 5500 residential units) – request for a scoping opinion for EIA - Discharged 07/11/05

06/02036/OUT – Sherford New Community (see 06/02036/OUT for full development description) – Conditional Approval

16/00247/OUT – Variation of condition 1 (approved plans) of application 06/02036/OUT (which was EIA development & accompanied by an Environmental Statement) to amend sections of main street details with revised layout and junction arrangements – Conditional Approval

The relevant planning history for this application within South Hams is as follows;

7_49/2426/06 – Conditional Approval for “Sherford” New Community (see application for full development description).

0484/16/ARM – variation of conditions 3 & 99 (approved drawings) of 7_49/2426/06 (an EIA development and accompanied by an Environmental Statement) to amend sections of main street details with layout and junction – Conditional Approval

5. Consultation responses

Transport and Highways

No comments received at the time of writing

Public Protection Service

No comments received at the time of writing

Low Carbon Team

No comments received at the time of writing

Devon County Council

Overall the County has No Objection to the proposed design code document, although it is noted that the submitted document is no longer as prescriptive as the previously agreed Code and provides less control over the internal design. The consent granted for this development is conditional upon a series of surface water, environmental management, archaeological and highway conditions. A number of observations relating to the submitted document and the impact on the detail and control of the street design, parameters and materials are noted.

Devon and Cornwall Police – Police Designing Out Crime Officer

No objection to the submitted documentation which states that each phase at Sherford will be designed to 'secure by design' standards (or equivalent).

Environment Agency

No objections to the removal/variation of conditions as proposed in respect of the town code and sustainability chapters.

Historic England

No detailed comments to make. Refer to local specialist advisors.

Brixton Parish Council

Brixton Parish Council were consulted as part of the South Hams element of the application. The Parish supports the variation in principle but raise a number of issues to be addressed in the more detailed application with consultation with the community, including the width of the main street; the opportunity to review the connectivity from the A379; allocated parking for all houses; street trees not included in the New Town Code; an opportunity to reconsider the use of renewable energy; connectivity through footpaths: cycle paths and bridleways; percentage of construction waste recycled should be increased from 50% to 100%. Comments are also made that the new Code needs to be flexible to be able to incorporate advanced design ideas, technologies, Building Regulations and learning from similar developments (small and large) over the lifetime of the build of the new town. The housing density for the variation should remain as on the original Town Code. The Parish observed that the existing Town Code is too entrenched and out of date. The design of the new houses should meet the requirements set out in the Joint Local Plan on quality, good design and cohesive lasting styles.

6. Representations

One letter of representation has been received. This is from the Prince's Foundation for Building Community who make a series of very detailed points relating to the revised approach to the Town Code. In summary, the Foundation object, on the basis that the amendments have the capability to erode the ability to control the form and quality of development at the detailed design stage, and cite examples of other large scale developments where this has happened. The objection therefore highlights the differences between the original Codes' intention as a regulating document which is less open to abuse/dilution, against the current application which they feel would be open to interpretation – and something that they highlight will be difficult to monitor without the Sherford Review Panel, to help raise the bar in terms of quality.

The objection letter highlights that the revised Code is visually very similar in content, but that its ability to deliver is insufficient because firstly, a rigorous process of agreeing Detailed Design Codes and review is being removed, and secondly, because of the level of prescription in the individual topics that has also been taken out. The detailed critique raises concerns about the proposed text in relation to: principles for Neighbourhood Structure; Key Spatial Features; Building Heights Strategy; Green Structure; Community Park; Street Trees; Street Lighting; Private Frontages; Block Types; Building Types; and Sustainability and Energy features. The removal of detail from these sections, particularly the Building Types and materials section is suggested will make it difficult to secure better than standard products.

The Foundation also suggest that now is the wrong time for a review, and suggest that a better understanding of the evidence to justify such a major change away from what has been consented is required.

All letters of representation and consultation responses are available to view on the Council's website.

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). In relation to this application the following policies are relevant: SO3 (Delivering Sustainable Linked Communities); Policies CS01 (Sustainable Linked Communities); CS02 (Design); AV8 (North Plymstock and Minerals); CS08 (Retail development considerations); CS12 (Cultural/Leisure Development considerations); SO10 (Delivering Adequate Housing Supply); CS15 (Overall Housing Provision); CS16 (Spatial Distribution of Housing Sites); SO11 (Sustainable Development); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); SO12 (Delivering Future Mineral Resources); CS23 (Safeguarding Mineral Resource); SO14 (Sustainable Transport); CS27 (Supporting Strategic Infrastructure Proposals); CS28 (Local Transport Considerations); SO15 (Delivering Community well-being); CS30 (Designing out Crime); CS33 (Community benefits/ Planning Obligations); Policy CS34 (Planning application considerations);

The North Plymstock Area Action Plan (adopted 2007). In relation to this application the following policies are relevant: Objective 2 (to contribute to creating a neighbourhood at Sherford); NP05 (Sherford and Sports Hub); NP06 (Development Options north of Elburton); Objective 3 (Sustainable Transport Network); NP07 (HQPT); NP08 (Public Transport services); NP09 (Highway Infrastructure and Traffic Management); NP10 (National Cycle Network proposal); and NP11 (Countryside Park).

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 I 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.

In relation to this application the following JLP policies are relevant:

SO1 (Delivering the spatial strategy); SO2 (Strengthening Plymouth's role in the region); SO5 (Delivering growth in Plymouth's Eastern Corridor Growth Area); SO6 (Delivering a prosperous and sustainable South West Devon); SO10 (Maintaining a beautiful and thriving countryside); SO11 (Delivering high quality development); SO12 (Delivering infrastructure and investment); SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT3 (Provision for new homes); SPT4 (Provision for employment floorspace); SPT5 (Provision for retail development); SPT6 (Spatial provision of retail and main town centre uses); SPT7 (Working with neighbouring areas); SPT8 (Strategic connectivity); SPT9 (Strategic principles for transport planning and strategy); SPT10 (Balanced transport strategy for growth and healthy and sustainable communities); SPT11 (Strategic approach to the natural environment); SPT12 (Strategic infrastructure measures to deliver the spatial strategy); SPT13 (European Protected Sites – mitigation of recreational impacts from development); PLY2 (Unlocking Plymouth's regional growth potential); PLY5 (Safeguarding Plymouth's mineral resources); PLY48 (Sherford new community); PLY49 (Sherford Community Park Strategic Greenspace); PLY54 (Saltram Countryside Park Strategic Greenspace); PLY55 (Hazeldene Quarry Minerals Safeguarding Area and buffer zone); PLY57 (Strategic infrastructure measures for the Eastern Corridor Growth Area); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise and land); DEV3 (Sport and recreation); DEV4 (Playing pitches); DEV5 (Community food growing and allotments); DEV7 (Meeting local housing need in the Plymouth Policy Area); DEV9 (Meeting local housing need in the Plan Area); DEV10 (Delivering high quality housing); DEV14 (Maintaining a flexible mix of employment sites); DEV16 (Providing retail and town centre uses in appropriate locations); DEV19 (Provisions for local employment and skills); DEV20 (Place shaping and the quality of the built environment); DEV21 (Conserving the historic environment); DEV22 (Development affecting the historic environment); DEV24 (Landscape Character); DEV27 (Nationally protected landscapes); EV28 (Protecting and enhancing biodiversity and geological conservation); DEV29 (Green and play spaces); DEV30 (Trees, woodlands and hedgerows); DEV31 (Specific provisions relating to transport); DEV32 (Meeting the community infrastructure needs of new homes); DEV33 (Waste Management); DEV34 (Delivering low carbon development); DEV35 (Renewable and low carbon energy); DEV37 (Managing flood risk and water quality impacts); DEL1 (Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy).

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

8. Analysis **Procedural**

S73

1. The application has been submitted via section 73 of the Town and Country Planning Act, and a number of comments have been raised that question the appropriateness of dealing with variations of this significance through this route. Officers have however been mindful of the Government's guidance on this and recognise that the purpose of S73 applications is to allow applicants to propose material amendments to permissions by focussing on just those elements that need to be reassessed without reopening the overall principle of the permission. S73 can only be used where there are conditions that can be amended, and where the overall nature and scale of the development does not change. As the overall scale (ie. 5500 dwellings), its basic composition, and red line location are not affected, Officers are satisfied that the amendments which affect 'how' the development is brought forward can be done this way. The legal effect of a S73 permission is that a

new standalone permission is granted, albeit on the different terms subject of the application. Public consultation is the same as if it were a normal planning application. Applications made under S73 only allow the matters being amended to be considered by the Local Planning Authority – all other elements of the proposal will remain as consented.

2. Government guidance on the use of planning conditions (NPPF para 203) also states that “otherwise unacceptable development could be made acceptable through the use of conditions”. It follows therefore that any application to vary a condition is effectively an assessment by the decision taker to re-evaluate the terms in which the permission was originally considered would make it acceptable.

Environmental Impact Assessment (EIA)

3. The outline application was EIA development and was accompanied by an Environmental Statement. A screening Opinion has been undertaken, as this application seeks to modify an EIA development within the meaning of the Regulations. However, it has been concluded that the proposals do not introduce any new issues that are not already covered through the outline Environmental Statement and accordingly further Environmental Information is not necessary, and a revised ES is therefore not required.

South Hams

4. The Sherford outline scheme comprises development that falls within two local authority areas (approximately 90% of the scheme falls within South Hams). As the principal consent was a cross border application, this amendment must be made to both Local Planning Authorities. Therefore an application has also been made to South Hams District Council under reference 1593/17/VAR.

5. Members should note that the majority of development consented within the Plymouth City Council administrative area (albeit for the proposed Sports Centre) already has reserved matters approval related to the principal permission. Therefore, the effect of the amendments sought in this application will only apply to subsequent development going forward in the South Hams area.

7. This application has been considered in the context of the development plan, the approved Plymouth and South West Devon Joint Local Plan (JLP), the Framework and other material policy documents as set out in Section 7.

Strategic Context

8. The adopted policy framework supports the principle of an urban extension in this location, and outline planning permission exists through the grant of outline consents 16/00247/OUT and 7_49/2426/06/O. The Sherford development is also allocated in the emerging Plymouth and South West Devon Joint local Plan, as Policy PLY48. This policy reiterates the development principles for the new community, which is a significant component of the housing supply to meet the needs of the Plymouth Policy Area and the Joint Local Plan area as a whole.

Revised Town Code

9. A Design Code is primarily a tool that can be used within the planning and design process to set the rules for the design of new developments. They are often used as a means by which the aspirations for quality and quantity of new, often large scale projects can be realised by operationalising design guidelines or standards. A Design Code is therefore a tool which helps inform subsequent detailed design. This is often essential to ensure consistency of design across a

site where there are multiple developers delivering developments over many years. It is important to note that the Code does not just provide guidance for the appearance of buildings, but also informs how most of the urban fabric should be brought forward, such as the roads and open space.

10. The need for a Design Code was a requirement of the North Plymstock Area Action Plan (AAP) policy NP06(6) and Sherford AAP policy SNC3 to secure the commitment to high quality design following the original Masterplan Enquiry by Design process led by the Prince's Foundation. The policy framework envisaged a two tier process, and the original Town Code was submitted as the top tier document to form part of the outline planning application. Delivering high quality, good locally distinctive design within the new community has been reinforced in the emerging JLP at Policy PLY48, and this is supplemented by Policy DEVI0 and DEV20 which seeks to reinforce quality within the built environment.

11. The application proposes to replace the approved Town Code with a set of 65 'Town Wide Principles', and these will become the new standards that inform the way in which design matters across the whole site will be shaped going forward. This is significantly different in approach to the current Town Code, which was intended to be much more prescriptive and instructional in the way it imposed requirements for architectural and development styles. It is noted that in terms of style, the original Town Code steers designers towards a more traditional form of architecture predominantly found in urban environments and typical of the new towns developed at the end of the 19th Century. There are no hard and fast rules setting out what a Design Code should be and what form it should take, and the original Town Code was unique for this type of development, particularly in the way it set out a very precise set of regulating and legislative rules being included as part of the outline stage. The intention was to provide certainty to all parties and to avoid uncertainty on detailed design matters, but the current applicant considers this will result in inflexibility and also makes the process of agreeing any departures cumbersome.

12. The proposals seek to remove much of this pre-determined prescription, in favour of these key principles, to enable much more architectural freedom to develop other styles throughout the site. The implications of this, could for example, mean greater choice in the style and character of buildings that are delivered, as well as allowing more flexibility over the choice of materials and construction methods. This would allow more flexibility to allow the scheme to adapt and evolve to changing practices/regulations, as well responding to market conditions such as saleability, and materials availability, over what is likely to be a 20-30 year build period. This in turn is intended to ensure that development can continue uninterrupted.

13. The landscape in which Government has prompted design through the planning system has also changed somewhat since the original application was put together. The NPPF at paragraph 56 reiterates the need to attach "great importance to the design of the built environment", but more specifically at paragraph 59 goes on to say; "local planning authorities should consider using design codes where they could help deliver high outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, materials and access". The NPPF also goes on to say that planning "decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles".

14. The National Planning Practice Guidance (NPPG), particularly in relation to its advice around design coding provides this advice "To promote speed of implementation, avoid stifling responsible innovation and provide flexibility, design codes should wherever possible avoid overly prescriptive detail and encourage sense of place and variety".

15. It is also important to note that the Coding document is a tool for shaping the subsequent detailed design stages. Decisions on detailed design will ultimately come at the point in which reserved matters are submitted, and therefore there is still the opportunity to turn away unacceptable proposals if they come forward at that stage.

16. In policy terms, the aspirations of the proposed document would meet the requirements of both the adopted policy and that of the emerging JLP. The question surrounding this alternative version really therefore comes down to the acceptability of the overall perception of increasing flexibility governed by a set of principles, and whether this can still guarantee delivery of the high quality design aspiration. The Prince's Foundation, the authors of the original Code, challenges the LPA's ability to control design proposals without predefined mandates, as principles, they suggest, are open to interpretation and therefore fall to a subjective opinion at the time a decision is taken. This they argue should be seen as an attempt to water down the scheme, and in turn throws into doubt whether they would still want to endorse the project. Mindful of the guidance referred to above, this is really a matter of balance, and whether it is appropriate to dictate precise design requirements at this outline stage, and indeed whether or not the vision will really be undermined by being less prescriptive at this point in time. Providing that the Town Wide Principles that are being proposed are sufficiently clear at this stage, and can properly guide the next level of design work, it could actually be considered that greater levels of freedom would be better for all of those users of the Code.

The Site Wide Town Principles

17. The submitted document runs into 77 pages, and in total there are 65 'design principles' which will effectively control and shape the future design stages. In general, the document does not change any of the fundamental principles established by the original Code; for example, the town plan principles, neighbourhood structure, key fixes diagram, land uses strategy and density requirements all remain the same. It was however, originally intended that the revised Code would only cover those headline topics, in favour of leaving much of the detailed guidelines to be provided through the 2nd tier stage. Officers have however, felt that this was unacceptable, and have sought to return much of the original topics, to ensure adequate levels of detail have been included to achieve sufficient benchmarking for each heading. As outlined earlier, broad principles can be fairly meaningless, and therefore it has been appropriate to ensure each of the principles are backed up with enough explanation that identifies what is being sought and/or what should be avoided. The applicants have been forthcoming in addressing the concerns raised by Officers, and much of the topics and information contained within the previous code, albeit with less detailed prescription, has been retained. This goes some of the way to resolving some of the omissions that were raised by the Foundation, although without the levels of prescription that may have been contained within their original draft. The document therefore covers a range component topics, all of which would influence and shape the character of the place, including guidelines for informing, street design, civic spaces, building heights, open space, block types, private frontages, parking and building character, as well as guidelines on material palettes to ensure that local distinction is retained.

18. In terms of overall headlines, the information contained within the revised Code is very similar to the original Code. There are however, a number of instances where the information in what has been proposed, may result in a different form of development to that which was originally permitted. The more significant of these are as outlined below.

Building Height

19. The existing Town Code contains a section entitled Massing of the Built Form and illustrates the storey heights established on the Sherford Masterplan. These are identified as falling within 2-5 storey ranges. Although not expressly set out in writing, the storey heights identified on the associated plan, relate to the towns different spaces, and route hierarchies. Generally the taller

buildings are reserved for the more important routes, town and neighbourhood centres, parks and town edges, with the smaller routes allowing for lower buildings.

20. It is immediately obvious that the 5 storey range has been omitted in the proposed Town Code. Buildings of this height were envisaged to be part of the entrance gateway to the town from the eastern approach but also could relate to other streets in specific locations. It is considered that the loss of this highest parameter is acceptable. Buildings of this height are not common in market towns in the area. Whilst there are also fewer height bands proposed in the revised Town Code, the document does provide a written framework for building heights and applies these parameters to a certain space or route type. These combined changes are therefore considered to provide an acceptable framework to set the scene for the subsequent design stage.

Building Types

21. Building Types and Building Character are dealt with under the same section of the existing Town Code. Within it, it sets out: an illustrative matrix of 8 building types with images depicting examples of each type styled with formal to informal character; a series of instructions to control the degree of formality or informality of the building character for example rules about proportion; hierarchy; the degree of enrichment; and then a series of basic specifications for each building type.

