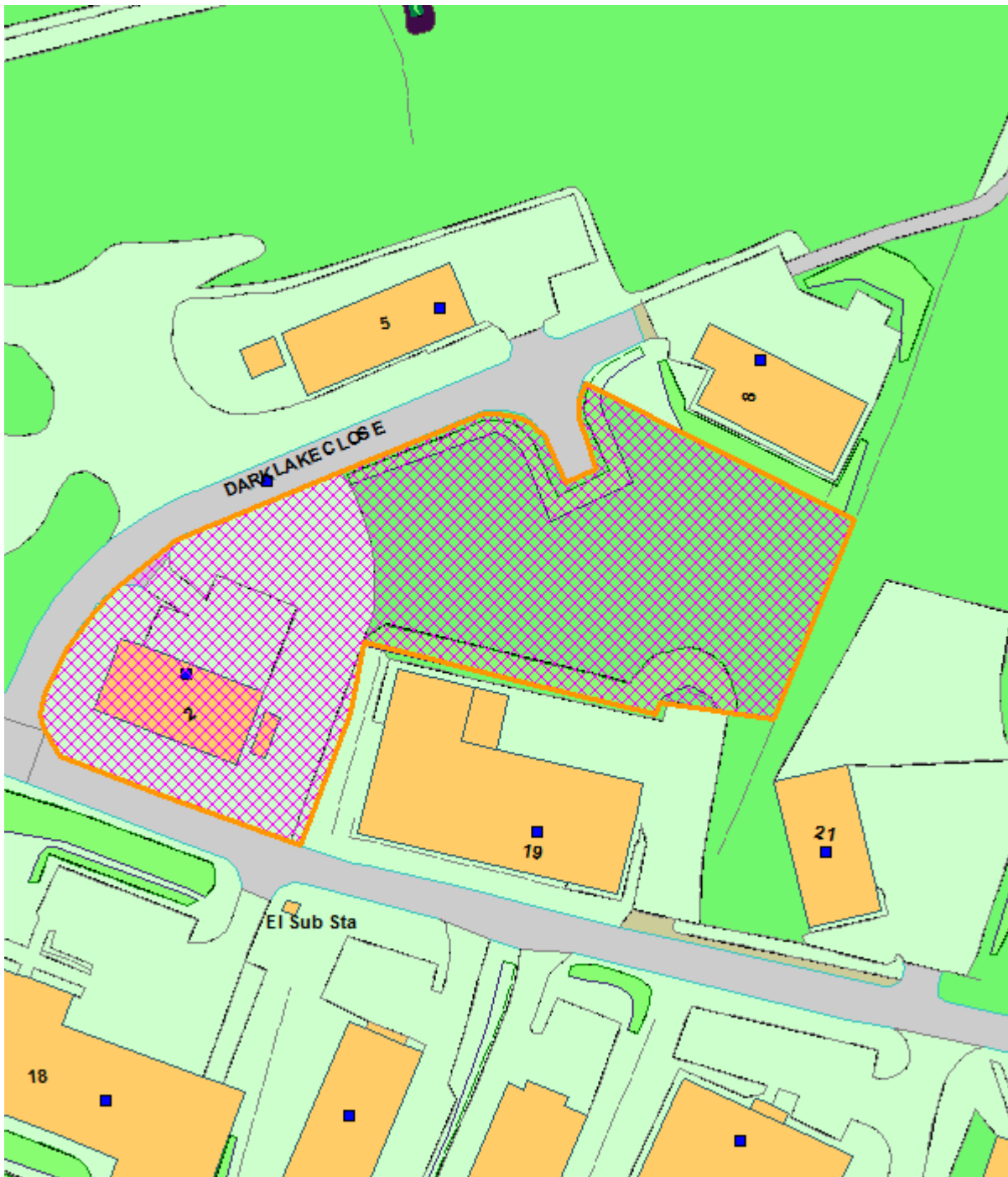


PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00596/FUL	Item	01
Date Valid	19.06.2020	Ward	MOORVIEW
Site Address	2 Darklake Close And Adjacent Land Plymouth PL6 7TJ		
Proposal	Extension to existing unit and erection of 2no. industrial buildings (Class B2/B8)		
Applicant	Mr Tony Carson		
Application Type	Full Application		
Target Date	18.09.2020	Committee Date	15.10.2020
Extended Target Date	28.10.2020		
Decision Category	Councillor Application		
Case Officer	Mr Simon Osborne		
Recommendation	Grant conditionally subject to S106 Grant conditionally subject to S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.		



This application is being heard by Planning Committee because the applicant is a Plymouth City Council Councillor

I. Description of Site

The site is situated on the southern side of Darklake Close, which is a spur road running off the northern side of Darklake View in the Estover Industrial Estate.

The site is comprised of two parts, a larger undeveloped area to the north and a smaller area to the south which forms the existing Baird House site. The larger undeveloped area is approximately 0.5 hectares, sloping down from south to north and is currently vegetated by trees and scrubs. It lies between existing industrial units. The eastern boundary of the site includes a hedgerow of trees and scrubs which is covered by a group Tree Preservation Order (TPO).

The Baird House part of the site measures approximately 0.24 hectares and also slopes south to north. The site contains an existing industrial building and an external storage area.

2. Proposal Description

The proposal is for the erection of 2 industrial buildings (Class B2/B8) and an extension to the existing industrial building. Due to the sloping topography each building would be located on a separate platform with separate accesses. The lower most northerly platform would contain a terrace of 10 units each measuring 72.5sqm (overall footprint of 725sqm). The units would have a mezzanine of 30sqm increasing the total usable area to 1025sqm. The building would be clad in grey composite metal cladding. Each individual unit would be split level and contain a roller shutter on the southern elevation. Each unit would have 2 car parking spaces at the front with a further 15 spaces opposite the building.

The higher southern platform would contain a smaller building of 147sqm subdivided into 5 garage type stores. The platform contains 18 parking spaces and a relatively large external storage area. The building would again be clad in composite metal and would contain 5 roller shutters.

