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7 November 2012

PLANNING COMMITTEE ADDENDUM

Thursday 8 November 2012
5 pm
Council House, Plymouth (Next to the Civic Centre)

Members:

Councillor Stevens, Chair
Councillor Tuohy, Vice Chair
Councillors Mrs Bowyer, Darcy, Sam Davey, Mrs Foster, Nicholson, John Smith, Stark,
Jon Taylor, Vincent and Wheeler.

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

6.1. 89 FLEETWOOD GARDENS, PLYMOUTH

(Pages 1 - 2)

Applicant: Mrs G Buckley
Ward: Southway
Recommendation: Issue certificate subject to consultation response from Legal

6.2. 21 DEAN ROAD, PLYMOUTH

(Pages 3 - 6)

Applicant: James Dean and Kerry Everson
Ward: Plympton St Mary
Recommendation: Grant Conditionally

6.3. LAND OFF TOWERFIELD DRIVE, PLYMOUTH

(Pages 7 - 14)

Applicant: ConsertoneZed Plymouth Ltd
Ward: Moor View
Recommendation: Minded to Grant Conditional Permission, subject to S106 Obligation, with delegated authority to Assistant Director

ADDENDUM REPORT PLANNING COMMITTEE 08 NOVEMBER 2012**Item: 6.1****Site: 89 Fleetwood Gardens****Ref: 12/01599/PRDE****Applicant: Mrs Gillian Buckley****Page: 14**

Before a recommendation could be made on this application advice was sought from the Council's Planning Lawyer to consider whether a change of use was taking place. The advice received from legal said while a hobby might normally be subordinate to the use of the premises as a dwellinghouse it may be of such a kind and requiring such space that the enjoyment of the dwellinghouse becomes incidental to the indulgence of the hobby.

Regard must be had to a number of matters including:

1. Where is the dwellinghouse situated? Different considerations may apply depending on whether it is in the country on the one hand or in the centre of a town on the other.
2. What is the size of the dwellinghouse in the context of the user which is said to be incidental to its enjoyment? How much ground is included in its curtilage?
3. What is the nature and scale of the activity which is said to be incidental to the enjoyment of the dwellinghouse as such? The more dominant the activity the less likely it is to be described as incidental. The indulgence of a hobby is more likely to qualify than some commercial activity.
4. What is the disposition and character of the occupier? While, as already stated, his or her view of whether the activity is incidental is not in any sense conclusive, it is nevertheless something to which regard should be paid. One person might consider a particular hobby was incidental to his or her enjoyment of the dwellinghouse, while another would say that such an activity was unthinkable in or near a dwellinghouse.

These points are critical to concluding whether a change of use is taking place. Following this advice the case officer sought additional information from the applicant which is recited below:

The property is a 3 storey town house with integral garage and the layout is described below to clarify the full use of the property as a family home and the size of the dwelling compared to the proposed change of floor space in the garage.

The ground floor consists of a large kitchen / utility area fitted with all modern appliances including washing machine and tumble dryer. Floor size is approx. 4.5m x 4m but not ideal for entertaining as only room for a small table and limited space to bake and refrigerate food on top of family meals. I would like to add dining space within the converted garage area which would also be used for family gatherings.

There is also a hallway and staircase and a small cloakroom. Total floor space on ground floor without including the garage approx. 27sq mtrs.

The first floor consists of a large lounge, family bathroom and a bedroom with stairs leading to second floor. Again the floor space (being over the garage too) would be approx. 9.5 m x 4.5m or 42.75 sq mtrs. The lounge cannot be used as a dining area as would mean going up and down the stairs numerous times with hot food and dishes. The second floor has the master bedroom with an en-suite shower room and two further bedrooms. The total floor space again would be approx. 42.75 sq mtrs.

My family consists of two adult children who have yet to leave home – hence the need for the space and number of rooms. The fourth bedroom is used as a family study / computer room.

With 3 cats as well I would describe the property as a family home and the hobby I have described in my application is for cooking. This can be anything from small dinner parties to baking cakes and savoury items for parties and special occasions as well as experimenting with chutneys and jams.

The garage itself is approx. 5m x 3m in total and you will see from the plan that my aim is to fit a small range of units for additional storage all contained within an area of 9 sq m. The kitchen area would have a fridge / freezer, cooker and two sinks.

The rest of the space 6 sq m would then be usable as a dining area for entertaining and family use. The only space that would be used commercially would equate to 9 sq mtrs of a total habitable area of 117 sq mtrs which is less than 8%.

The idea I have is to be able to produce small buffets such as for a family party or other special occasions. Having done a lot of research I know that I would need a designated space to be able to register with environmental health and conform to all the food hygiene regulations, particularly as I have pets. The quality of the food would be very important to me and therefore all equipment and surfaces would need to be kept clean and hygienic in this dedicated area. There would not be any great profit in this as it would be more for the pleasure of preparing and baking the food. The sort of profit I would expect would be in the region of £30 - £40 for a buffet for up to 80 people.