22. The revised Code contains all of these elements but is less instructional when it comes to the building character rules for what would constitute a formal or informal arrangement. The principles of the guidance is still included but it can be more flexibly interpreted. Also some of the specifications for the building types have been adjusted or combined and largely strip out detail relating to appearance. An additional plan has been provided as an illustration of what would be required through the 2nd tier design work. It shows how the formal/informal rules would be applied relative to street or space hierarchy. It is considered that although there is greater flexibility in manner in which building types are controlled, there is still sufficient instruction to ensure that the design of buildings could be well designed according to established design rules and can contribute towards a collective sense of legibility across the town.

Materials

23. Materials are covered in detail within their own section within the existing Town Code. A reference is also made within the Building Character section in terms of their hierarchy of use. The main materials section approaches materials by listing those that are local to the area and region and then looks at each building element, such as walls, roofs, doors etc. more closely. Adaptability, which includes building durability, ability to change between uses, and the sourcing and recycling of materials are also covered within this section.

24. The proposed Town Code contains an overarching principle that materials and designs should be in keeping with the character of the local vernacular and then takes excerpts from the existing Town Code to explain how the main materials are to be used in walls and roofs. Sourcing and the use of recycled materials are also included. The more detailed parts of the existing Code where this relates to rain water goods, chimneys, ventilation doors, door surrounds, vegetated roofs etc. are not included. The passage on durability is also excluded. This omission is likely to enable timber frame construction methods which by their nature tend to be faster, but in terms of design and appearance can be essentially quite similar.

25. It is considered that the overall approach to this is acceptable as the appropriate hooks are in place to ensure that the development has the capacity to be designed in a manner that is reflective of the local character of the area but also may provide developers with the opportunity to speed the delivery of homes.

Parking arrangements

26. The existing Town Code contained rules for parking associated with different block types, but this has now been replaced with a series of parking scenarios relating to house types arrangements. In this instance the existing Town Code specifically excluded on plot parking at the front of dwellings to avoid a sub-urbanising effect on the street scene. This can also affect densities. The new Code includes a statement that requires all parking typologies to be arranged so that parking areas and their driveways are not a prominent component of the street. This addition should provide sufficient instruction to require future designers to mitigate the visual impact of vehicles. Where higher densities are required this will tend to exclude the more sub-urban arrangements anyway.

27. Given the nature of the topic, the Code is rightly of significant size and includes large levels of technical design detail. Upon receipt of the latest draft version, Officers are now satisfied that the document achieves an appropriate balance, therefore containing sufficient clarification in which to ensure that there is not too much room for interpretation when it comes to the next level of design work.

28. If Members are minded to grant permission, it is recommended that delegated authority is given to the Assistant Director of Planning and Infrastructure to agree to any subsequent amendments that are needed to address typographical or terminology inconsistencies that exist within the latest version.

Neighbourhood Design Codes

29. The second tier of coding is proposed to be dealt with through Neighbourhood Design Codes. The role of the second tier of design codes is to begin putting what is specified at the first tier into detailed spatial instruction for a specific area or neighbourhood. These would be typically prepared prior to Reserved Matters applications, and effectively helps to provide context, and in this case, instruction to designers who are preparing these. Without such a document, it would be very difficult to deal with reserved matters applications on sites of this size as there would be no context to compare their acceptability. The Neighbourhood Design Code will replace what is set out in Part III of the original Code, in respect of Detailed Design Codes and Regulating Plans.

30. To a lesser extent, the type of information provided would be largely the same as it is at this stage that detailed proposals for the individual neighbourhoods are started to be prepared. In fact, the Neighbourhood Design Code will need to have more information in it, given that there is less prescription contained within the top tier document. To this end, Officers have sought to ensure that the Town Code includes a Neighbourhood Design Code Specification to ensure that those who are tasked with preparing one are clear what topics of information are required.

31. The current Detailed Design Codes are required to go through a compliance process before a Reserved Matters application can be submitted. This process is currently set out within the S106. A Sherford Review Panel (SRP) would then be tasked to deem whether Detailed Design Codes are compliant or not. The latest application seeks to remove this from the S106, and makes the process of agreeing Neighbourhood Codes via a planning condition which would require LPA approval, not the SRP, prior to reserved matters submission. This approach is considered acceptable.

Sherford Review Panel (SRP)

32. The SRP is currently made up of officers from the three authorities as well as an independent Urban Design Specialist (currently the Prince's Foundation). The role of this body is to determine 'compliance' of the Detailed Design Codes referred to above, against the original Town Code. There is an important distinction here in that it is 'compliance' rather than 'approval', as this process

set out within the original Town Code and included within the S106, was more matter of fact given the nature of the original Code. As the Neighbourhood Code will involve more subjective decision making in respect of the future character of neighbourhoods, then it follows that the approval of these should be a Local Planning Authority decision. The applicants therefore propose to remove the current SRP involvement as the process envisaged by the revised Town Code no longer has a role for it. The applicants have however proposed that funding is available through the S106 to enable the LPAs to fund independent design review opinion of each emerging Neighbourhood Design Code.

Sustainability

33. The application upon submission included proposals to amend the 'Resource Efficiency in the Built Form' chapter of the Masterplan. The applicants have chosen to remove this element of the application, following discussions with Officers, to give further consideration as to the form the amendments should take. Many of the consultation responses commented upon this element of the application, and therefore these are no longer relevant. The application will therefore continue along the lines of that previously consented, in this respect.

34. The Sherford Masterplan included a section called the "Sustainability Checklist". This is predominantly a sign-posting document that assists users to locate how sustainability indicators were being addressed within the application. This will need to be amended, as it cross references the Town Code, and therefore the latest version of the Code will need to be referenced. This does not change the proposed development, and is considered a consequential amendment.

Conditions

35. Condition 20 of the outline permission stated that; "Detailed plans and particulars of the Reserved Matters within Areas 1 and 2 referred to in conditions 3 and 5 above shall include, in combination with 06/02036/OUT, provision of in the region of 320 dwellings at 40-50 dwellings/hectare, including detailed locations of a minimum of 32 Shared Ownership homes and 32 Affordable Rented homes, within phase 1 of the development. The total number of affordable housing delivered within each of the Areas 1 and 2 shown on plan KDI attached shall be in proportion with the total housing proposed in those areas. All the 320 dwellings in these Areas shall be built to at least Eco Homes 'Excellent' standard. A minimum of 20% dwellings shall be built to full Lifetime Homes standards"

36. The applicants have applied to remove the words "of a minimum of 32 Shared Ownership and 32 Affordable Rented Homes" and "The total number of affordable housing delivered within each of the Areas 1 and 2 shown on plan KDI attached shall be in proportion with the total housing proposed in those areas".

37. The amended wording is considered acceptable, as a S106 variation agreed in December 2016 amended the affordable housing provision from the 64 identified above, to 59. The proposed wording therefore aligns with the S106 as amended.

38. Condition 21 of the outline permission stated that; "Development shall not commence to build more than 256 dwellings in Areas 1 and 2 referred to in condition 3 and 5 above until the swimming pool and playing pitches associated with the Sports Centre have been substantially completed and the Greenway Buffer Zone has been substantially landscaped to the satisfaction of the local planning authority in accordance with details having the prior written approval of the local planning authority. Links to the Community Park shall be provided to the satisfaction of the local planning authority prior to the commencement of development of more than 100 dwellings in these Areas unless otherwise agreed through the Implementation Plan".

39. The applicants has sought to delete the condition in its entirety. This is deemed acceptable as the condition is contrary to the S106, which states that the Swimming Pool would be required by 700 homes. The inconsistency was initially generated as it was thought that the initial phases of Sherford would begin in South Hams, and therefore the trigger of 254 would have been correct once development moved into the Plymouth area. In actual fact, development has begun in Plymouth, which meant the condition is no longer consistent with the S106, which has always presumed that the Pool would be delivered by the 700th home. The deletion is therefore considered acceptable to ensure consistency.

40. As a S73 permission, it is necessary to reiterate all of the remaining outline conditions not amended by this application, to ensure that the revised consent could stand alone. Therefore all previous conditions attached to the outline will need to be re-imposed. However, as the site has commenced and a number of the pre-start conditions have been discharged, it is therefore necessary to amend those conditions to enable the new permission to be carried out in accordance with those previously agreed details.

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

If the S73 permission does not change the liability to the levy then the most recently commenced scheme remains liable for the levy. In this case there is no increase in floorspace so there is no new liability. The CIL liability therefore remains with the original permission.

The Local Planning Authority has assessed that this application, due to its nature, is exempt from any liability 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.

The proposal will require a supplementary deed to tie the new permission back to the original S106 agreement. However, consequential amendments will also be required to bring the amendments set out above into effect. The draft planning obligation submitted alongside the application proposes to remove all of the current obligations set out within Schedule 10 (Design Codes and Sherford Review Panel) of the principal S106. These are considered acceptable if Members are minded to grant as the current application removes the existing Detailed Design Code process and also therefore removes the need for the SRP and those associated obligations. The applicant's proposal for £20,000 to resource design review of the Neighbourhood Design Codes would therefore need to be captured within the supplemental deed.

12. Equalities and Diversities

There are no implications

13. Conclusions

The main consideration raised by this application concerns the acceptability of the revised documents in helping to ensure that Sherford is an attractive and successful place. In order to allow the scheme to evolve and adapt in the future, the applicants are proposing greater levels of flexibility, in favour of the more rigid compliance regime provided by the existing code. The revised Code certainly aims to deliver upon the high aspirations required at the new community, and therefore the key question is whether there is sufficient control within it to secure those successful design outcomes without becoming too restrictive. It is recommended however, that the revised documentation contains an appropriate level of guidance in which to secure an acceptable balance.

The other conditions that have been proposed to be varied by this application are consequential, and therefore these are recommended to be acceptable.

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 a S106.

14. Recommendation

In respect of the application dated **08.05.2017** it is recommended to **Conditionally Approve subject to cross border S106 with South Hams District Council and Devon County Council and to delegate authority to the Assistant Director of Strategic Planning and Infrastructure to:**

- 1. Agree to minor alterations and corrections of typological errors within the submitted documents;**
- 2. Make minor alterations to the planning conditions;**
- 3. Refuse if S106 isn't signed within agreed timescales**

15. Conditions / Reasons

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

I CONDITION: ITERATION OF OUTLINE PERMISSION

This permission authorises amendments to planning permission reference I6/00247/OUT and therefore the original conditions remain in force and are repeated below insofar as they remain applicable to development of the masterplan site and for the avoidance of doubt, triggers points referred to herein shall be read together and in combination across the masterplan site and not separately.

Reason:

To ensure that the development is carried out as envisaged, save in relation to this amendment, and in recognition that development under the original consents has commenced and is 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: PLANS**

This planning permission is for the construction of part of the proposed 'Sherford' settlement comprising residential development (in the region of 320 new dwellings); a community sports hub; recreation and open space facilities and detailed approval for highway improvements to Stanborough Cross; the construction of a new junction with Haye Road and the construction of part of a Main Street link road to serve 'Sherford' and the development hereby permitted shall only be carried out in accordance with the information submitted in support of this application and application reference 06/02036/OUT and 16/00247/OUT listed below, except in so far as the submitted information is amended by the conditions specified below.

- Planning Application Form (dated 15/12/2006,)

- Approved Documents

Masterplan Book (January 2008) as amended by addendum report (May 2009 and April 2017), Town Code July 2017 rev3, Main Street: Deep Lane Junction to Stanborough Cross (January 2008 and Addendum (May 2009), Transport Assessment (November 2006, Addendum (October 2007) including fig 2.8 revision 4 July 2009, and Addendum 2 (May 2009), Retail Impact Assessment (November 2006), Environmental Statement (November 2006, Addendum (October 2007) and Addendum 2 (May 2009) including supplementary information 7.12.07 and May 2009 and 30th June 2009 in respect of ecology and nature conservation following discussions with Natural England, Environmental statement Non-Technical Summary (November 2006) and Addendum (May 2009), Report to Inform and Appropriate Assessment Addendum (October 2007), Flood Risk Assessment (November 2006) and Addendum (October 2007), Figure 1 Key Fixes (drawing DRN2), KDI, 038-111/11.1001 Rev OPA/1 Sherford Town Plan (DRN1)

and in relation to amendments herewith, in accordance with the following information; BARTON WILLMORE 25142_BRL_PL003_Rev B Landscape General Arrangement, S73 Application; 25142_BRL_PL004_Rev B Landscape Proposals Plan Colour, S73 Application;

25142_BRL_PL202_Rev B Planting Plan and Schedule, S73 Application; 25142_BRL_PL005_Rev B Streetscape General Arrangement & Planting, Sheet 1 S73; 25142_BRL_PL006_Rev B Streetscape General Arrangement & Planting, Sheet 2 S73; 25142_BRL_R001_Landscape Management Plan including Maintenance Schedule; 25142/A5 Rev 06 – Detailed Design Code Compliance report Feb 2016 (updated May 2016); 25142_9906_Rev A Proposed Site Plan Section 73 Application

BROOKBANKS 10334-003-001 Traffic Management Context Plan; 10334-010-001 CDM Responsibilities; 10334-100-201_C School Access General Arrangement; 10334-100-211_A School Access Vehicle Tracking Sheet 1; 10334-100-212_A School Access Vehicle tracking Sheet 2; 10334-120-201_C School Access Location Plan; 10334-150-201_A School Access Standard Details Sheet 1; 10334-150-202_B School Access Standard Details Sheet 2; 10334-150-203 School Access Standard Details Sheet 3; 10334-500-201_E School Access Drainage; 10334-500-220 Surface Water Overland Flows Layout; 10334-510-201_A School Access Catchment Areas;

I0334-700-201_B School Access Paving & Kerbing; I0334-800-201_A School Access Long Sections

I0334-1400-201_B School Access Lighting Design; I0334-SK-213_A School Junction Arrangement; I0334-SK-214_A School Junction Arrangement; C151321-S-L-13 T2;

I0334TN06Rv0 – Technical Note: Response to Highway Comments; I0334TN07Rv0 – Technical Note: Primary School Entrance; I0334TN08Rv0 – Technical Note: The Square Operation

Sherford LPA EA Drainage comments Rev2; Sherford LPA DCC Drainage comments Rev1

Stage 1 RSA Sherford with design response comments; I0376 FRA-ADD01 Rev 2 Flood Risk Assessment with Appendices; I0376 TS01 Rev3 Transport Statement; I0376 Rev 1 Construction, Environmental and Management Plan (CEMP); I0334 TN03 Rev 1 Lighting Statement

Reason:

To define the permission and to ensure the permission is implemented in all respects in accordance with the submitted details, in accordance with Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 61-66 of the National Planning Policy Framework 2012.

3 CONDITION: RESERVED MATTER SUBMISSIONS - AREAS

The submission of all Reserved Matters and the implementation of the development hereby permitted shall be carried out in accordance with the mix and disposition of land uses, outlined within the approved Masterplan, and the implementation strategies contained therein, and in broad conformity with the layouts identified on the Sherford Town Plan (Ref:DRN1) and Key Fixes diagram (Ref:DRN2) and as submitted by details pursuant to application reference 15/00479/AMD, or any subsequent amendment to either plan which may be subsequently approved in writing by the Local Planning Authority. The position of the Main Street, the Community Park, the Greenway Buffer Zone, the Sports Centre boundary and the urban edge (the external boundary of development within this application site) shall be where delineated on the approved Town Plan and Key Fixes diagram unless otherwise agreed with the Local Planning Authority through details previously submitted pursuant to Conditions 6. For the purposes of this decision notice:

- o Area 1 shall be the area west of the local authority boundary and east of the external boundary of development within this application site area and north of the proposed Main Street, as indicated on the attached drawing KDI.
- o Area 2 (phase 1) shall be the area west of the local authority boundary and east of the external boundary of development within this application site area and south of the proposed Main Street, as indicated on the attached drawing KDI.
- o Area 2 (phase 3) shall be the area west of the local authority boundary and east of the external boundary of development within this application site area and north of Sherford Road, as indicated on the attached drawing KDI.
- o Area 3 shall be the Sports Centre within the Key Fixes boundary within this application site.

o Area 4 shall be the Greenway Buffer Zone north and south of the proposed Main Street and that area east of Vinery Lane and existing premises fronting Vinery Lane and north-east of Elburton within this application site area (see the attached drawing KDI).

Reason:

To set a framework for the submission of full and adequate reserved matter details and for the assessment of the proposed development for particular areas

4 CONDITION: APPROVAL OF RESERVED MATTERS

Approval of the details of the siting, layout, scale, and external appearance of the buildings, the means of access thereto, and the hard and soft landscaping of the site (hereinafter called "the reserved matters" for each of the Areas mentioned in condition 3 above) shall be obtained from the Local Planning Authority in writing before any development comprised within that Area is commenced (excepting the provision of the wildlife corridor required by condition 8 below). The development shall be carried out in accordance with those approved details.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required

5 CONDITION: SUBMISSION OF RESERVED MATTERS

Detailed plans and particulars of the Reserved Matters within each Area referred to in condition 3 above shall be in compliance with the Neighbourhood Design Code for each Area as described in condition 6. All Reserved Matters applications shall comply with the principles of the Masterplan Book (January 2008) as amended by addendum report (May 2009 and April 2017) contained therein and each application shall demonstrate how the principles of the Masterplan Book (January 2008) as amended by addendum report (May 2009 and April 2017) have been applied. The submissions shall include detailed design and scaled planting plans and elevations, finished floor levels and existing and proposed ground levels in relation to a fixed datum, and scaled cross-sections through the proposed buildings and across the Main Street and also across the application site to neighbouring development and the Hazeldene Quarry screening bunds. Development shall then be carried out strictly in accordance with those approved details.