The proposed extension building would be attached to the existing industrial unit (Baird House) and would be approximately 401sqm containing storage areas, offices, staff facilities and a reception, and with an additional mezzanine of 95sqm containing offices.

3. Pre-application Enquiry

None.

4. Relevant Planning History

19/00775/FUL- Erection of 2x industrial buildings (Class B2/B8) - Withdrawn

This application was for a similar scheme to the current proposal and was for the erection of 2 industrial buildings on the undeveloped part of the current site. The previous application included removal of the existing turning head. The application was heard at Planning Committee where it was resolved to grant planning permission subject to the signing of a s106. Following the Planning Committee a private property issue arose regarding the existing turning head which led to the withdrawal of the application. A post withdrawal meeting then took place which led to the subsequent submission of the application now being considered which proposes to retain the existing turning head.

91/01409/FUL - Erection of factory & warehouse building & formation of associated car park - Granted Conditionally.

5. Consultation Responses

Local Highway Authority - No objections subject to conditions
Lead local Flood Authority -No objections subject to a condition
Natural Infrastructure Team- No objections subject to conditions
Economic Development Department - Supports the proposal.
Public Protection Service - No objections subject to conditions.

6. Representations

No representations have been received regarding this application.

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. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

As a result of Government policies and guidance regarding lockdown due to COVID-19, the 2020 Housing Survey was delayed by approx. 2 months as site visits could not take place. The 2020 5YLS update is therefore delayed by 2 months and will now be published in September 2020. The impact from COVID-19 is likely to slightly reduce the supply identified for 2020/21 due to 2-3 months of limited/nil construction activity during lockdown. This however would not have the effect to result in a material change to the JLP Authorities 5YLS position, given the substantial 5YLS position at the 2019 monitoring point i.e. 6.4YLS which represents a surplus of 1,977 deliverable dwellings above what is required over the period 2019-2024 to demonstrate a 5YLS.