I will be retiring in 8 years time but have recently reduced to working 4 days a week. I therefore envisage the maximum time I would be using the space for profit would be once or twice a week. As all the work would be done by me time would not allow for more and of course this would be subject to any demand. This would not be known until I was able to produce any food for sale but I fully realise that if it became popular as I near retirement I would need to seek a premises designed for commercial use if I were considering starting a proper business. This would give me a start to see if such a venture might be viable.

My other option would have been to build a small kitchen on the back of the property which would not have needed planning permission. However, as the garage is not used for the car I felt that bringing the space into use would be a much better idea and the property would benefit from the additional insulation.

I had assumed there must be a lot of residents in the Plymouth area that use their garages for profitable uses such as fixing cars or televisions or using workshops and working from home. I therefore did not foresee this would be any problem and only want to continue if the use is legitimate and all proper channels have been adhered to.

Taking this information into account and the advice received from the Councils Planning Lawyer, it is considered that a change of use is not taking place and on balance the use of the premises remains predominately domestic in terms of total floor space. The hobby taking place within this garage, which does have a small commercial element, appears to be very minor when considered against the largely domestic use of the dwelling and the garage which is to be converted. As such it is recommended that a certificate of lawfulness is issued for this garage conversion.

ADDENDUM REPORT PLANNING COMMITTEE 8 NOVEMBER 2012**Item: 6.2****Site: 21 Dean Road****Ref: 12/01520/FUL****Applicant: Mr James Dean and Ms Kerry Everson****Page: 15****Representations**

Additional letters of representation have been received since the update report for Planning Committee which forms part of the agenda. Of the letters received, some letters respond to the amendments made to the plans following negotiations since the Planning Committee on 18 October deferred the application for negotiations on 5 grounds. Some of the letters have raised queries about the process or treatment of letters of representation and some have reiterated requests for information, explanation of the planning considerations of the previous and current planning application or further photographs to be taken.

Some of the letters of representation received have contained remarks of a personal nature regarding both the applicant, agent and the case officer and these remarks have been removed from the public record. .

A copy of the representation which is believed to be the same as made to Planning Committee members directly by the speaker prior to the last Planning Committee has also been uploaded to the public website for information.

The relevant planning issues raised in the additional letters of representation are summarised below:

- Deception relating to the height of the garage

Response: addressed in addendum report to 18 October Committee.

- Height of garage could be reduced without too much complication / lots of houses have different fascia levels / a more attractive 4 bedroom bungalow could have been designed which would have kept all the neighbours happy. Request that further compromise is made by applicants over the garage roof

Response: amendments to design have been sought with the applicant following the decision of the Planning Committee on 18 October 2012. The response is included in the officer report.

- Query 33 metre distance between 31 School Close and 21 Dean Road

Response: On-site measurements found the smallest distance from side of proposed dwelling to boundary of 29/31 School Close measured 14.3 metres, plus garden on 29/31 around 10 metres long, gives separation of over 24 metres. Development guidelines for outlook suggests minimum of 15 metres and for privacy 21 metres. Impact on 29/31 School Close addressed in main report to 18 October Committee

- Impact on 19 Dean Road – ‘oppressive scale’ or ‘overbearing and dominant’ (privacy issue previously specifically addressed in officer report)

Response: The proposed front elevation shares the line of the front of the pre-existing bungalow (excluding the bay windows) and the relative increase in height and length of the proposed dwelling is not considered by officers to result in an unreasonable impact on the outlook or light when viewed from the garden or

habitable room windows of 19 Dean Road compared to the relationship with the old bungalow. No. 21 lies to the north of no. 19. The sun-room has windows on three sides with the greatest expanse of space along the garden to the rear. The proposed garage lies close to the boundary part way down the garden of no. 19 which at the time of the site visit was screened by existing garden shrubs and trees.

Regarding privacy, whilst the dormer window serving the bathroom is proposed to be obscure glazed, mitigating any potential unreasonable loss of privacy to no. 19, it is recommended to apply an extra condition to require any opening window below 1.7 metre measured from floor level in that room to be restricted opening so as to mitigate for unreasonable loss of privacy. A recommended additional condition is outlined below.

- Inaccuracies in the agent's letter following negotiations specifically regarding pre-existing vegetation in garden on 19 Dean Road

Response: The precise details of why and when any vegetation was removed does not affect the recommendation and had been removed prior to the case officer's first site visit.

- Thankful that window removed but two dormers on rear elevation will still impact on 17 School Close as trees, unless evergreen, will only give privacy in summer months.