Detailed plans and particulars of the Reserved Matters submitted to the Local Planning Authority within Area 2 (phase 1) and pursuant to Condition 10 shall include a detailed phasing plan. The phasing plan shall set out the timescale for implementation and delivery of all land uses located within that site relative to the phasing of the proposed sports centre.

Reason:

To ensure that full and adequate details are provided to enable assessment of the proposed development, including assessment of the relative heights of ground and buildings in relation to the

streetscape, the proposed development and the existing structures within and bordering the application site. Area 2 is to be developed in two phases and construction work on the sports centre may impact upon development within Area 2 (phase 1).

6 CONDITION: SUBMISSION OF RESERVED MATTERS - NEIGHBOURHOOD DESIGN CODE

Prior to the submission of a reserved matters application within each Neighbourhood there shall first be submitted a Neighbourhood Design Code and indicative Detailed Masterplan prepared in accordance with the requirements of Principle 15 and the tables contained therein of the Town Code book July 2017rev3, which shall be approved by the local planning authority prior to the submission of any reserved matters application within that Neighbourhood. All applications for Reserved Matters shall be accompanied by a design statement which shall explain how the proposal conforms to the requirements of the relevant Neighbourhood Design Code.

Reason:

To ensure that full and adequate details are provided to enable assessment of the proposed development, including assessment of the townscape, streetscape and landscape qualities of the proposed development relative to the standard proposed across the new community and the scale and design of proposed buildings and public places in relation to the proposed development and existing development bordering the application site, and 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

7 CONDITION: TIME LIMIT FOR SUBMISSION

All applications for approval of reserved matters which relate to development within phase 3 shall be submitted by 13th November 2017.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and the need to phase the development in association with proposed neighbouring development, in the interests of public safety, convenience and amenity.

8 CONDITION: RESERVED MATTERS - WILDLIFE BAT CORRIDOR

The Wildlife Bat Corridor as outlined on plan ref KDI (attached and marked 'bat corridor'), Lavigne Lonsdale sheets 12, 13, and 14 included within the Main Street book and with the proposals submitted with details in the Environmental Statement referred to in condition 12 below and in accordance with the details referred to Natural England and the Local Planning Authority on the 7th December 2007, 27th May 2009 and 30th June 2009 shall be completed prior to the substantial

completion of the residential development within Phase I of the site to the satisfaction of the Local Planning Authority. The Wildlife Bat Corridor shall be completed in accordance with the details and particulars submitted to and approved pursuant to application reference 15/00258/CDM, or other such details as may be subsequently agreed in writing with the Local Planning Authority.

Reason:

To ensure that features of the natural environment and public open space envisaged by the outline application, and specifically those elements proposed as part of the Environmental Statement and Environmental Statement Addendum documents to reduce the ecological and other effects of the development, are planned in a satisfactory manner as an integral part of the overall development, and to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 117 and 118 of the National Planning Policy Framework 2012.

9 CONDITION: SUBMISSION OF RESERVED MATTERS - AREA I

Detailed plans and particulars of the Reserved Matters within Area I referred to in conditions 3 and 5 above shall include detailed plans and elevations of the design, appearance, materials, energy saving and private amenity features and access arrangements for all the proposed dwellings, submitted together, including details of the access from Main Street and frontages to all streets including Main Street and to the Greenway Buffer Zone. Details of the proposed design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of all urban spaces should also be submitted with details of the proposed parking arrangements that demonstrate sufficient space for vehicles to turn so that they may enter and leave the external parking areas in forward gear onto the public highway. Detailed plans and particulars of the Reserved Matters shall include landscape details of the treatment of the boundary with the Greenway Buffer Zone and any links or barriers with that area, and cross sections should demonstrate the relationship of the residential area with the play areas and Hazeldeane Quarry bund to the east and the measures proposed to reduce the risk of disturbance to residential amenities.

The development shall be carried out in accordance with those approved details.

Reason:

To ensure that adequate details of the buildings, streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings in the area and to ensure that the details of development within Area I are in accordance with sustainability principles and the approved and intended disposition of public space, recreation areas and transport links and in accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

10 CONDITION: SUBMISSION OF RESERVED MATTERS - AREA 2

Detailed plans and particulars of the Reserved Matters referred to in conditions 3 and 5 above within Area 2 shall include details of any proposed premises for future B1 and A4 uses, and all the street and pedestrian path frontages. Detailed Plans and particulars of landscaped play and amenity areas and landscaped links with the nearby proposed Sports Centre, recreation areas, allotment gardens to the west, the neighbourhood centre and school sites to the east; and Community Park to the south shall also be submitted with the Reserved Matters application, if necessary, and required by the approved Design Code, Landscape Plan (Ref: DRN6) and Key Fixes Diagram (Ref: DRN2).

Detailed plans and elevations shall be submitted of the design, appearance, materials, energy saving and private amenity features and access arrangements for all of the proposed buildings, submitted together, for any Reserved Matter's site falling within this Area (with the exception of the Sports Centre).

Detailed plans shall include details of the access from Main Street and frontages to all streets including Main Street and to the Greenway Buffer Zone. Details of the proposed design, layout, levels, gradients, materials and method of construction, drainage, lighting, street furniture and tree planting of all urban spaces should also be submitted with details of the proposed parking arrangements that demonstrate sufficient space for vehicles to turn so that they may enter and leave the external parking areas onto the public highway in forward gear. Detailed plans and particulars of the Reserved Matters shall include landscape details of the treatment of the boundary with the Greenway Buffer Zone and any links or barriers with that area, and cross-sections should demonstrate the relationship of the residential area with the play areas and wildlife corridor and Elburton to the east and the measures proposed to reduce the risk of disturbance to residential amenities and the wildlife corridor.

The development shall be carried out in accordance with those approved details.

Reason:

To ensure that adequate details of the buildings, streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings in the area and to ensure that the details of development within Area 2 are in accordance with sustainability principles and the approved and intended disposition of public space, recreation areas and transport links and in accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 34, 35, 61 to 66, 70 and 73 of the National Planning Policy Framework 2012.

11 CONDITION: SUBMISSION OF RESERVED MATTERS - AREA 3

Detailed plans and particulars of the Reserved Matters for the Sports Centre shall include detailed plans and elevations of the design, appearance, materials, energy saving and amenity/public realm features, landscaping, drainage and access arrangements for the complex, and shall be submitted together with all Reserved Matters details of the recreation play areas in Area 4. Notwithstanding the 'boundary areas' illustrated on the approved Key Fixes Diagram, the Sports Centre shall be sited

at the location shown on the Town Plan unless it is in accordance with the Neighbourhood Design Code for Area 2 and the location has the prior written approval of the local planning authority.

Detailed plans shall include details of the Main Street frontage and the frontage to the Greenway Buffer Zone and the provisions made for landscaped pedestrian path and cycle links with the nearby recreation areas to the west and the proposed school sites to the east; and the Community Park and Elburton to the south. Detailed plans shall include details of the entrance details and details of the servicing arrangements and parking areas. Scaled cross sections should demonstrate the relationship of the Sports Hub complex with the residential areas to the east and the wildlife corridor and Elburton to the west and south and the measures proposed to reduce the risk of disturbance to residential amenities and the wildlife corridor.

The detailed plans shall demonstrate, unless otherwise agreed in writing by the Local Planning Authority, that the Sports Centre, should be capable of achieving an 'Excellent' BREEAM rating. Applications for Reserved Matters approval of the Sports Centre shall demonstrate how it will be provided in phase with adjacent residential development.

The development shall be carried out in accordance with those approved details.

Reason:

To ensure that adequate details of the building complex, streetscape and access are provided to enable assessment of the proposed development in the interests of visual amenity and safety and to enable assessment of the relative heights of ground and buildings in the area and to ensure that the details of development within Area 3 are in accordance with the sustainability principles and approved and intended disposition of public space, recreation areas and transport links. In accordance with Policies CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 34, 35, 61 to 66, 70, 73 and 95 of the National Planning Policy Framework 2012.

12 CONDITION: SUBMISSION OF RESERVED MATTERS - AREA 4

Detailed plans and particulars of the Reserved Matters referred to in condition 3 and 5 above within Area 4 shall include details of all the play, formal and informal recreation areas, including sports pitches associated with the Sports Centre, and the proposed allotment garden together with details of all the amenity/public realm features, the landscaping and proposed boundary treatments, drainage and all the access arrangements between the Area and the Sports Centre, Community Park; proposed and existing residential areas; and King George V playing fields. Detailed plans shall include details of the Main Street frontage and the landscape treatment to the external boundary of development and the edge of Elburton. Scaled cross sections should demonstrate the relationship of the recreation areas with the residential areas to the east, west and south with the wildlife corridor required by condition 8 above and the measures proposed to reduce the risk of disturbance to residential amenities and the wildlife corridor. The development shall be carried out in accordance with those approved details.

Reason:

To ensure that adequate details are provided to enable assessment of the proposed development in the interests of visual and residential amenities and safety and to enable assessment of the mitigation measures proposed to safeguard protected species and to ensure that the details of development within Area 4 are in accordance with the sustainability principles and approved and intended disposition of public space, recreation areas and transport links. In accordance with Policies CS02 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and paragraphs 34, 35, and 61 to 66 of the National Planning Policy Framework 2012.

13 CONDITION: LANDSCAPE DESIGN PROPOSALS

Applications for Reserved Matters approval within any Area outlined within condition 3 (excepting the provision of the wildlife corridor in Area 4 required by condition 8 above) shall be accompanied with full details of landscape works to be provided within that Reserved Matters site. Details submitted shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, street furniture and retained historical features where relevant. Details of soft landscape works shall be included within that submission and these shall include planting plans at a scale of 1:500 indicating the proposed location, number, species, variety, stock size at planting, and density of new planting.

The details are to include written specifications of planting operations including ground preparation, subsoiling, topsoiling, cultivation, soil improvement, mulching, and aftercare. Detailed sections shall be submitted at a minimum scale of 1:20 specifying tree planting pit proposals. The development shall proceed in accordance with the approved scheme.

Reason:

To ensure that satisfactory landscaping works are carried out and subsequently maintained in accordance with Policies CS18 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021 and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

14 CONDITION: TREE PLANTING, PROTECTION AND REPLACEMENT

All trees planted alongside Main Street and along the urban edge of Sherford (the external boundary of urban development within this application site) shall be either Semi-Mature specimens or Heavy Standards unless otherwise agreed in writing by the local planning authority (there should be a mix of Whips, Standards and Semi-Mature trees elsewhere) and existing hedgerows and trees to be retained in Area 4 shall be protected during construction operations in accordance with BS 5837:2005 and shall be maintained to that standard until development has been completed or the Local Planning Authority has confirmed in writing that the fencing can be removed.

Any trees comprised within the landscaping schemes, which are not subject to a maintenance and management strategy having the prior written approval of the local planning authority, and within a period of 10 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out and subsequently maintained in accordance with Policies CS18 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

15 CONDITION: LANDSCAPE MANAGEMENT PLAN

A Landscape Management Plan for each Reserved Matter site, including long term objectives, management responsibilities and maintenance schedules for all landscape areas within each Area 1 and 2 other than small, privately owned, domestic gardens, shall accompany the Reserved Matters application for that part of the development. A Landscape Management Plan shall also be produced for Area 4 in its entirety which shall be submitted to and approved by the Local Planning Authority prior to the commencement of any residential development within the Application Site. The landscape management plans shall be in compliance with the Implementation Plan (described in Condition 15) and shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out and subsequently maintained in accordance with Policies CS18 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

16 CONDITION: NATURAL ENVIRONMENT VISION STATEMENT AND RESERVED MATTERS

The development hereby approved shall be carried out in strict accordance with the details and timescales set out within the Natural Environment Vision Statement (hereafter referred to as the 'Vision Statement') as submitted to and approved pursuant to application reference

15/00258/CDM.

Any subsequent revision or iteration of the Vision Statement shall describe the aims and objectives, key design characteristics and location and layout for all proposed landscape and biodiversity features as outlined in the Masterplan Book (January 2008) as amended by addendum report (May 2009 and April 2017), Town Code (July 2017rev3), Environmental Statement and Landscape Masterplan. As such, the Vision Statement shall form an integrated cohesive vision for the whole Sherford site and shall include the following components:

- Buffer Zones
- Key Wildlife Corridors (Sherford Quarry Wood and A38 corridors)

- 'Other' Wildlife Corridors (e.g. Minerals and Landscape corridors such as that shown on KDI attached))
- Sherford Quarry Wood Buffer strip
- Greenways
- Water bodies
- Semi-natural green space
- Wildlife foraging areas
- Bat Road Crossings (i.e. those points at the intersection of roads and wildlife corridors)
- 70 hectares of Woodland planting
- The Community Park

All of the above features shall be shown on a colour 1:2000 scale plan with detailed extracts where appropriate.

The Vision Statement shall provide a timetable showing how implementation of the above components are to be matched to and delivered through the various phases of development. A clear distinction shall be made between those works that are necessary to be carried out during that phase of the development, and those that shall be undertaken in subsequent phases or to be considered as part of the details submitted pursuant to the Reserved Matters or other individual schemes.

The Vision Statements shall also include a public access statement identifying how public access to each of the components will be permitted, restricted and managed. Furthermore, the Vision Statements shall also include maintenance specifications for each of the above components. The Vision Statements shall also outline how land remaining outside of areas already built or under construction will be managed so as not to fall redundant or derelict. In particular the schemes shall also ensure that land referred to as NP06 on plan KDI shall be managed so as not to fall redundant or derelict.

The Reserved Matters for proposals within the application site shall demonstrate compliance with the latest version of the Vision Statement as approved by the Local Planning Authority, or with the latest set of ecological update assessments (see condition 18).

They shall include provision of scaled drawings and cross-sections at 1:100, for all planting, habitat and hard and soft landscaping works required to deliver all mitigation, compensation, enhancement and creation measures relating to that specific component. They shall specifically set out the proposed layout, location, boundary treatment and access provisions and including the detailed parking arrangements and delivery arrangements for the allotment to be provided in Area 4, including toilets, water supply and composting facilities. The details shall also include the detailed drawings of the proposed Cycle routes; Footpaths; Bridleways and Trim Trails affecting the site including links to King George V playing fields and Elburton Details shall be submitted of the Informal and Formal Play areas and areas for recreation and facilities associated with the sports pitches within Area 4 together with details of public art; meeting points, shelters, signs; furniture, bins, gates and stiles; gateways and lighting.

The long term, management and maintenance for all structural landscaping within Area 4 shall be carried out in accordance with the details approved by the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out and subsequently maintained in accordance with Policies CS18, CS19 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021 and paragraphs 117 and 118 of the National Planning Policy Framework 2012.

17 CONDITION: IMPLEMENTATION PLAN - BIODIVERSITY

The Reserved Matters shall include;

- a) A detailed Arboricultural survey (including information about trees and hedges that are to be lost/protected/replaced) for the site to which this application relates including wildlife corridors; b) Detailed mitigation and management proposals for site specific species and habitats (including those protected by legislation) including appropriate timing of works
- c) Details of any wildlife protective measures proposed during construction
- d) Definition of areas within Area 4 available for habitat creation and enhancement with nature conservation objectives for these areas and details of proposed long term management.
- e) Confirmation of suitably qualified personnel responsible for overseeing the implementation of the mitigation proposals.
- f) A strategy for monitoring the effective implementation of the biodiversity protection and enhancement plans with details of the arrangements for the periodic reviews of the objectives.

Reason:

To ensure that satisfactory biodiversity works are carried out and subsequently maintained in accordance with Policies CS19 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021 and paragraphs 117 and 118 of the National Planning Policy Framework 2012.

18 CONDITION: ECOLOGICAL UPDATE ASSESSMENTS AND REVIEW OF THE VISION STATEMENT

On going ecological surveys and monitoring as required by condition 19 shall be read in conjunction and monitored against the bat survey information submitted to and agreed pursuant to application reference 15/00011/CDM. A rolling programme for ecological update surveys, as outlined in the ES and ES Addendum documents (November 2006, October 2007 and May 2009), shall be carried out in accordance with the details submitted to and agreed pursuant to application reference 15/00258/CDM, unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority.

The agreed update survey programme must ensure that necessary surveys are undertaken in advance of the development of a particular part of the site (e.g. as may be covered by a Reserved Matters

applications or other individual scheme) and with sufficient lead in time to fully inform the preparation of such applications.

The ecological update surveys shall be carried and the results submitted to the Local Planning Authority for agreement in writing, accompanied by a comprehensive assessment to identify changes, if any, in the conservation status, abundance or distribution of Protected Species and their habitats likely to be affected by later phases of development.