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: The Joint Local Plan SPD.

8. Analysis

1. This application has been considered in the context of the development plan, the adopted Joint Local Plan, the Framework and other material policy documents as set out in Section 7.
2. The main Joint Local Plan policies to consider are SPT1 (Delivering Sustainable Development), SPT2 (Sustainable Neighbourhoods), SPT4 (Provision for Employment Floorspace), SPT12 (Strategic Approach to Natural Environment), PLY2 (Unlocking Growth Potential), DEV2 (Air, Water, Soil, Noise and Land), DEV14 (Maintaining a Flexible Mix of Employment Sites), DEV20 (Place Shaping), DEV26 (Protecting and Enhancing Biodiversity),

DEV27 (Green and Play Spaces), DEV28 (Trees), DEV29 (Transport), and PLY45 (Plym Valley Strategic Greenspace).

3. The main issues to consider are the impact on the character and appearance of the area, highway considerations, ecology, and the impact on trees.

The principle of the use and employment issues

4. The site is located within an established industrial estate and therefore the proposal for an employment use (B2/B8) is supported in principle.

Design

5. The designs would be typical of well-designed industrial units and are considered to be appropriate for this location. The proposed materials are considered to respect the materials on existing buildings and will be controlled by condition. The height and scale are also considered to be appropriate.

Transport

6. As previously discussed the undeveloped land was previously subject of a similar, but subsequently withdrawn, scheme to which the Local Highway Authority (LHA) raised no objections in principle. This latest proposal broadly replicates the previous application in size and scale, and the quantum of development albeit retaining the existing turning head and including an extension.
7. The site is located on the edge of the city and has poor bus links and is therefore not a particularly sustainable location, however it is located within an existing industrial estate and therefore the Local Highway Authority (LHA) has not raised any objections in principle to the proposal.
8. The application is accompanied by a Transport Statement which considers associated traffic generation and impacts of the proposed development, and refers to the nationally recognised and accepted TRICS data base to establish traffic impacts. The development is likely to generate a total of 33 two-way movements (or about one vehicle every two minutes) in the AM peak hour and 22 two-way trips (about one vehicle every three minutes) in the PM peak hour. This is a relatively low level of additional traffic movements compared to the daily peak hour flows on the network. However parts of the local road network can be congested at peak periods and therefore a financial contribution to mitigate these impacts has been requested. The LHA considers that with such a contribution the impact of the proposal on the network will be acceptable.
9. The proposal would include a total of 60 spaces to serve the proposed buildings and the existing unit. The LHA considers that this level of parking provision is acceptable. . In addition and essential in such an inaccessible location is the provision of storage for 22 cycles which will be secured by condition.
10. Conditions have also been added to ensure that the details of proposed roadways, junctions and accesses are acceptable and fit for purpose.

Residential and neighbouring amenity

11. The site is located a considerable distance away and is screened from residential dwellings by the adjacent woodland and therefore the proposal does not raise any direct amenity issues.