The Vision Statement approved pursuant to Condition 16 shall be reviewed and updated in light of the results of the above ecological update assessments to confirm the Vision Statement's continued relevance to remaining phases as development progresses. Such updates to the Vision Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory biodiversity enhancement works are carried out and subsequently updated to be effective in accordance with Policies CS18, CS19 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021 and paragraph 118 of the National Planning Policy Framework 2012.

19 CONDITION: ECOLOGICAL MONITORING AND REMEDIATION MEASURES

Notwithstanding the details and particulars submitted and agreed pursuant to application reference 15/00258/CDM in the approved document Pre-commencement conditions for ecology Rev5, all subsequent details and particulars pursuant to condition 16, if any, shall include an ecological monitoring strategy. Each such strategy shall set out the proposed scope for a series of monitoring reports that shall be submitted through the course of development and how these will relate to the pre-commencement ecological information approved pursuant to condition 18. The strategy shall also set out when individual reports shall be submitted and shall describe in appropriate detail the monitoring methods to be used, to a specified timetable, in order to ensure that all ecological measures, management practices and retained corridors are functioning appropriately (e.g. meeting stated conservation objectives as set out in the Natural Environment Vision Statement).

To do this the strategy shall identify appropriate success criteria, thresholds, triggers and targets against which the efficacy of the various measures can be judged.

The monitoring shall be carried out in accordance with the approved strategy and the results of the ongoing individual reports submitted in a report to the Local Planning Authority for agreement in writing. Where the results from monitoring show that aims and objectives are not being met, the report shall also set out how remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning components set out in the Vision Statement.

Reason:

To ensure that satisfactory biodiversity enhancement works are carried out and subsequently updated to be effective in accordance with Policies CS18, CS19 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021 and paragraphs 117 and 118 of the National Planning Policy Framework 2012.

20 CONDITION: HOUSING

Detailed plans and particulars of the Reserved Matters within Areas 1 and 2 referred to in conditions 3 and 5 above shall include, in combination with I6/00247/OUT, provision of in the region of 320 dwellings at 40-50 dwellings/hectare, including detailed locations of all affordable homes, within phase 1 of the development. All the 320 dwellings in these Areas shall be built to at least Eco Homes 'Excellent' standard. A minimum of 20% dwellings shall be built to full Lifetime Homes standards.

Reason:

To ensure a satisfactory relationship between the proposed development of the application site with that proposed on adjoining land and in accordance with CS01 and CS15 of the adopted City of Plymouth Local Core Strategy 2006-2021, NP05 of the adopted North Plymstock Area Action Plan and paragraphs 50, 52 and 54 of the National Planning Policy Framework 2012.

21 CONDITION: MEDIA AND COMMUNICATION STRATEGY

Detailed plans and particulars of the Reserved Matters shall include specifications for High Bandwidth communication infrastructure into each building.

Reason:

In the interests of contributing to the development of a sustainable community in accordance with CS01 and CS29 and of the adopted City of Plymouth Local Core Strategy 2006-2021, NP05 of the adopted North Plymstock Area Action Plan and paragraphs 42 and 43 of the National Planning Policy Framework 2012

22 CONDITION: ENERGY STRATEGY

Proposals for monitoring the implementation of the Energy Strategy as set out within the approved Masterplan Book and Masterplan Book Addendum 2009 shall be carried out in strict accordance with the details submitted to and approved pursuant to application reference I5/00124/CDM, unless other such details are subsequently submitted to and approved in writing by the Local Planning Authority. Reserved Matter applications shall clearly indicate how the proposed development would contribute to meeting the agreed targets

Reason:

In the interests of contributing to the development of a sustainable community and in accordance with objectives SO1 and SO11, and policy CS20 of the adopted City of Plymouth Local Core Strategy 2006-2021, and paragraphs 93, 95 and 97 of the National Planning Policy Framework 2012

23 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLANS (CEMPS)

The development hereby approved shall be carried out in accordance with the Generic CEMP as submitted to and approved pursuant to application reference 15/00011/CDM.

Prior to the commencement of development in any Reserved Matter site, a Site Specific CEMP shall be submitted to and approved in writing by the Local Planning Authority, and these shall include details for the management of waste arising from the construction process, siting and design and drainage arrangements for any temporary construction offices, buildings and storage compounds/areas and measures proposed to mitigate against adverse effects of noise and dust during the construction of the proposed development and shall indicate:-

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- c. sound attenuation measures to be incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust; and
- e. details of temporary lighting.

The approved CEMPs shall be strictly adhered to during all stages of the construction of the proposed development.

Reason:

In the interests of visual and residential amenities of the area and to protect the residential and general amenity of the area from any harmfully polluting effects during construction work in accordance with CS22 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021 and NP05 of the adopted North Plymstock Area Action Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012.

24 CONDITION: DRAINAGE (HAZARDOUS MATERIALS)

The development shall be carried out such that:

1. No oils, fuels or chemicals shall be stored on the site unless details of the storage facility, including measures for containing accidental releases to the environment, have been submitted to and approved in writing by the Local Planning Authority, and until such storage facility has been implemented in accordance with the approved details.
2. No sewage or trade effluent (including cooling water containing additives, vehicle washing effluent and steam cleaning effluent) shall be discharged to the surface water management system and
3. Vehicle loading or unloading bays and storage areas involving chemicals or other polluting matter shall not be connected to the surface water management system.

Reason:

To ensure that water courses are safeguarded from pollution in accordance with CS22 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021, NP05 of the adopted North Plymstock Area Action Plan and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

25 **CONDITION: CONSTRUCTION MANAGEMENT PLAN**

The development hereby approved shall be carried out strictly in accordance with the Traffic CEMP as submitted to and approved pursuant to application reference 15/00989/CDM, or any subsequent version thereof which has been submitted to and approved in writing by the Local Planning Authority.

Any subsequent version of the Traffic CEMP shall include construction vehicle movements, construction operation hours, construction vehicle routes to and from the site with distance details, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts and a travel plan for contractors, a detailed traffic management plan to control the volume of through traffic on minor routes during the construction phases.

The development shall be carried out in such a manner as to ensure that;

- o No access for construction traffic shall be achieved off Sherford Road
- o no extra traffic (in numerical terms) is introduced on to Sherford Road or Vinery Lane south
- o means of calming traffic in Sherford Road and Vinery lane south of the King George V playing fields shall be introduced such that any extra traffic is avoided
- o access for construction vehicles shall be initially off Vinery Lane and from the north only
- o the link road to the north of King George V playing fields shall be constructed to an adoptable standard within the first 12 months/12 months from commencement in accordance with approved details
- o The proposed link road to the north of King George V playing fields shall be brought into public use no later than the occupation of 170 dwellings in the Masterplan site or 21 months after commencement whichever is sooner unless local highway conditions require that it be brought into use sooner to the reasonable requirement of the local planning authorities and highway

authorities.

- o before the occupation of 170 dwellings in the Masterplan site the existing Sherford Road from a point adjacent to the Quarry shall be linked to the link road to the north of King George V playing fields so that Sherford Road traffic is diverted on to it
- o monitoring of traffic in all roads immediately adjacent to the development shall be undertaken prior to and during the works, and measures taken if, in the view of the local planning authorities and highway authorities, highway conditions require it
- o traffic management measures are taken on all routes leading to the development, including Vinery Lane, Ridge Road, to accommodate the extra construction traffic
- o easy and direct access for public transport to the site incorporating turning facilities, and a convenient loop through the development
- o convenient and safe access for pedestrians and cyclists to and from the completed blocks

Reason:

To protect the residential and general amenity of the area from any harmful polluting effects during construction work in accordance with CS22 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021, NP05 of the adopted North Plymstock Area Action Plan and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

26 **CONDITION: ACCESS (CONTRACTORS)**

Before any other works are commenced on each Reserved Matter site, 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 in writing by 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 CS22 and CS34 of the adopted City of Plymouth Local Core Strategy 2006-2021, NP05 of the adopted North Plymstock Area Action Plan and paragraphs 32 and 120-123 of the National Planning Policy Framework 2012.

27 **CONDITION: MAIN STREET DETAILS**

Notwithstanding details submitted on the Main Street and High Street drawings all guardrailing, stone walling, ironwork, street lighting, surface materials, tree grills, kerbing, details and dimensions of kerb upstands, dimensions of pedestrian refuges and bus platforms, bus stops and shelters (including provision for RTI), seating, cycle stands, cycle parking facilities, litter bins, carriageway markings, signs, drainage and methods of construction shall be carried out in accordance with the details and particulars submitted to and approved pursuant to application reference number 15/01287/CDM in respect of Stage 1 of the Main Street, or in accordance with details which shall have been submitted

to and approved in writing by the Local Planning Authority prior to commencement of Stages of Stages 2 or 3 of the Main Street.

Reason:

To ensure a sense of place is achieved for the Main Street by the careful use of materials and layout and in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 29, 34, 35, 56, 57 and 59 of the National Planning Policy Framework 2012.

28 CONDITION: LINKS OFF SITE WITH ELBURTON

The development shall take place in accordance with details submitted to and approved pursuant to application reference 15/01348/CDM, in respect of the proposed improvement works for the improvement of the local highway infrastructure on Sherford Road and Vinery Lane south of Main Street.

The first residential occupation of the development shall not take place until the approved works are implemented in accordance with details approved in writing by the local planning authority.

Reason:

In order that the development promotes public transport, walking and cycling and limits the reliance on car based travel and to protect residential amenities in the area and in the interests of highway safety in accordance with Policies CS28 and CS34 of the Plymouth City Council Local Development Framework Core Strategy Adopted April 2007 and paragraphs 34 and 35 of the National Planning Policy Framework.

29 CONDITION: STREET DETAILS (OTHER THAN MAIN STREET)

No residential development shall commence in a Reserved Matter site in either Area 1, Area 2 or Area 3 until details of the design, layout, levels, gradients, materials, method of construction, street lighting, drainage of all roads, parking areas, cycleways and footways forming any part of the site (excepting that comprising Main Street referred to in condition 27 above) and any TRO's required, for that Reserved Matters Site have been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a street pattern that secures a safe and convenient environment to a satisfactory standard in accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 34 and 35 of the National Planning Policy Framework 2012.

30 CONDITION: LOCAL MATERIALS

The development hereby approved shall wherever practicable and unless otherwise agreed with the local planning authority be constructed with materials sourced as follows;

- a) Up to 65% of bulk materials (by mass) and in any event no less than 35% of bulk materials (by mass) shall be derived from local sources (within 50 miles by road) of the development; b) The materials used in the construction of road and external hard surfaces within the development hereby approved shall utilise a 30% recycled content from local (within 50 miles by road) reclaimed or recycled sources;
- c) All bulk building materials to be used within the construction of the development hereby approved shall include 15% (as a percentage of the value of materials used) recycled content;
- d) 100% of construction timber used in the construction of the development hereby approved shall be Forest Stewardship Council certified or equivalent and preference shall be given to renewable locally sourced and milled timber from within the South West.

Reason:

To reduce the distance building materials to the site are required to make in the interests of sustainability, and also the local economy in accordance with Policy CS20 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 32, 142 and 143 of the National Planning Policy Framework 2012.

31 CONDITION: CYCLE PROVISION/STORAGE - SPORTS HUB

Before the Sports Centre is first brought into use, secure spaces for cycle parking shall be provided in accordance with details previously submitted to and approved in writing by the local planning authority.

The secure areas for the storing of cycles shown on the approved plan shall remain available for their intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building in order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012.

32 CONDITION: CYCLEWAY

Phasing and Construction details of the Rural Edge Cycleway and link from the Rural Edge Cycleway to the NCN cycle route 2 are to be submitted to the local planning authority for approval prior to the commencement of residential occupancy within this Application Site. The works within the Application Site shall be completed in accordance with the approved plans and timetable.

Reason:

To promote cycling as a principle mode of travel both to and from and within the site in the interests of sustainability in accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012.

33 CONDITION: CAR PARKING STRATEGY

Applications for Reserved Matters approval shall each be accompanied with a Car Parking Strategy. The strategy shall detail maximum provision across the Application Site for each use class (requiring maximum 2 spaces for residential properties in areas 1 and 2 on the attached KDI plan), opportunities for shared use, management and maintenance of public car parking areas, operation regime including waiting restrictions.

The standards and proposals contained within the approved Parking Strategy (or any variation of it agreed in writing with the Local Authority) shall be implemented strictly in accordance with the Parking Strategy

Reason:

In order to limit car parking serving the development in order to encourage the shift to sustainable modes of transport as an alternative to the private car and hence reduce vehicular trips on the highway network in accordance with Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012.

34 CONDITION: BUS STOPS

Detailed plans and particulars for all applications for Reserved Matters approval shall include details, locations and accesses to bus stops within the area within that Reserved Matters application. No development approved pursuant to such application shall be occupied until all bus stops within that Reserved Matters area have been provided to a specification which shall have been previously agreed in writing by the Local Planning Authority. Details shall also be submitted for bus stops on the Main Street adjacent to the Sports Centre. Occupation of the Sports centre shall not take place until the adjacent bus stops have been provided to the agreed standard unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interest of highway safety and amenity and to encourage greater use of public transport for journeys to and from the development, in accordance with Policy CS28 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012.

35 CONDITION: PROVISION OF PARKING AREA

Each parking space 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interferences with the free flow of traffic on the highway and paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012.

36 CONDITION: CAR PARKING RESTRICTION

No part of the site shall at any time be used for the parking of vehicles other than that part of the site particularly shown for that purpose on the approved plan.

Reason:

The level of car parking shall be limited in order to assist the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012.

37 CONDITION: SERVICE ROADS

No B1 or A4 use shall be occupied within Area 2, and the Sports Hub shall not be made available for use, until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraphs 32 and 34 of the National Planning Policy Framework 2012.

38 CONDITION: USE OF LOADING UNLOADING AREAS

The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:-

- a. damage to amenity;
- b. prejudice to public safety and convenience, and
- c. interference with the free flow of traffic on the highway.

In accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraph 32 of the National Planning Policy Framework 2012.

39 CONDITION: LOADING AND UNLOADING PROVISION

Before any Reserved Matter development hereby permitted within Areas 1, 2 and 3 is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the Reserved Matter site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:-

- (i) damage to amenity;
- (ii) prejudice to public safety and convenience; and
- (iii) interference with the free flow of traffic on the highway.

In accordance with Policy CS28 and CS34 of the adopted City of Plymouth Local Development Framework Core Strategy adopted April 2007 and paragraph 32 of the National Planning Policy Framework 2012.

40 CONDITION: PROVISION OF SIGHT LINES

No development shall commence within Reserved Matter sites in Areas 1, 2 or 3 which require means of access onto the Main Street until details of the sight lines to be provided at the junction between the means of access and the Main Street highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the first development within the Reserved Matter site is occupied.

Reason:

To provide 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, and paragraph 32 of the National Planning Policy Framework 2012.

41 CONDITION: CAR PARKING PROVISION - SPORTS CENTRE

The Sports Centre shall not be made available for use until space has been laid out within the site in accordance with the approved plan for a maximum of 120 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site onto the public highway in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012.

42 CONDITION: BAT CROSSING POINT AT VINERY LANE

The Bat crossing situated to the east of Vinery Lane as shown on drawing D109975-711 Rev E shall be provided in accordance with the details and particulars submitted to and approved pursuant to application reference 15/00258/CDM, and delivered in accordance with the timescales set out within the approved Vision Statement.

Reason:

To ensure a satisfactory provision is made for bats in harmony with highway integrity and safety and to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 117 and 118 of the National Planning Policy Framework 2012.

43 CONDITION: KGV / HAYE ROAD LINK ROAD

The Haye Road Link Road shall be delivered in accordance with the details submitted to and approved pursuant to application reference 15/01287/CDM, and shall have been completed in accordance with the approved details to an adoptable standard within 1 year from commencement of development and shall be brought into public use no later than 21 months after commencement of development.

Reason:

To ensure that appropriate and safe access is provided in accordance with Policy CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, paragraphs 32, 34 and 35 of the National Planning Policy Framework 2012 and in the interests of visual amenity.

44 CONDITION: DETAILS OF VEHICULAR ACCESS RESTRICTION TO ELBURTON

The method in which vehicular access to Elburton along Sherford Road to ensure that current daily traffic levels are not exceeded, shall be in accordance with the details submitted to and approved pursuant to application reference 15/00806/CDM, unless another scheme is submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway and pedestrian safety and in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

45 CONDITION: JUNCTION IMPROVEMENT (STANBOROUGH CROSS)

The highway improvements at Stanborough Cross shall be carried out in accordance with the details submitted to approved pursuant to application reference number 17/01287/CDM.

The agreed works shall be completed within 12 months of Commencement of development and no more than 5 dwellings hereby approved shall be occupied until the agreed works at Stanborough Cross have been completed in accordance with the approved details.

Reason:

To ensure that appropriate and safe access is provided in accordance with Policy CS28 and CS34 and paragraph 32 of the National Planning Policy Framework 2012.

46 CONDITION: NOISE ATTENUATION MEASURES

The development hereby permitted shall be carried out in accordance with the details submitted to and approved pursuant to application reference 15/00011/CDM. Applications for approval of reserved matters in accordance with conditions 3 and 5 shall include the details and particulars as required by the strategy and shall ensure that the building envelopes of the developments hereby approved shall be constructed so as to provide sound attenuation against external noise to the extent that, with windows shut and other means of ventilation provided, the noise levels within the bedrooms and living rooms in residential properties post construction shall not exceed 30dB (A) between the hours of 23:00 and 07:00 and 45dB (A) at all other times.

Reason:

To ensure adequate mitigation measures in the interest of residential amenities in accordance with CS22 of the adopted City of Plymouth Core Strategy and paragraph 123 of the National Planning Policy Framework 2012

47 CONDITION: NOISE IMPACT ASSESSMENT (CLASS B1 AND A4)

Noise Impact Assessments shall accompany Reserved Matter applications for premises to be occupied by B1 and A4 uses unless otherwise agreed in writing by the local planning authority, and development shall not commence unless in strict accordance with any approved details of such premises.

Reason:

As the application is in outline and the location of the premises is undefined - to ensure that adequate details are provided to enable assessment of the proposed development and any mitigation measures in the interests residential amenities in accordance with CS22 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraph 123 of the National Planning Policy Framework 2012.

48 CONDITION: AIR QUALITY

The development hereby permitted shall be carried out strictly in accordance with the Air Quality monitoring strategy as submitted to and approved pursuant to application reference 15/00806/CDM.

Reason:

In the interests of residential amenity in accordance with CS22 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraph 123 of the National Planning Policy Framework 2012.

49 **CONDITION: RESTRICTION ON A4 RETAIL USES**

Unless otherwise agreed in writing by the Local Planning Authority, with the exception of such ancillary A4 uses that may be approved within the Sports Centre, the remaining development in combination with I6/00247/OUT shall include provisions of no more than two buildings with a maximum floorspace of 250sqm each (gross external area) for A4 uses (the Town and Country Planning Use Classes Order 2005) and such shall be located in Area 2 in accordance with details having the prior written approval of the local planning authority.

No such building within the site shall be occupied for trading until fume extraction and mechanical ventilation equipment has been installed in accordance with details that shall have been first submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be retained and operated in its approved form for so long as the approved use of the building continues. The proposed opening hours shall also be part of the Reserved Matters submissions

Reason:

So as not to undermine the retail health and viability of other centres in the locality and in the interests of providing a development compatible with its surroundings in accordance with CS34 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 20, 21, 23 and 123 of the National Planning Policy Framework 2012

50 **CONDITION: RESTRICTIONS ON B1 USES**

In combination with I6/00247/OUT, no more than a maximum of a 2,000 sqm (gross external area) should be developed for B1 uses (the Town and Country Planning Use Classes Order 2005) with a minimum of 50% being within small units (less than 235sqm) and this shall be located in Area 2 in accordance with details having the prior written approval of the local planning authority. The proposed hours of operation shall also be part of the Reserved Matters submission.

Reason:

In the interests of providing a balanced mixed development compatible with its surroundings in accordance with NP05 (10) and CS34 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 20, 21, and 123 of the National Planning Policy Framework 2012.

51 **CONDITION: RECORDING OF HISTORIC FEATURES**

A programme for the recording of features that will be destroyed or damaged in the course of the works to which this consent relates, shall be secured and implemented in accordance with the Written Scheme of Investigation as submitted to and approved pursuant to application reference I5/00124/CDM.

Reason:

To ensure that a record of such features is made and kept available for inspection in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) .2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012

52 CONDITION: HIDDEN HISTORIC FEATURES

If, during the course of the works of development, presently hidden features are revealed, the owner shall immediately stop work and inform the Local Planning Authority, and shall not continue with the works until agreement has been reached as to the retention or recording of those features.

Reason:

To ensure that a record of such features is made and kept available for inspection, and that any revealed features of importance may be retained if necessary in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

53 CONDITION: EXPLORATORY WORK (ARCHAEOLOGY)

Development hereby permitted shall take place in accordance with the programme for exploratory excavation in accordance with the Written Scheme of Investigation submitted to and approved pursuant to application reference 15/00124/CDM. No works shall be permitted on site until the approved programme has been implemented for that area, and provision has been made for the retention or recording of any hidden features revealed.

Reason:

To ensure that a record of such features is made and kept available for inspection, and that any revealed features of importance may be retained if necessary in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

54 CONDITION: ACCESS FOR OBSERVATION/ RECORDING

The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority and shall allow him to observe the excavations and record items of interest and finds.

Reason:

In accordance with Policy CS03 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

55 CONDITION: PROGRAMME OF ARCHEOLOGICAL WORK

A programme of archaeological work shall be secured and implemented in accordance with the Written Scheme of Investigation as submitted to and approved pursuant to application reference 15/00124/CDM.

Reason:

In accordance with Policy CS03 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012.

56 CONDITION: CONTAMINATED LAND

Prior to the commencement of works within a Reserved Matters site, the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all the following elements unless specifically excluded, in writing by the Local Planning Authority;

- a) A preliminary risk assessment/desk study identifying:
 - i) All previous uses
 - ii) Potential contaminants associated with those uses
 - iii) A conceptual model of the site indicating sources, pathways and receptors
 - iv) Potentially unacceptable risks arising from contamination at the site;
- b) A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site;
- c) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Any changes to these agreed elements require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

To protect public safety and prevent pollution in accordance with CS22 and CS34. of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

57 CONDITION: CONTAMINATED LAND - REMEDIATION

Where the risk assessment identifies unacceptable risks a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants and or gases when the Reserved Matter site is developed. Any remediation scheme for contamination shall be fully implemented before the development within that Reserved Matter site commences. Any variation to the scheme shall be agreed in writing with Plymouth City Council in advance of works being undertaken.

Reason:

To protect public safety and prevent pollution in accordance with, CS22 and CS34 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

58 CONDITION: CONTAMINATED LAND - VERIFICATION REPORT

Prior to the occupation of any part of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason:

To protect public safety and prevent pollution in accordance with CS22 and CS34. of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

59 CONDITION: UNSUSPECTED CONTAMINATION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason:

To protect public safety and prevent pollution in accordance with CS34 and CS22 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

60 CONDITION: SURFACE WATER DRAINAGE

Applications for Reserved Matters approval shall include a detailed scheme for the provision of surface water management, on and off the site. The detailed scheme shall accord with the principles of the Surface Water Drainage Strategy in the Masterplan book and shall incorporate SUDs and take into account overland flow routes and measures to avoid exceedance of the systems design capacity. The scheme shall be constructed and completed in accordance with the approved specification and timetable submitted with the proposed details.

Reason:

In the interests of amenity and to avoid pollution of the environment and water supply in accordance with CS22 and CS34 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 94 and 100 - 103 of the National Planning Policy Framework 2012.

61 CONDITION: FOUL DRAINAGE

Applications for Reserved Matters approval shall include details of the main and foul water drainage for the Reserved Matter. The details shall accord with the Foul Water Drainage Strategy outlined within the approved Masterplan Book and will be fully implemented prior to occupation of any building within the Reserved Matter site.

Reason:

In the interests of amenity and to avoid pollution of the environment and water supply in accordance with CS22 and CS34 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 94 and 100 - 103 of the National Planning Policy Framework 2012.

62 CONDITION: SEWAGE TREATMENT

No residential development shall take place in Area 2 (phase 3) referred to in condition 3 and indicated on the attached drawing KDI until written notice is received from the local planning authority that a sewage treatment works or additional capacity in the system to serve the development has been constructed and brought into use to the satisfaction of the local planning authority.

Reason:

In the interests of amenity and to avoid pollution of the environment and water supply. In accordance with CS22 and CS34 of the adopted City of Plymouth Core Strategy 2006-2021 and paragraphs 94 and 100 - 103 of the National Planning Policy Framework 2012.

63 CONDITION: DIRECTION SIGNING STRATEGY

A signing strategy shall be submitted to, and have the signed agreement of, the Local Planning Authority prior to the first residential occupation of any part of the application site. The strategy shall detail how destinations within and external to the site are to be signed to vehicular, pedestrian and cycle traffic and how Sherford as a destination is to be signed from outside the site. All the recommendations contained within the Signing Strategy shall be implemented in accordance with the timetable contained therein. Thereafter the development shall operate the Signing Strategy or any variation of it agreed in writing with the Local Planning Authority.

Reason:

In order to reduce unnecessary journeys resulting from misdirection, reduce pollution and to reduce unnecessary street clutter due to the proliferation of signs in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 32, 34 and 67 of the National Planning Policy Framework 2012.

**64 CONDITION: AS DIRECTED BY THE HIGHWAYS AGENCY: PARK & RIDE
500**

No more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT, 16/00247/OUT and 17/00998/S73 and South Hams District as defined by Planning Application 7_49/2426/06/O, 0484/16/VAR and 1593/17/VAR) until a Park and Ride facility comprising of at least 500 car parking spaces is operational and has been confirmed as being so, in writing, by the Local Planning Authority. The Park and Ride facility shall be sited broadly in the location identified on the Key Fixes Diagram Ref: DRN2.

Reason:

To ensure that the development is phased appropriately in association with neighbouring development to reduce highway congestion in the interests of public safety, convenience and amenity.

**65 CONDITION: AS DIRECTED BY THE HIGHWAYS AGENCY: PARK & RIDE
1000**

No more than 4000 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT, 16/00247/OUT and 17/00998/S73 and South Hams District as defined by Planning Application 7_49/2426/06/O, 0484/16/VAR and 1593/17/VAR) until a park and ride facility comprising of least 1000 car parking spaces is operational and has been confirmed as being so, in writing, by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development is phased appropriately in association with neighbouring development to reduce highway congestion in the interests of public safety, convenience and amenity.

66 CONDITION: AS DIRECTED BY THE HIGHWAYS AGENCY: DEEP LANE WESTBOUND SIGNALS

Prior to the commencement of construction of any dwelling or community facility, improvement works to the existing west bound on and off slip road junction, that shall include provision of traffic signals, as set out in the details and particulars submitted to and approved pursuant application reference 15/00394/CDM shall be completed and made operational.

Reason:

To ensure that the development is phased appropriately in association with neighbouring development in the interests of highway safety

67 CONDITION: AS DIRECTED BY THE HIGHWAYS AGENCY: A38 DEEP LANE JUNCTION

Notwithstanding the details shown on submitted drawings D108 875-700D, D108 875-702B and D108 875-703D as set out in the Main Street: Deep Lane to Stanborough Cross Addendum May 2009 no more than 1300 dwellings shall be occupied within the Sherford Masterplan Area (in Plymouth as defined by Planning Application 06/02036/OUT, 16/00247/OUT and 17/00998/S73 and South Hams District as defined by Planning Application 7_49/2426/06/O, 0484/16/VAR and 1593/17/VAR) until the highway works to A38 Deep Lane junction as shown on the Scott Wilson drawing D108 875-SKH200B (received by the Highways Agency on the 10th November 2011) or an acceptable alternative, are in place, are operational and have been confirmed as being so by the Local Planning Authority and the Highways Agency . In addition to the details shown on the drawings referred to in this condition, the highway works to A38 Deep Lane junction mentioned in this condition shall also incorporate appropriate facilities for pedestrians to cross the west bound A38(T) on-slip at its junction with the B3416 and such shall be installed concurrently with the highway works to the written satisfaction of the Local Planning Authority and Highways Agency.

Reason:

To ensure that the development is phased appropriately in association with neighbouring development in the interests of highway safety.

Informatives

1 INFORMATIVE: EUROPEAN PROTECTED SPECIES - LICENSING

Where any species listed under Schedule 2 or 4 of the Conservation of Habitat and Species Regulations 2010 is present on the site and where an offence under Regulation 41 is likely to occur in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place which are likely to cause an offence under Regulation 41 unless a licence to affect any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.

2 INFORMATIVE: CONDITIONAL APPROVAL (WITH 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 considered the Environment Statement and 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: COMMENCEMENT OF DEVELOPMENT

This decision notice should be read in conjunction with the S106 agreement with the applicants dated 26 October 2016 and 12 November 2013 however the 'commencement of development' defined in the S106 agreement refers to the requirements of that S106 agreement and not to the requirements of this decision notice.

4 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 any precommencement conditions are satisfied.

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PLANNING APPLICATION OFFICERS REPORT



PLYMOUTH
CITY COUNCIL

Application Number	17/01252/FUL	Item	05
Date Valid	13.06.2017	Ward	PLYMPTON ERLE
Site Address	1 Magdalen Gardens Plymouth PL7 INX		
Proposal	Side extension to provide accessible bedroom and bathroom to ground floor and new stairs to first floor		
Applicant	Mr & Mrs Lindsay		
Application Type	Full Application		
Target Date	08.08.2017	Committee Date	27.07.2017
Extended Target Date	N/A		
Decision Category	Member referral		
Case Officer	Mrs Liz Wells		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by Ward Councillor Beer.

1. Description of Site

1 Magdalen Gardens is a semi-detached residential property in the Plympton Erle ward of the city.

The area of the site is predominantly residential and the road is characterised by c.1950s semi-detached houses on the north side of the road with off-street parking to the front/side and bungalows on the south side. The local topography slopes down to the north.

The property has an existing outbuilding/store which is detached from the house but is joined to the outbuilding belonging to 23 St Maurice Road.

2. Proposal Description

Side extension to provide accessible bedroom and bathroom to ground floor and new stairs to first floor.

The proposal is for the detached store to be replaced by the side extension to provide a ground floor bedroom and wet room and internal alterations to the stairs to create access to the new room.

Revised plans have been submitted during the course of the application following Officer negotiation. The revised plans show a reduction in the proposal, removing the volume of enclosed void but retaining a pitched roof to a new staircase to the side, approximately 1.5 metre wide and a flat roof to the proposed ground floor bedroom. The flat roof goes up to the boundary, at roughly the same height as the existing store.

Officers do not consider that further public consultation is required due to the reduced size and impact but the neighbour has been informed and requested to provide any further comments by 18 July 2017.

3. Pre-application enquiry

None.

4. Relevant planning history

No planning for this property.

5. Consultation responses

No consultations requested or received for this proposal.

6. Representations

One letter of representation has been received from the adjacent neighbour, 23 St Maurice Road, which backs onto the side (western) boundary of the application site. They object to the proposal on the basis of height and proximity – overpowering and unacceptable mass less than 5 metres from the rear wall of their home which would seriously affect the residential amenity of the courtyard, dining room and home as a whole.

The letter comments that they have no objection in principle to a single storey extension and in their opinion, there is no design or practical necessity to relocate the staircase in the way proposed.

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 detailed guidance contained in the Development Guidelines Supplementary Planning Document (SPD) First Review.

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 I 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 a relatively advanced stage of preparation, with the pre-submission version 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. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. However, until the Regulation 19 stage has concluded, and the scale and nature of representations known, it is considered that the JLP's policies will generally have limited weight within the planning decision. The precise weight will need to be determined on a case by case basis, having regard to all of the material considerations.

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 SPD First Review

8. Analysis

1. This application has been considered in the context of the development plan, the adopted Plymouth and South West Devon Local Plan, the Framework and other material policy documents as set out in Section 7.

2. The main consideration in assessing this proposal is the impact on the neighbouring property's amenities and the streetscene. The application turns on policy CS34 of the Core Strategy and the detailed guidelines set out in the Development Guidelines SPD. Policies DEV1, DEV20 and DEV31 are also relevant but the considerations do not alter significantly in light of these policies.

Amenity

3. The most impacted neighbouring property is 23 St Maurice Road which backs onto the side of the application site.

Any significant loss of light?

4. No. The flat roof element will have a roof level approximately 1 metre higher than the existing boundary wall to the rear of the existing store. The pitched roof element may result in some reduction of direct sunlight to 23 St Maurice Road, however as the proposal is located to the east-

south-east of this neighbour, the impact to direct light is likely to be limited to a small part of the day. This combined with the narrow width of the proposal as amended, and the low front eave of the pitched roof element, is not considered to result in an unreasonable impact on this neighbour's light in Officers' opinion.

Any other loss of amenity to neighbours?

5. Yes - outlook and dominance. The proposal will be within close proximity to rear-facing main habitable room windows of 23 St Maurice Road, as well as its garden. The Development Guidelines suggests that the minimum distance between a main habitable room window and a blank wall should normally be at least 12 metres. However, the existing separation distance is approximately 5 metres. The proposal will make a large part of the flank wall approximately 1.5 metres closer. Whilst this does not strictly accord with the Development Guidelines, given the context of this site, Officers do not consider the change in the outlook from this neighbour will be unreasonably impact by the proposal as amended.

6. When viewed from the garden, the flat roof element will result in the boundary wall being raised by approximately 1 metres to a height of 3.1 metres. When considering the impact of this compared to the fall-back situation of an outbuilding which could be built on the boundary up to 2.5 metres high, the additional impact of the proposal is considered acceptable.

7. The proposal will also be visible from properties on the opposite side of the road but due to the separation of the road, the impact is not considered significant.

Any significant overlooking issues?

8. No. No side facing or upper floor windows are proposed. Any future upper floor windows in the side would be restricted to obscure glazed under current permitted development allowances and therefore a restrictive condition is not considered necessary to protect the neighbour privacy.