Trees, Ecology, and landscape

12. The site is adjacent, but not in, a site allocated in the JLP as PLY45 Plym Valley Strategic Greenspace and is identified as a Biodiversity Network Feature
13. An Ecological Mitigation and Enhancement Strategy (EMES) has been provided which demonstrates net biodiversity gain as required by policy DEV26. Proposed ecological enhancements include:
 - o Wildflower meadow areas native planting
 - o Trees / scrub native planting (3no. Rowan Sorbus aucuparia trees will be planted.)
 - o Areas of meadow planting will be interspersed with native Gorse shrubs to provide structure and cover for wildlife
14. The EMES does not include a Construction Environmental Management Plan or a Landscape Management Ecology Plan which will both be secured by condition. A sensitive lighting scheme has been submitted which is considered acceptable.
15. The site forms part of the backdrop to a Landscape Character area: Plymbridge Wooded Valley. A landscaping scheme has been submitted which officers consider is acceptable. The proposal seeks to retain important tree groups including the boundary hedge and proposes planting of 3 additional Rowans. Given that the site is located on an industrial site it is not considered that the proposal would have unreasonable wider landscape impacts.
16. The eastern boundary of the site is covered by TPO no 270 and is relatively close to an area of Ancient Semi-Natural Woodland (Hatshill/Holtwood). A tree survey has been submitted which confirms that important tree/hedge groups are to be retained. In accordance with officer advice during the previous application the proposal avoids conflict with the protected tree groups. This area will also be constructed using a no dig method the details of which will be secured by condition. A condition to prohibit parking not within a marked parking space has also been added to avoid any impact on trees.
17. The Forestry Commission's Standing Advice has been consulted which indicates that development should generally be at least 15 metres away from veteran trees and ancient woodland. The proposal is not within this distance and therefore the impact is considered acceptable.

Drainage

18. The site is located in flood zone I and is considered to be a low risk from fluvial or tidal flooding. Surface water flood risk mapping indicates the site is at a low risk of flooding from a I in 100 year return period event.
19. A drainage statement has been submitted with the application which states that surface water will be conveyed into three separate attenuation tanks, one for each unit. Parking areas will be constructed from permeable paving.
20. The Lead Local Flood Authority are satisfied with the proposal subject to the submission of further drainage details which will be secured by condition.

Public Protection Issues

21. Due to the location, scale and scope of the proposed development, the Public Protection Service (PPS) have no major concerns in terms of land quality, however in case unexpected soil conditions such as made or polluted ground are encountered during construction an unexpected contamination condition is recommended.

22. PPS recognise that the site is within an industrial estate and not in particularly close proximity to residential dwellings. However they have recommended a condition external noise to be limited to a certain level at night time. This condition is considered appropriate and has been added.
23. An hours of construction condition and code of construction condition has also been recommended. The hours stipulated would be within the standard working day and therefore officers do not consider this is necessary. An informative regarding the councils code of construction has been added.

Sustainability

24. Policy DEV32 requires all developments to achieve 20% carbon savings. An energy statement has been submitted which proposes Photo Voltaic Panels to be located on the roofs to achieve this requirement. Further details of these and their implementation will be secured by condition.

Other Issues

25. The development includes over 1000sqm of new floor space and therefore inline with the Joint Local Plan SPD a condition has been added to ensure the installation of a Public Access Defibrillator to help safeguard employees, visitors and people in the area should it be required in an emergency.

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.

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 Local Highway Authority has requested a contribution to mitigate the impact of the development on the strategic highway network. Following negotiations with the applicant a contribution of £26,500 has been secured towards the Forder Valley Link Road Scheme. The Local Highway Authority are satisfied that this will adequately mitigate the impacts of the development.

A S106 management fee of £667 has also been secured.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has that the application does not cause discrimination on the grounds of gender, race and disability.

13. Conclusions and Reasons for Decision

The employment provided by the proposal is welcomed. Subject to conditions and a potential s106 contribution, the proposal is not considered to have an unreasonable impact on the highway network, the character of the area, ecology or the protected trees. 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.

14. Recommendation

In respect of the application dated 19.06.2020 it is recommended to Grant conditionally subject to S106 planning obligation with delegated authority to Service Director for Strategic Planning and Infrastructure to refuse if not signed within agreed timeframes.

15. Conditions / Reasons

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

1 **CONDITION: APPROVED PLANS**

Site Location Plan 2134-MAL-00-A-100-01 Rev P01 received 27/05/20

Existing Site Plan Land North of Baird House 2134-MAL-00-XX-XX-A-102 Rev P02 received 27/05/20

Proposed Site Plan Darklake Close and Baird House 2134-MAL-00-XX-XX-A-103 Rev P04 received 27/05/20

Block A - Plans and Elevations Land Darklake Close 2134-MAL-00-XX-XX-A-104 Rev P03 received 27/05/20

Block B - Plans and Elevations; Site Sections Land at Darklake Close 2134-MAL-00-XX-XX-A-105 Rev P03 received 27/05/20

Block C - Plans and Elevations 2134-MAL-00-XX-XX-A-106 Rev P03 received 27/05/20

Block C - Plans and Elevations 2134-MAL-00-XX-XX-A-107 Rev P03 received 27/05/20

Landscape Plan Baird House Extension 2134-MAL-00-XX-XX-A-109 Rev P04 received 27/05/20

Landscape Site Plan 2134-MAL-00-XX-XX-A-110 Rev P04 received 27/05/20

Tree Constraints Plan 05225 - TCP 02.05.19 - received 27/05/20

Tree Protection Plan and AIA 05225 - TPP 07.08.19 - received 27/05/20

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

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.

3 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

PRE-COMMENCEMENT

Prior to the commencement of development hereby approved a detailed Construction Environment Management Plan (CEMP) for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect general amenity, and the environment from any harmful polluting effects during construction works and avoid conflict with policies DEV2 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2019 and NPPF 2019.

Justification: To ensure adequate management is in place before any construction begins.

4 CONDITION: CONSTRUCTION DETAILS - TREE PROTECTION

PRE-COMMENCEMENT

Notwithstanding the submitted details no development shall take place until full details of the construction of the eastern end of the northern platform within the root protection zone of the protected trees have been submitted to and approved in writing by the Local Planning Authority. The construction should be a no-dig method. The details shall include a no dig method statement, full construction details and details of materials.

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

Reason:

To ensure the impact on the protected trees on the eastern boundary is acceptable in accordance with Policy DEV28 of the Plymouth and South West Local Plan 2019 and the NPPF 2019.

Justification: To ensure the proposal and its construction does not have an unreasonable impact on the root systems of the protected trees.

5 CONDITION: DRAINAGE

PRE-COMMENCEMENT

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

a)

A surface water drainage strategy or flood risk assessment should be submitted that demonstrates that the proposed drainage system, including any attenuation, can provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling results should be produced in support of any drainage design. Details are required for all proposed drainage features prior to planning approval.

b)

Details should be provided that confirm that the water environment is protected from pollution from the highway and parking areas. Reference should be made to the pollution risk matrix and mitigation indices in the CIRIA SuDS Manual to minimise pollution during use.

c)

In an extreme event that exceeds the design standard, a surface water exceedance flow route should be identified on a plan that shows the route exceedance flows will take both on and off site from the point of surcharge, and demonstrating that these flows do not increase the risk of flooding to properties on and off the site and or to Third Party Land including the Public Highway. Exceedance flows should be intercepted and contained on site as far as this is reasonably practicable and safe to do so, ensuring that flows are directed away from public access areas.

d)
A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the construction phase.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with, policy DEV35 of the Plymouth and South West Devon Joint Local Plan and National Planning Policy Framework 2012.

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

6 CONDITION: DETAILS OF NEW JUNCTIONS

PRE-SLAB LEVEL

No development shall take place above slab level until details of the junction/access between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has 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 Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034.

7 CONDITION: EXTERNAL MATERIALS

PRE-SLAB LEVEL

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

8 CONDITION: PROVISION OF SIGHT LINES

PRE-SLAB LEVEL

No development shall take place above slab level until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the development is first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2019 and the NPPF.

9 CONDITION: SUSTAINABILITY

PRE-SLAB LEVEL

No development shall take place above Slab level until an Energy Strategy has been submitted to and approved in writing by the Local Planning Authority detailing how the proposed PV panels will achieve regulated carbon emission levels of 20% less than that required to comply with building regulations.

Reason:

To ensure that carbon emissions are reduced in accordance with policy DEV32 of the Plymouth and South West Devon Joint Local Plan 2019 and the NPPF.