Any significant change or intensification of use?

9. No. The change from three to four bedrooms is in keeping with a single dwelling use.

Is remaining amenity sufficient?

10. Yes. The property will retain a good sized rear garden.

Any impact on protected trees?

11. None.

Design

Is design in keeping?

12. Yes. Officers consider the extension complies with the Development Guidelines SPD on side extensions. The proposal as amended comprises a pitched roof element and a flat roof element. The pitched roof element appears relatively high but has the front eave at ground floor ceiling level and the rear eave fractionally higher than this. It is not a traditional two storey extension, as it purely serves to cover the proposed new staircase. The ridge is set down from the main roof. The roof pitches run parallel to existing roof. The flat roof element is set back approximately 1 metre from the front of the property and replaces the existing flat roof store, albeit extending towards the house and to the rear wall of the property.

13. Although the property lies close to the road junction, it is not a traditional corner plot due to the relationship with 23 St Maurice Road. In this situation, a single storey side extension up to 4 metres high would be permitted development.

14. Officers do not consider the proposal as a whole will result in demonstrable harm to this streetscene.

Do materials match or are they appropriate?

15. Yes. The proposal is to be rendered front and back, with a tile-hung flank wall and roof. Whilst the existing side wall is rendered, the proposed materials are considered appropriate in this context.

Is the scale subservient and/or appropriate?

16. Yes. As above and in line with the Development Guidelines SPD.

Other Impacts

Any risk to highway safety from changes to parking and/or access?

19. No proposed changes to existing off-street parking.

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

None. Due to the small scale of the extension, it will not attract any Community Infrastructure Levy under the current charging schedule.

11. Planning Obligations

No planning obligations have been sought due to the nature and size of proposal.

12. Equalities and Diversities

The proposal is designed for the benefit of a disabled resident. The proposal has been considered in the context of adopted policies and no equality and diversity issues are considered to be present in this proposal.

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 is therefore recommended for conditional approval subject to a condition on driveway surfacing condition.

14. Recommendation

In respect of the application dated **13.06.2017** 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

Plans and Elevations L01 01 A received 13/06/17

Plans and Elevations L01 02 B received 05/07/17

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: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

Informatives

1 INFORMATIVE: CONDITIONAL APPROVAL WITH 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 and has negotiated amendments to the application to enable the grant of planning permission.

2 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

TREE PRESERVATION ORDER REPORT



Application Number	TPO 513 Kingfisher Way	Item	
Date Valid		Ward	

Site Address	Kingfisher Way, Plymstock		
Proposal	Objection to Tree Preservation Order no.513 Kingfisher Way.		
Applicant			
Application Type			
Target Date		Committee Date	27/7/17
Decision Category			
Case Officer	Jane Turner		
Recommendation	To confirm TPO 513 without modification		

Click for documents	www.plymouth.gov.uk
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I. Background Report

- 1.1 Under delegated authority, on 14th February 2017, Tree Preservation Order No. 513 was made to protect a Sycamore tree on land next to the South West Coast path at Kingfisher Way, Plymstock following a request from a local resident concerned that the tree may be felled. A site visit to assess the suitability of the tree for a Tree Preservation Order (TPO) was carried out.
- 1.2 The assessment concluded that the tree was significant enough in amenity terms to be protected. The tree is a very prominent feature in the local area and makes a strong contribution to the visual amenity and character of the neighbourhood and the adjacent SW Coast Path.
- 1.3 It was therefore considered appropriate to make a TPO for public amenity reasons. Objections to the Order have been received since the making of the order that have remained unresolved. As a result this report has been prepared for the Planning Committee to decide whether or not to confirm the order.

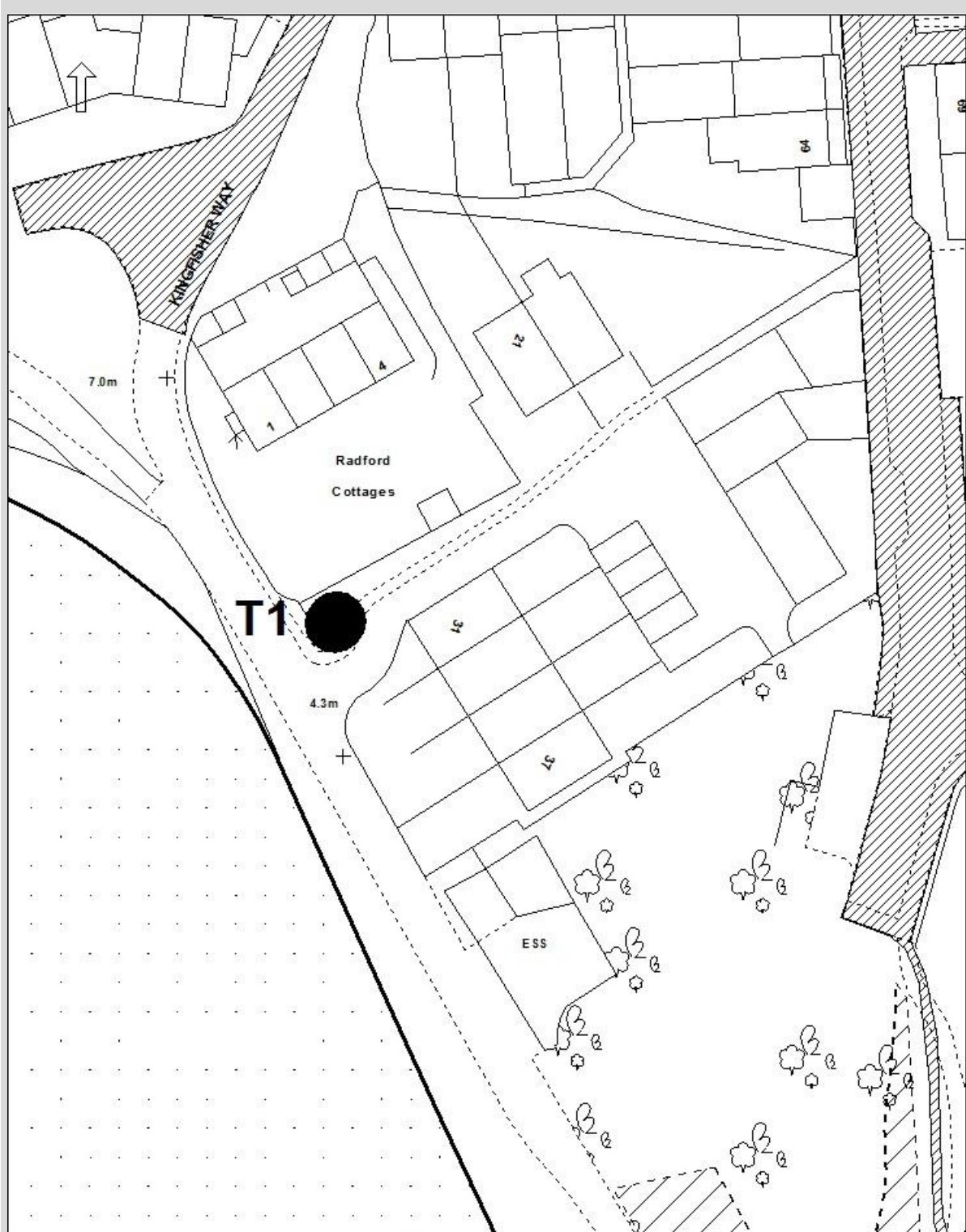
Tree Preservation Order No. 513 viewed from Kingfisher Way



TPO 513 viewed from access drive to side of 31 Kingfisher Way with view to Hooe Lake in background



Tree Preservation Order No. 513: Order Map- showing location of tree.



**City of Plymouth Tree Preservation Order No.513
Kingfisher Way**

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Published 2017

Scale 1:500



1.4 The resident had been approached by another resident to sign a petition to have the tree removed as it obstructed the view from the summerhouse in their garden. The resident did not want the tree removed and sought support in the form of a petition to save the tree. 19 local residents signed the petition and in addition 62 users of the

South West Coast path were also signed a petition.

- 1.5 Following the request for a TPO the Council arranged to meet the resident and a member of Kingfisher Quay Management Company (KQMC), who own the land the tree stands on, to try and come to an agreement about the management of the tree. Unfortunately no one from the KQMC attended. The tree is very prominent in the local area and it was considered appropriate to make Tree Preservation Order No. 513 to protect the tree and give the Council control over what works could take place.
- 1.6 An objection was received from KQMC and three other residents' including the owner of the nearest property (31 Kingfisher Way). In addition 18 letters/e-mails of support for the Tree Preservation Order have been received. Local Planning Authorities are encouraged to try and resolve objections prior to confirming an order and all objectors have been written to responding to the points they raise in detail. An offer of a site visit/meeting with the KQMC and residents to discuss their concerns was turned down.

2. Pre-application enquiry

N/A

3. Relevant correspondence (available on request)

Tree Preservation Order No. 513

e-mail requesting Tree Preservation Order

Petition from 19 local residents

Petition signed by 62 SW Coast Path users

Letter to KQMC

Extract from covenant

4 letters/e-mails of objection from residents in Kingfisher Way, Lower Saltram and KQMC

18 letters/e-mails of support from residents in Kingfisher Way, Lower Saltram, Plymstock Road, Broad Park and Radford Cottages

Various Council Correspondence

4. Consultation responses

See below

5. Representations

Objections

The objections contained in the 4 letters of representation are summarised below:

- Single Sycamore does not significantly or materially affect the landscape or the biodiversity of Kingfisher Way or its wider setting. The authority is advised to assess:--
Size and form - it is not a good specimen - 5 trunks
Future potential – blocks light and views and may damage services

Rarity, cultural or historic value – not rare and has no historic or cultural value,
Contribution to the landscape – poor specimen makes no contribution to landscape and blocks views.

- Spirit of Neighbourhood Planning - majority of 43 households forming shareholder in the Management Company want it removed.
- State of the tree – large and grown wildly, parts blow into front garden in windy weather.
- Proximity of tree to property – encroaches over boundary, concerned about roots and drains.
- Access to rear of 31 Kingfisher Way – obstruction to high vehicles using access to rear
- Views – residents views have been lost. The views of the residents should be given priority rather than a passer-by.
- Not a landmark, has no historic significance and no one sits beneath it or climbs it.
- Autumn and winter it is barren and unattractive
- Tree might collapse in storms
- Detriment to amenity
- Sap affects decoration of property – more maintenance
- Non-native fast growing concern about impact of roots and damage to footpath and sea wall
- Cost to KQMC
- 6 root systems as 6 trunks
- Private access road damage to which would cause huge repair costs
- It will continue to grow and is not an amenity, too large.
- Radford arboretum is more significant

Support

The 18 letters/e-mails received supporting the making of the order are summarised in the phrases below:-

- There have been no discussions/consultation with company members on the matter of felling the tree
- The report on the health of the tree commissioned by KQMC has not been shared with company members/shareholders
- Tree is a valued part of my view
- Tree is a valuable amenity of our local area
- The tree has been found to be healthy
- My children love this tree
- Beautiful tree that enhances the beauty of the area and the lake
- Should not be removed to improve a view
- The tree adds to the area and is an important and valued part of my view and helps break up the stark appearance of the houses
- The tree benefits a huge number of people who use the South West Coast path and is a valuable amenity.

6. Relevant Policy Framework

CS18 (4) the Council will protect and support a diverse and multi-functional network of green space and waterscape, through: using its powers to safeguard important trees and hedgerows.

Emerging Joint Local Plan DEV 30 Trees, woodlands and hedgerows.

7. Analysis

Outlined below is the Officer response to the objections.

- A Tree Preservation Order assessment form was used to decide whether or not the tree was worthy of protection. The form covers most of the points raised by the objectors and results in a score to help inform the decisions as to whether or not an order should be made. In this case the score was high enough to justify the order. Although multi-stemmed there are no defects and the tree is considered to be healthy. This has been confirmed by a report commissioned by KQMC by Aspect Tree Consultancy referred to in a letter from KQMC which states *'tree report/risk assessment was undertaken by Aspect Tree Consultancy issue 14/3/17, which concluded that the tree is a healthy specimen with very low risk of causing harm with no works or actions to be undertaken at this time, another review has been recommended in three years'*. It should be noted that the Council requested to see a copy of the whole report but this has not been provided.
- Although the tree is not rare and does not have historic value officers consider it has high public amenity value. There are other trees in the nearby parks, however, this tree is one individual prominent specimen, next to the SW Coast Path. Officers consider that it forms part of the view and does not 'block' the whole view as the lake can easily be seen either side. In addition for 6 months of the year the tree has no leaves and does not block the view. It has been long established that although you may have a legal right to 'air' or 'light', you have no right to a view ('prospect') that it is 'a matter of delight' rather than 'necessity' (Aldred's case 1610).
- The report states the tree has a low risk of causing harm. There was an access drive at this point before the houses were built and it is unlikely therefore that roots will have populated the area of the now more formal drive. Such a compacted drive is an unfavourable rooting environment with lack of access to water and nutrients, no evidence of cracking or uplifting were observed. The nearest property is the other side of the drive – if any roots have ventured this far they will be relatively small and run along any modern foundations. It is therefore not agreed that the tree is a risk to driveway path or cottages. No evidence has been provided of any issue with the drains. If there is a crack or fault with drain pipes then roots may exploit this extra source of nutrients, however if the drains are modern (ie. plastic) and intact there should be no issue with root penetration. If problems occur in future then an assessment can be made at the time and options such as sleeving (using a plastic inner liner) can be explored.
- When making an order the Council takes into account the benefit the tree brings to the wider public as well as the immediate residents. If at any time the tree needs to be pruned to allow access for high sided vehicles then this can be applied for - the application process is not onerous and there is no charge. Permission is unlikely to be refused for sensible management.
- Photos have been submitted showing children playing amongst the stems.
- The tree is the only significant tree on this section of the SW Coast Path
- Issues with access and encroachment can be overcome with some sensible pruning.
- A tree does not have to have historic significance to be protected.
- The fact that the tree is deciduous does not justify its removal.

- The extract from the report referred to above has not identified any risk that the tree might collapse. The Council requested a copy of the report but this has not been provided.
- Encroachment of branches has been covered earlier.
- Sap is a seasonal nuisance and it is considered that maintenance of a property related to a seasonal nuisance is reasonable and does not justify the removal of a tree.
- The woodland trust has a useful summary of the Sycamore:-

Having been introduced to the UK in the 17th century, sycamore is particularly tolerant of 'sea spray' and may be planted near the coast.

Value to wildlife

Sycamore is attractive to aphids and therefore a variety of their predators, such as ladybirds, hoverflies and birds. The leaves are eaten by caterpillars of a number of moths, including the sycamore moth, plumed prominent and maple prominent. The flowers provide a good source of pollen and nectar to bees and other insects, and the seeds are eaten by birds and small mammals.

To conclude, a TPO does not prevent the sensible management of a tree and is not an onerous process. It gives the Council control over what works are carried out. It is clear from the letters/e-mails of representation received that residents of the estate have very differing views on the amenity value and benefit the tree brings to the area. If the KQMC apply to fell the tree and the Council refuses permission then they have the right of appeal. An application for sensible pruning/maintenance is unlikely to be refused

The serving of the TPO does not prevent a neighbour (eg: 31 Kingfisher Way) from applying for works to the part of the tree that overhangs their property – the Council is not likely to refuse consent for reasonable pruning works.

9. Human Rights

None

10. Local Finance Considerations

There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

11. Planning Obligations

Not applicable.

12. Conclusions

It is concluded that the objections raised with regard to the Sycamore do not justify the Tree Preservation Order being removed from the tree. If the condition of the tree changes or problems with services occur and work is required this can be dealt with through the application process. Consent will not be withheld if sufficient, validated evidence is provided. If branches obstruct the access the existence of the TPO will not hinder works that may be required to alleviate a nuisance.

13. Recommendation

To confirm TPO 513 without modification.