10 CONDITION: BIODIVERSITY AND LANDSCAPE ECOLOGY MANAGEMENT PLAN

PRE-OCCUPATION

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy ref TE0248/EMES/A.

Prior to occupation of the units hereby approved a Landscape Ecology Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be managed in accordance with the approved details.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policy DEV26 of the Plymouth and South West Joint Local Plan and Government advice contained in the NPPF.

11 CONDITION: SERVICE ROADS

PRE-OCCUPATION

No building shall be occupied until that part of the service road which provides access to it and shall not be steeper than 1 in 10 at any point has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034.

12 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 22 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034.

13 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details and that area shall not thereafter be used for any purpose other than the parking of vehicles.

No vehicles shall be parked other than in parking spaces shown on the approved Site Layout Plan.

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 and to protect the root system of protected of protected trees in accordance with Policies DEV28 and DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034.

14 CONDITION: WORK PLACE TRAVEL PLAN

PRE-OCCUPATION

The use hereby permitted shall not commence until a Work Place Travel Plan (WPTP) has been submitted to and approved in writing by the Local Planning Authority. The WPTP 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; site specific outcomes and targets, an agreed arrangement 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 use the developer shall operate the approved Work Place Travel Plan

Travel plans for non-residential developments are recommended to be created and managed using iTRACE, an online travel plan management tool available through the Council. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the 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 DEV29 of the Plymouth and South West Devon JLP 2019.

15 **CONDITION: PUBLIC ACCESS DEFIBRILLATOR**

PRE-OCCUPATION

Prior to the occupation of the development hereby approved a Public Access Defibrillator (PAD) and associated signage shall be installed on an external surface of one of the buildings or other appropriate location to the satisfaction of the Local Planning Authority. The PAD shall be registered with the South Western Ambulance Service NHS Foundation Trust (SWASFT) and monitored and maintained in accordance with their registration requirements thereafter unless agreed in writing by the Local Planning Authority.

Reason:

To safeguard employees, visitors and local communities in accordance with DEVI and SPT2 of the Joint Local Plan, the NPPF and NPPG and guidance found within Joint Local Plan SPD.

16 **CONDITION: UNEXPECTED CONTAMINATION**

In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Where remediation is necessary a remediation scheme must be prepared, which 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.

Following completion of measures identified in the approved remediation scheme, a verification 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.

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 DEV2 of Plymouth and South West Joint Local Plan 2019 and the National Planning Policy Framework 2019.

17 CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars 05225 - TPP 07.08.19 (which shall be amended to protect the whole root protection area of G5 and H4) 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 Policy DEV28 of the South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2019.

18 CONDITION: SERVICE YARD NOISE

Noise generated from the External Service Yard areas hereby approved shall not exceed 50-55 dB (LAeq,16hours) outside of the following hours 07:00 to 23:00 unless agreed in writing by the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

INFORMATIVES

1 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, 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: CODE OF CONSTRUCTION

The developer is advised that the development should be carried out in accordance with the Council's Code of Practice for Construction and Demolition Sites which is available from:

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

3 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.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

4 INFORMATIVE: SUPPORTING DOCUMENTS

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

- Drainage Statement ref 62860 June 2020
- Ecological Mitigation and Enhancement Statement TE0248/EMES/A
- Energy Statement 2134
- Transport Statement ref JP/TS/38/19 April 2019
- Tree Survey 05255-Tree Survey-2019 and;
- accompanying Design and Access Statement P02

5 INFORMATIVE: CONDITION 10

With regard to the requirements of condition 10, the content of the LEMP should include the following:

- i. Description and evaluation of features to be managed.

- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management for both the landscape elements and the biodiversity features.
- iv. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- v. Preparation of a work schedule.
- vi. Body or organisation responsible for implementation of the plan.
- vii. Monitoring and remedial measures.

The plan should also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.