14. Conditions

Not applicable

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Planning Applications Determined Since Last Committee

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
19/06/2017	Agreed Condition Details	17/01061/CDM	Mr Ian MacMartin	Condition Discharge: Partial discharge of condition 3 of application 13/02348/FUL.	Nightingale Close Plymouth PL9 8PN	Mrs Katie Saunders
19/06/2017	Agreed Minor Amendment	17/00527/AMD	Mr Barrie Douglass	Non-material minor amendment: Revised design of proposed facade of application 16/01396/FUL	98 Vauxhall Street Plymouth PL4 0DD	Miss Amy Thompson
19/06/2017	Grant Conditionally	17/01094/FUL	Mr G O'Reilly	Rear dormer	4 Architect Way Plymouth PL5 1GZ	Mr Chris Cummings
20/06/2017	Agreed Minor Amendment	17/01191/AMD	Mr Robert Ewens	Non-material minor amendment: Enlargement to rear window to bedroom 3 on southern elevation, introduction of side window to bedroom 3 on eastern elevation of application 16/00797/FUL	Land At Woodway Plymstock Plymouth PL9 8TS	Mrs Rebecca Boyde
20/06/2017	Grant Conditionally	17/00738/OUT	Mrs B Boon	Outline application for new two bedroom bungalow	5 Tretower Close Plymouth PL6 6BH	Mrs Katie Saunders
20/06/2017	Grant Conditionally	17/00903/FUL	Mr Christopher Wright	Side extension (no. 47 Reynolds Road) and rear extension (no. 46 Reynolds Road) and demolition of existing detached outbuildings	47 Reynolds Road Plymouth PL7 4PZ	Mr Chris Cummings
20/06/2017	Grant Conditionally	17/00921/ADV	Mr John Guitt	3x fascia signs; 1x entrance sign; 1x free standing pylon sign; 2x free standing directional signs & 1x set of flags	715 Budshead Road Plymouth PL5 4DY	Mrs Jess Maslen

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
20/06/2017	Grant Conditionally	17/00922/FUL	Mr J. Deverson	Replacement windows to 1st floor and attic rear	84 Durnford Street Plymouth PL1 3QW	Mrs Jess Maslen
20/06/2017	Grant Conditionally	17/00923/LBC	Mr J Deverson	Replacement windows	84 Durnford Street Plymouth PL1 3QW	Mrs Jess Maslen
20/06/2017	Grant Conditionally	17/00932/FUL	Mr & Mrs Edwards	Two storey front extension and single storey side extension	73 Green Park Road Plymouth PL9 9JA	Miss Amy Thompson
20/06/2017	Grant Conditionally	17/00973/ADV	Mr Thomas Donald	Illuminated fascia sign, non-illuminated fascia sign and projecting sign	Hawkins Meeting House Buckwell Street Plymouth PL1 2DA	Miss Amy Thompson
20/06/2017	Grant Conditionally	17/01003/FUL	Mr Gareth Rose	Garage conversion into new entrance lobby and dining area	57 Erlstoke Close Plymouth PL6 5QN	Mrs Alumecci Tuima
21/06/2017	Refused	17/00978/AMD	Mr Lee Oliver	Non-material Minor Amendment: Revision of roof profile & lowering of ground floor level of application 16/00758/FUL	99 Frensham Avenue Plymouth PL6 7JN	Mr Mike Stone
21/06/2017	Agreed Condition Details	16/00836/CDM		Condition Discharge: Condition 3 of application 15/02093/FUL	Skerries Road, Alderney Road & Inchkeith Road Plymouth	Miss Amy Thompson
21/06/2017	Grant Conditionally	17/00963/LBC	Mr Piers Norsworthy	Internal configuration including installation of heating system, wc & shower room	8 The Crescent Plymouth PL1 3AB	Mrs Jess Maslen

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
21/06/2017	Grant Conditionally	17/01049/FUL	Mr Steve Cleal	Rear extension and first floor balcony	36 Shute Park Road Plymouth PL9 8RE	Mrs Alumeci Tuima
22/06/2017	Grant Conditionally	17/00873/FUL	Mr Paul Rhodes	Change of use of units 15 to 18 (Class B1, B2 & B8) to vets (Class D1)	12 Newnham Road Plymouth PL7 4AW	Miss Amy Thompson
22/06/2017	Grant Conditionally	17/00888/FUL	Mr K Alsop	Change of use from retail (Class A1) to tattoo studio and gallery (Sui Generis)	Unit 2, St Teresa House Beaumont Road Plymouth PL4 9AZ	Miss Amy Thompson
22/06/2017	Grant Conditionally	17/00962/FUL	Mrs M Philpotts	Rear extension and associated works	66 Ridgeway Plymouth PL7 2AL	Mr Chris Cummings
22/06/2017	Grant Conditionally	17/01086/FUL	Tesco Stores Limited	Side extension.	2B Westfield Plymouth PL7 2DY	Mr Mike Stone
22/06/2017	Grant Conditionally	17/01100/FUL	Mr Lee Tomlinson	Replacement of existing revolving and swing doors	Charles Seale Hayne Library University Of Plymouth Drake Circus Plymouth PL4 8AA	Mr Chris Cummings
22/06/2017	Grant Conditionally	17/01111/FUL	Mr & Mrs Ciaran O'Gallagher	Detached double garage	Vinstone House 166 Mannamead Road Plymouth PL3 5QL	Mr Mike Stone
23/06/2017	Agreed Condition Details	17/00489/CDM	Mr Jonathan Couch	Condition Discharge: Condition 3 of application 15/00505/FUL	43 Market Road Plymouth PL7 1QW	Miss Amy Thompson

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
23/06/2017	Agreed Minor Amendment	17/01214/AMD	MP Property Services SW	Non-material minor amendment for application 17/00800/FUL - Change extension-approved flat roof to pitched roof	80 Underlane Plympton Plymouth PL7 1QY	Mrs Alumeci Tuima
23/06/2017	Grant Conditionally	17/00648/S73	Mr M Phillips	Vary conditions 4 and 9 from application 13/01196/FUL to allow extended speedway and training operating hours and to allow up to 21 races per meeting (instead of the 20 currently allowed) (except for Championship events and British finals when 24 races are already permitted)	Plymouth Speedway St Bonifaces College Sports Ground Coypool Road Marsh Mills Plymouth PL7 4NW	Mr Jon Fox
23/06/2017	Grant Conditionally	17/00825/FUL	Mr Campbell McLaughlan	Front porch extension and rear decking	12 Berry Head Gardens Plymouth PL6 5AS	Mrs Alumeci Tuima
23/06/2017	Grant Conditionally	17/00976/TPO	Mr Tarrant	T1 Popular: crown reduce by up to 2 meters and prune back to boundary on neighbours side.	Flat 5 Caradon Court 10 Hawkins Close Plymouth PL6 6LL	Mrs Jane Turner
23/06/2017	Grant Conditionally	17/00987/TCO	Stoke Damerel Primary School	2no Sycamores - Fell	Stoke Damerel Primary School Collingwood Road Plymouth PL1 5PA	Mrs Jane Turner
23/06/2017	Grant Conditionally	17/01001/TCO	Mr Phillip Woodgate	T1 (Cedrus deodara) - remove 3 or 4 limbs.	7 Albemarle Villas Plymouth PL1 5QZ	Mrs Jane Turner
23/06/2017	Grant Conditionally	17/01140/FUL	Mrs S. Emmett	Side extension and access	6 Reservoir Crescent Plymouth PL9 8NG	Mrs Alumeci Tuima
23/06/2017	Refused	17/01016/FUL	Mr Dan Parsons	Front garden shed (Retrospective)	49 Brentford Avenue Plymouth PL5 4HB	Mrs Alumeci Tuima

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
26/06/2017	Agreed Condition Details	17/00924/CDM	Mr Neil Howells	Discharge conditions 13, 14, 16, and 19 from application 15/01143/FUL	Beckley Court, Armada Way Plymouth PL1 1LD	Mrs Katie Saunders
26/06/2017	Agreed Condition Details	17/01025/CDM	Mr David Scantlebury	Condition Discharge: Condition 4 of application 16/02411/FUL	9 - 11 Durnford Street Plymouth PL1 3QJ	Mr Chris King
26/06/2017	Condition Decision Split	15/01477/CDM	Mr I Baker	Condition Discharge: Conditions 3, 4, 5, 7, 8, 9, 10 & 11 of planning application 14/01615/FUL	St Matthews Academy, Brest Road Plymouth PL6 5XN	No Name []
26/06/2017	Grant Conditionally	17/00991/FUL	Mr Darin Smith	Two storey side extension	8 Coltsfield Close Plymouth PL6 5TU	Mrs Liz Wells
27/06/2017	Grant Conditionally	17/00933/TCO	Mr Richard Prowse	6x Lime - Repollard back to previous points	Metropolitan House 37 Craigie Drive Plymouth PL1 3JB	Mrs Jane Turner
28/06/2017	Agreed Condition Details	17/00872/CDM	Mr Nigel Passmore	Coindition Discharge: Conditions 5, 6, 7, 8, 9, 10 ,11, 12 & 13 of application 16/01560/FUL	Plymouth International Medical & Technology Park, Near William Prance Road Derriford Plymouth PL6 5WR	Mrs Karen Gallacher
28/06/2017	Condition Decision Split	17/00671/CDM	Mr John Morriss	Discharge conditions 3, 4, 5, 6, and 7 from application 14/00560/FUL	Land Adjoining 76 Downham Gardens Plymouth PL5 4QF	Mr Simon Osborne
28/06/2017	Grant Conditionally	17/00785/FUL	Mr & Mrs Anthony Martin	Change of use of shop to self-contained flat	42 Bridwell Road Plymouth PL5 1AB	Mrs Karen Gallacher

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
28/06/2017	Grant Conditionally	17/01015/FUL	Mr & Mrs Hackworthy	First Floor Side Extension	85 Elburton Road Plymouth PL9 8JH	Miss Amy Thompson
29/06/2017	Agreed Condition Details	17/00632/CDM	Miss Kate Baker	Condition discharge 14 of planning permission 14/00223/FUL	Land Off Towerfield Drive Plymouth	Mr Robert McMillan
29/06/2017	Agreed Condition Details	17/00633/CDM	Miss Kate Baker	Condition Discharge: Condition 12 of application 14/00135/FUL	Land Off Towerfield Drive Plymouth	Mr Robert McMillan
29/06/2017	Agreed Minor Amendment	17/01347/AMD	Mr Neil Howells	Non-material Minor Amendment to reduce the number of student bedspaces from 507 to 505	Beckley Court Armada Way Plymouth PL1 1LD	Mrs Katie Saunders
29/06/2017	Grant Conditionally	17/00867/FUL	Pomphlett Primary School	Two storey standalone 8 classroom teaching block (net gain of 5 classes) including rationalisation of existing teaching facilities, parking alterations and relocation of KS2 playground area within site	Pomphlett Primary School Howard Road Plymouth PL9 7ES	Mr Chris King
29/06/2017	Grant Conditionally	17/01117/FUL	Mr & Mrs Graham	Upper floor extension together with terrace area and balustrading over existing flat roof area	2 Radford Park Road Plymouth PL9 9DH	Mrs Liz Wells
29/06/2017	Grant Conditionally	17/01131/FUL	Miss Marcia Edwards	Replacement of existing conservatory with extension	Egguckland Vale Primary School Charfield Drive Plymouth PL6 5PS	Mr Chris Cummings
29/06/2017	Refused	17/00945/FUL	Mr D An	Change of use from retail (Class A1) to restaurant/café (Use Class A3) and hot food takeaway (Class A5) and new shopfront	51 Ebrington Street Plymouth PL4 9AA	Miss Amy Thompson

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
29/06/2017	Refused	17/01079/FUL	Mr & Mrs Thomas	Fencing (retrospective)	6 Carew Grove Plymouth PL5 3PD	Mr Chris Cummings
30/06/2017	Grant Conditionally	17/01008/FUL	Mr Paul And Mrs Janet Winterton	Rear and garage extension	54 Glenholt Road Plymouth PL6 7JD	Mrs Alumeci Tuima
30/06/2017	Grant Conditionally	17/01112/FUL	Mr & Mrs Thomas	First floor side extension	116 Lalebrick Road Plymouth PL9 9RP	Mr Chris Cummings
30/06/2017	Grant Conditionally	17/01161/FUL	Mr & Mrs Andrew Rowe	Rear dormer and velux windows to the front elevation	11 Owen Drive Plymouth PL7 4RN	Mrs Alumeci Tuima
03/07/2017	Agreed Condition Details	17/01118/CDM	Mr Michael Houricon	Conditional Discharge: Requesting a change in the specification of an external material approved in request 16/01513/CDM (Condition 9 External Materials) in relation to application number 14/00975/FUL for the St George CRC, George Place (The Nelson Project).Covering Letter cdm002 - Explanation for the change in specification of the external render system used on all elevations of the scheme. pd105fa-m.r._s5_polymer_plain_render - Product sheet for Alumasc Ltd polymer plain render system.	St George Community Resource Centre George Place Plymouth PL1 3NY	Miss Katherine Grant
03/07/2017	Agreed Condition Details	17/01188/CDM	Mr John Rook	Condition Discharge: Condition 30 of application 12/01180/FUL	Bostons Boat Yard Baylys Road Plymouth PL9 7NQ	Mrs Katie Saunders
03/07/2017	Condition Decision Split	16/02433/CDM	Persimmon Homes Cornwall	Condition Discharge: Conditions 3 & 47 of application 12/02027/OUT	Land At Seaton Neighbourhood Plymouth	Mrs Olivia Wilson

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
03/07/2017	Grant Conditionally	17/00705/FUL	Mr Jason Gregg	Change of use from shop (Class A1) to hot food takeaway (Class A5) & amendments to shopfront	321 Southway Drive Plymouth PL6 6QR	Mr Chris King
03/07/2017	Refused	17/00960/FUL	Mr Kevan Walker	Loft conversion into a separate dwelling unit, front and rear dormers	28 Arundel Crescent Plymouth PL1 5DY	Miss Amy Thompson
04/07/2017	Agreed Minor Amendment	17/01179/AMD	Ian Philipson	Non-material minor amendment for application 15/01171/FUL - Cement board cladding to second storey of dwelling	2 Walters Road Plymouth PL5 1NR	Mrs Alumeci Tuima
04/07/2017	Agreed Condition Details	17/00711/CDM	Mr Ian MacMartin	Condition Discharge: Conditions 8, 9 (sections 1 and 2), 10, 11, 12, 14, 15, 17 & 19 of application 15/00858/OUT	Chaucer Way Plymouth PL5 3EQ	Mr Thomas Westrope
04/07/2017	Grant Conditionally	17/00493/FUL	C/o Agent	Provision of car parking area and associated works at Plymouth Mail Centre.	Plymouth Mail Centre Breakwater Road Plymouth PL9 7XX	Mrs Liz Wells
04/07/2017	Grant Conditionally	17/00863/FUL	Mr Ian Ford	Single storey extension and re-cladding of existing buildings	Nuffield Hospital Derriford Road Plymouth PL6 8BQ	Mr Chris Cummings
04/07/2017	Grant Conditionally	17/01070/FUL	McDonald's Restaurants Ltd	Alterations to elevations, extension, new drive through booths and associated works to site.	McDonald's Restaurant 195 Tavistock Road Plymouth PL6 5DA	Mr Mike Stone
06/07/2017	Agreed Minor Amendment	17/01017/AMD	MRH Limited	Non-material Minor Amendment: Removal of new LPG storage tank facility, reduction in length of shopfront, addition of an above ground Ad-blue storage tank and relocation of refuse/recycling area & carwash tank room	Landmark Filling Station Forder Valley Road Plymouth PL6 8LE	Mrs Liz Wells

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
06/07/2017	Agreed Condition Details	17/01107/CDM	Mr Evenson	Condition Discharge: Conditions 11 & 12 of application 14/01228/FUL	(Former) Royal Eye Infirmary Apsley Road Plymouth PL4 6PB	Mrs Katie Saunders
06/07/2017	Grant Conditionally	17/01002/FUL	Mr Paul Thomas	Replacement juliet balcony doors and windows	Flat 9, Dolphin House Sutton Wharf Plymouth PL4 0BL	Mrs Jess Maslen
06/07/2017	Grant Conditionally	17/01042/FUL	Mrs Mary Dennison	Side extension	4 Hazel Close Plymouth PL6 6HL	Mrs Alumeci Tuima
06/07/2017	Grant Conditionally	17/01115/FUL	Mr Ruben Sesmero Blanco	Shopfront alterations, ATM relocation and new ramp flooring	9 Dean Hill Plymouth PL9 9AA	Mrs Alumeci Tuima
06/07/2017	Grant Conditionally	17/01170/TPO	Mr Chris Cope	Various pruning works as detailed in Section 7 of the application.	32 Thornhill Way Plymouth PL3 5NP	Ms Joanne Gilvear
06/07/2017	Grant Conditionally	17/01198/FUL	Ms Lindsey Hall	Change of use to class A1, A3 & A5	Unit 9, 15 Royal William Yard Plymouth PL1 3RP	Miss Katherine Graha
06/07/2017	Granted Conditionally subject to S106	17/00586/S73	Mr Colin Morris	Variation of conditions 2 (plans) of 16/00028/FUL (as amended by 16/01561/S73) for a further extension to the 'Rileys building' for 38 student studios (restoring the total number of student bedspaces from 462 to 500 as originally approved) and positioning of roof plant.	Derrys Department Store 88 Royal Parade Plymouth PL1 1HA	Mr Simon Osborne
06/07/2017	Refused	17/00877/FUL	Mr S Fard	Change of use from garage/store to new dwelling (Class C3) with rear extension	7 St Gabriels Avenue Plymouth PL3 4JQ	Miss Amy Thompson

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
07/07/2017	Grant Conditionally	17/00955/FUL	Mr & Mrs Martin Laity	One and a half storey side and rear extension with integral garage to create granny annex (existing garage to be replaced)	38 Cundy Close Plymouth PL7 4QH	Mr Chris Cummings
07/07/2017	Grant Conditionally	17/01068/TPO	Mr Jon Harvey	Norway Maple: re-pollard to previous pruning points	51 Kimberly Drive Plymouth PL6 5WA	Ms Joanne Gilvear
07/07/2017	Grant Conditionally	17/01071/ADV	McDonald's Restaurants Ltd	Relocation of 2 no. existing signs and installation of 2 no. new fascia signs.	McDonalds Restaurant 195 Tavistock Road Plymouth PL6 5DA	Mr Mike Stone
07/07/2017	Grant Conditionally	17/01175/TPO	Mr John Doidge	1x Cypress - Fell and replant with Beech	4 Widewell Road Plymouth PL6 7DN	Ms Joanne Gilvear
07/07/2017	Grant Conditionally	17/01201/FUL	Mrs J Deakin	Proposed front porch (Re-submission of 17/00748/FUL)	17 Dunstone Drive Plymouth PL9 8SH	Mrs Alumeci Tuima
07/07/2017	Grant Conditionally	17/01233/FUL	Mr Greg Daw	Rear extension including first floor balcony	10 Fairview Avenue Plymouth PL3 6DR	Mrs Alumeci Tuima
07/07/2017	Refused	17/00996/FUL	Mr David Partridge	Decking (retrospective)	44 Market Road Plymouth PL7 1QW	Mr Chris Cummings
10/07/2017	Agreed Minor Amendment	17/00914/AMD	Mr Ian MacMartin	Amend conditions 13, 16, and 18 to Pre-DPC conditions for application 15/00858/OUT	Former Chaucer Primary School, Chaucer Way Plymouth	Mr Thomas Westrope

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
10/07/2017	Agreed Condition Details	17/01087/CDM	Mr Jon Turner	Condition Discharge: Condition 25 of application 11/01570/FUL	Inner Basin Millbay Docks Millbay Road Plymouth PL1 3EF	Miss Katherine Graha
10/07/2017	Agreed Condition Details	17/01193/CDM	Mr John Gregory	CDM - Condition Discharge: Condition 18 - Renewables of application 13/01916/OUT.	Former Toshiba Factory Site Ernesettle Lane Plymouth PL5 2TX	Mr Simon Osborne
10/07/2017	Grant Conditionally	17/00982/FUL	Wm Morrison Supermarkets PLC	Cafe extension to front of store. Installation of new glazed screens and doors to existing outer lobby area. Construction of new ATM room and replacement of roof mounted refrigeration plant.	282 Outland Road Plymouth PL3 5UQ	Mr Chris King
10/07/2017	Grant Conditionally	17/01048/FUL	Mrs Amy Tozer	Dwelling and detached garage	19 Neal Close Plymouth PL7 1YY	Miss Amy Thompson
10/07/2017	Grant Conditionally	17/01063/FUL	Coffee#1 Limited	Change of use from Use Class A2 (bank) to a mixed use Use Class A1/A3 (coffee shop)	66 Ridgeway Plymouth PL7 2AL	Miss Amy Thompson
11/07/2017	Grant Conditionally	17/01011/FUL	Mr S Watson	Side extension to form garage and rear extension	24 Larkham Lane Plymouth PL7 4PJ	Miss Amy Thompson
11/07/2017	Grant Conditionally	17/01064/ADV	Mr D Ellerton	Internally illuminated advertising panels attached to bus shelter	227 Tavistock Road Plymouth PL6 5US	Mr Mike Stone
11/07/2017	Grant Conditionally	17/01108/FUL	Julie King	Two storey side extension	23 Gilwell Avenue Plymouth PL9 8PB	Mrs Alumecci Tuima

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
11/07/2017	Refused	17/01237/FUL	Mrs Feeney	Balcony over garage (retrospective)	18 Drax Gardens Plymouth PL6 5BJ	Mr Chris Cummings
12/07/2017	Agreed Condition Details	16/01704/CDM	Mr Mark Wildman	Condition Discharge: Conditions 4 & 9 of application 16/00334/FUL	Plymouth Market, Market Avenue Plymouth PL1 1PS	Mrs Kate Price
12/07/2017	Agreed Condition Details	16/01705/CDM	Mr Mark Wildman	Condition Discharge: Conditions 3 & 8 of application 16/00343/LBC	Plymouth Market, Market Avenue Plymouth PL1 1PS	Mrs Kate Price
12/07/2017	Agreed Condition Details	16/02399/CDM	Mike Roberts	Condition Discharge: Conditions 4 & 8 of application 16/00334/FUL	Plymouth Market, Market Avenue Plymouth PL1 1PS	Mrs Kate Price
12/07/2017	Agreed Condition Details	17/00314/CDMLB	Mike Roberts	Condition Discharge: Condition 5 of application 16/00343/LBC	Plymouth Market, Market Avenue Plymouth PL1 1PS	Mrs Kate Price
12/07/2017	Agreed Condition Details	17/01024/CDMLB	Mr David Scantlebury	Condition Discharge: Condition 3 of application 16/02412/LBC	9 - 11 Durnford Street Plymouth PL1 3QJ	Mrs Kate Price
12/07/2017	Condition Decision Split	17/00631/CDM	Mr Ian MacMartin	Condition Discharge: Conditions 8, 10, 12 & 19 of application 15/01956/FUL	34 Wordsworth Road Plymouth PL2 2JF	Mr Robert McMillan
12/07/2017	Grant Conditionally	17/00709/FUL	Miss Lenna Bithell	Refurbishment and extension to house restaurant, kitchen, immersive dome, new amenity spaces, offices, winter garden, function rooms and event & exhibition space	The Market House Building 65 Duke Street Plymouth PL1 4ED	Mr Jon Fox

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
12/07/2017	Grant Conditionally	17/00710/LBC	Miss Lenna Bithell	Refurbishment and extension to house restaurant, kitchen, immersive dome, new amenity spaces, offices, winter garden, function rooms and event & exhibition space.	The Market House Building 65 Duke Street Plymouth PL1 4ED	Mr Jon Fox
12/07/2017	Grant Conditionally	17/01005/TPO	Richard Prowse	2x Ash - fell and replace	10 Housman Close Plymouth PL5 3TU	Mrs Jane Turner
12/07/2017	Grant Conditionally	17/01006/TPO	Mr Phillip Woodgate	T1 (Acer pseudoplatanus) - reduce crown by 20% and thin by 20%.T3 (Acer pseudoplatanus) - reduce crown by 20% and thin by 20%. NB: T3 not to be felled - amendment agreed 8/7/17	38 Llantillio Drive Plymouth PL2 3RX	Mrs Jane Turner
12/07/2017	Grant Conditionally	17/01009/FUL	Mr Tibor Bartha	Replace 52 diesel generators for 15 gas generators or battery technology	Plymouth Green Frog Power Generation Company Faraday Road Plymouth PL4 OST	Mrs Katie Saunders
12/07/2017	Grant Conditionally	17/01043/LBC	The Ship (Derriford) Ltd	Retrospective application for disabled access ramp	17 Brest Road Plymouth PL6 5XN	Mrs Jess Maslen
12/07/2017	Grant Conditionally	17/01081/FUL	Mr Mark Pettigrew	Alterations to rear entrance porch and balcony railings, and external wall insulation (Retrospective)	10 Admiralty Cottages Admiralty Road Stonehouse Plymouth PL1 3RS	Mrs Jess Maslen
12/07/2017	Grant Conditionally	17/01116/ADV	Mr Ruben Sesmero Blanco	1x 46" TV within a metal shroud	9 Dean Hill Plymouth PL9 9AA	Mrs Jess Maslen
12/07/2017	Grant Conditionally	17/01261/FUL	Sainsbury's Supermarkets Limited	Installation of ATM	13 Transit Way Plymouth PL5 3TW	Mr Mike Stone

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
12/07/2017	Grant Conditionally	17/01262/ADV	Sainsbury's Supermarkets Limited	Associated signage with new ATM	13 Transit Way Plymouth PL5 3TW	Mrs Jess Maslen
12/07/2017	Refused	17/00885/FUL	Mr Dean Reynolds	Front extension	20 Walkhampton Walk Plymouth PL6 8QY	Mr Mike Stone
12/07/2017	Refused	17/01076/FUL	Mr & Mrs Fruin & Williams	Rear conservatory	Plot 66, Sherford Elburton Plymstock PL9 8BW	Miss Amy Thompson
13/07/2017	Grant Conditionally	17/00543/FUL	Mrs Sally Symons	Garage Conversion	37 Langdale Gardens Plymouth PL6 8SN	Mrs Alumeci Tuima
13/07/2017	Grant Conditionally	17/01135/FUL	Mr Martin Blampey	Rear extension and front porch	29 Trewithy Drive Plymouth PL6 5TY	Mrs Alumeci Tuima
13/07/2017	Grant Conditionally	17/01200/FUL	Mr Kevan Roberts	Rear extension including decking and uPVC cladding to front	51 Huxham Close Plymouth PL6 5LH	Mr Mike Stone
13/07/2017	Grant Conditionally	17/01231/FUL	Mr & Mrs Steve & Julie Errington	Front Porch	157 Pemros Road Plymouth PL5 1LT	Mr Mike Stone
13/07/2017	Grant Conditionally	17/01255/FUL	Mr Graham Lang	Front extension	28 Trefusis Gardens Plymouth PL3 6BB	Mr Mike Stone

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
14/07/2017	Agreed Minor Amendment	17/01305/AMD	Mr Andrew Rundle	Change pitched roof over the two storey extension to a flat roof.	23 The Knoll Plymouth PL7 4SH	Mr Mike Stone
14/07/2017	Agreed Condition Details	17/01120/CDM	Julie Boyes	Conditional Discharge: Condition 7 - Bollards to East Entrance of Application 16/00334/FUL	Plymouth Market Market Avenue Plymouth PL1 1PS	Mrs Kate Price
14/07/2017	Agreed Condition Details	17/01221/CDM	MRH Limited	Condition Discharge: Condition 9 of application 15/00164/FUL	Landmark Filling Station Forder Valley Road Plymouth PL6 8LE	Mrs Liz Wells
14/07/2017	Grant Conditionally	17/01041/FUL	Mr Alex Deacon	Change of use from derelict bakery (Class A1) to laundrette (Sui Generis)	158 Union Street Plymouth PL1 3HL	Mr Chris Cummings
14/07/2017	Grant Conditionally	17/01091/FUL	Mr Ethan Jones	Proposed new rear extension and minor internal improvements to dwelling to provide accessible accommodation and caring facilities	11 Woolwell Drive Plymouth PL6 7JP	Mrs Liz Wells
14/07/2017	Grant Conditionally	17/01137/FUL	Mr A V	Installation of new shop front and door, removal of 2 no. existing condenser units and installation of 1 no. replacement condenser unit on rear elevation; removal of existing extract flue and installation of a replacement extract flue.	608 - 610 Wolseley Road Plymouth PL5 1TE	Mr Jon Fox

Planning Applications Determined Since Last Committee, cont'd

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
21/06/2017	Prior Approval Not Required	17/01095/GP1	Mr Justin Richardson	A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 3.6m, has a maximum height of 3.4m, and has an eaves height of 2.7m	13 Fairfield Avenue Plymouth PL2 3QF	Mrs Liz Wells
22/06/2017	LDC Refused	17/00878/PRDE	Mr Whittaker	Two storey side extension and conversion of garage to create habitable space	228 Outland Road Plymouth PL2 3PE	Mr Chris Cummings
26/06/2017	Prior Approval Not Required	17/01178/GP1	Miss Aysha Rujar	A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 6m, has a maximum height of 3m, and has an eaves height of 3m	7 Queens Gate Stoke Plymouth PL1 5NQ	Mrs Liz Wells
26/06/2017	Prior Approval Not Required	17/01190/GP1	Mr Wayne Dunn	A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 4.3m, has a maximum height of 3.8m, and has an eaves height of 2.24m	10 Caxton Gardens Plymouth PL5 3HT	Mrs Liz Wells
29/06/2017	Lawful Certificate Issued	17/01126/PRUS	Mr Michael Davey	Additional use of manager's accommodation by security manager	Boringdon Park Golf Course 55 Plymbridge Road Plymouth PL7 4QG	Mr Chris Cummings
06/07/2017	Prior Approval Not Required	17/01245/16	Telefonica UK Limited	Erection of 20m high streetpole with antenna and dishes and equipment cabinets	118-130 Ridgeway Plymouth PL7 2HN	Mr Chris Cummings
06/07/2017	Prior Approval Refused	17/01266/GP1	Mr & Mrs Brown	Demolition of existing sun room and utility and erection of a single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 6m, has a maximum height of 4.15m, and has an eaves height of 2.45m	201 Crownhill Road Plymouth PL5 3SN	Mrs Alumeci Tuima

Decision Date	Decision	Applicaition No:	Applicant	Proposal	Address	Case Officer
07/07/2017	Lawful Certificate Issued	17/01260/PRDE	Mr & Mrs A Thompson	Roof alterations and rear dormer	21 Westwood Avenue Plymouth PL6 7HS	Mr Chris Cummings
07/07/2017	Lawful Certificate Issued	17/01269/PRDE	Mr T Mrs M M Humphries	Roof alterations and rear dormer	6 The Dell Plymouth PL7 4PS	Mr Chris Cummings
07/07/2017	Lawful Certificate Issued	17/01275/PRDE	Mr Peter Blok	Roof alterations and rear dormer	119 Egguckland Road Plymouth PL3 5JS	Mr Chris Cummings
07/07/2017	Prior Approval Not Required	17/01052/GP2	Mr David Batten	Prior Approval: Change of use from office (Class B1) to dwelling (Class C3)	56 Notte Street Plymouth PL1 2AG	Miss Amy Thompson
07/07/2017	Prior Approval Not Required	17/01186/31	Mr Ian McLeod	Prior notification of proposed demolition of the SRC crane pedestal structure within Devonport Royal Dockyard	Submarine Refit Complex Devonport Royal Dockyard Saltash Road Keyham Plymouth PL1 4SG	Miss Amy Thompson
07/07/2017	Prior Approval Not Required	17/01271/31	Mr Trevor Goff	Notiification of proposed demolition of 109, 111 and 113 New George Street.	109, 111 And 113 New George Street Plymouth PL1 1RQ	Mr Mike Stone
11/07/2017	Lawful Certificate Issued	17/01278/PRUS	Mr M Phillips	Proposed use for car repairs (Use Class B2)	271 Embankment Road Plymouth PL4 9JH	Mr Chris Cummings
11/07/2017	Prior Approval Not Required	17/01291/GP1	Mrs Kate Lyon	A single-storey rear extension which extends beyond the rear wall of the original dwellinghouse by 5.9m, has a maximum height of 3.4m, and has an eaves height of 2.8m. Proposed single storey rear extension, with neighbour at 109 wanting an identical, but handed extension.	110 Wilton Street Millbridge Plymouth Devon PL1 5LT	Mrs Alumeci Tuima

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App no	Decision	Address	Proposal	Case Officer	Appeal Type	Decision Date	Synopsis
16/01474/FUL	DISMISSED	DOLPHIN HOUSE, SUTTON HARBOUR, PLYMOUTH, PL4 0DW	Roller shutter door to face	Liz Wells	Written Representations	28/06/2017	<p>Planning permission was refused for a roller shutter door to the face of the building, serving the undercroft car park, as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 and CS03 and the National Planning Policy Framework for being 1. Detrimental to public safety and interference with the free flow of traffic on the highway, and 2. For failing to preserve and enhance the building in the Barbican Conservation Area. Having reviewed the application, and visited the site, the Inspector supported the Council's view that the development would be detrimental to the Conservation Area (policy CS03). The benefit of the proposal was predominantly private ones for the occupiers of the flats which did not weigh against the harm. He gave some weight to the fact that the development is being sought to prevent litter and anti-social behaviour within the dark recess to the front of the existing roller shutter door but this does not justify the harm to the conservation area arising from the installation of the roller shutter on the external face of the building. The Inspector considered any obstruction to the public highway would be brief and given the lightly trafficked nature of Sutton Wharf and the infrequency with which the car park entrance is used, they did not consider that there would be a significant adverse effect on the free flow of traffic or public safety in general (policy CS28). The Council made an application for award for costs on the basis that the appellant failed to take the opportunities provided by the Council to amend the scheme. The Inspector did not consider unreasonable behaviour had been demonstrated, and refused the application for costs.</p> <p>Planning permission was refused for a roller shutter door to the face of the building, serving the undercroft car park, as it was considered to be contrary to Local Development Framework Core Strategy Policies CS28 and CS03 and the National Planning Policy Framework for being 1. Detrimental to public safety and interference with the free flow of traffic on the highway, and 2. For failing to preserve and enhance the building in the Barbican Conservation Area. Having reviewed the application, and visited the site, the Inspector supported the Council's view that the development would be detrimental to the Conservation Area (policy CS03). The benefit of the proposal was predominantly private ones for the occupiers of the flats which did not weigh against the harm. He gave some weight to the fact that the development is being sought to prevent litter and anti-social behaviour within the dark recess to the front of the existing roller shutter door but this does not justify the harm to the conservation area arising from the installation of the roller shutter on the external face of the building. The Inspector considered any obstruction to the public highway would be brief and given the lightly trafficked nature of Sutton Wharf and the infrequency with which the car park entrance is used, they did not consider that there would be a significant adverse effect on the free flow of traffic or public safety in general (policy CS28). The Council made an application for award for costs on the basis that the appellant failed to take the opportunities provided by the Council to amend the scheme. The Inspector did not consider unreasonable behaviour had been demonstrated, and refused the application for costs.</p>

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