Response: the separation distance and angle of the dormers relative to 17 School Close are not considered by officers to result in unacceptable loss of privacy and the proposed trees, whilst not evergreen, will act to break up any overlooking.

- Disappointed that dormer windows overlooking 17 and 19 School Close will not be removed without detriment.

Response: This issue is addressed in the main officer report.

- Concern that future growth of trees may give rise to damage of adjacent properties due to root growth, height and spread and querying if this can be legally enforced on the owner of the trees

Response: This is not a planning matter. Under Common Law overhanging trees and their roots can be cut back to the boundary.

- Query on removal of shed and assurance that wall will be replaced or made safe should it become unsafe.

Response: This is not a planning matter, although should a report be received of a dangerous structure or wall, the Planning Department would investigate through its Building Act powers. A condition to replace the wall is not considered to pass the tests of necessary or reasonable given its location on the boundary and the fall-back of permitted development rights to remove or replace the means of enclosure.

- Queries on the front facing dormers not being addressed in officer reports and not in accordance with paragraph 2.2.58 the Development Guidelines SPD

Response: Already addressed in update report on agenda, but to clarify: the front facing dormers area considered acceptable in this instance. The main planning considerations being the impact on the streetscene and the impact on neighbouring properties amenities. Development Guidelines SPD introduction to chapter 2, paragraph 2.1.6 states:

'The guidance set out in this chapter does not aim to be overly prescriptive. The Council recognises that the characteristics of each site will be different and that what is inappropriate at one location could be appropriate in another. [...] This guidance does, however, set out a benchmark for protecting the character and amenities of local neighbourhoods and for driving up the quality of the urban environment.'

- Queries on the dormers not being aligned with windows below not being addressed in officer reports and not in accordance with paragraph 2.2.55 the Development Guidelines SPD

Response: as above.

- Queries regarding limitation to increase in volume of a property

Response: addressed in report to 18 October Committee

- Queries regarding when mass becomes significant or detrimental, and stating that 42 residents do not concur with officer opinion, reference to appeal decisions on volume issues

Response: each planning application is assessed on a case by case based on local and national policy and guidance alongside other local circumstances. The officer report outlines how these policies and guidance have been used to inform the officer recommendation.

- Queries on the request for photographs to be taken from first floor windows

Response: Already addressed in update report on agenda.

- Queries on probity in planning and reference to the agent's former position in Plymouth City Council

Response: The agent is not a Plymouth City Council employee and officers are bound by the Planning Committee Code of Good Practice which forms part of the Council's Constitution.

- Refusal to communicate with neighbours' representative and answers to questions raised about dormer windows, volume of house and other questions

Response: Authors have been advised that the planning authority cannot enter into individual correspondence with regards to planning applications.

- Amended proposals fall extremely short of redressing concerns and has not altered the mass and overbearing effect of the project on the local area. We do not understand why the first planning permission was allowed – vastly bigger and obviously far in excess of what a normal person would understand to be an extension. Feel that there has been an error in judgement of the planning officer in allowing permission for this building.

This is a matter for Planning Committee to consider.

CONDITION: BATHROOM WINDOW TO BE RESTRICTED OPENING

(Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), the window (at first floor level) in the front (south) elevation of the

proposed **dwelling serving the bathroom**, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, or unless the window opening is restricted to 50mm.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 whilst allowing for reasonable natural ventilation of that room.

ADDENDUM REPORT PLANNING COMMITTEE 8

NOVEMBER 2012

Item: 6.3

Site: Land off Towerfield Drive Plymouth

Ref: 12/01504

Applicant: CornerstoneZed Plymouth Limited

Page: 31

Consultees

Environment Agency

The Environment Agency has removed its objection subject to condition 3 and advice that has been copied to the applicant.

Natural England

Natural England is broadly satisfied that the mitigation proposals, if implemented, are sufficient to avoid adverse impacts on the local population of dormice and therefore avoid affecting favourable conservation status.

South Hams District Council

South Hams District Council has been formally consulted and also has to determine an identical application as the site straddles the boundary. Discussions have taken place between officers from both Councils, but no formal response has been received. Any comments received will be reported orally.

Public Protection Services

Require the agreed additional air quality monitoring and suggest a further condition.

Analysis

Officers met the applicant's agents recently to seek improvements. Progress was made on the design of the square to simplify it and reduce the number of bollards and changes will be made. The applicant will consider the treatment of the community open space and the possibility of tree planting which can be covered by the landscaping condition 8. On the design of plots 34 – 44 the applicant will consider altering the pitch of the roof and repositioning the flue. On the plots that have tiled northern elevations the applicant will consider a different material which will be covered by condition 40. The applicant will consider adding windows to elevations that face footways and roads to improve surveillance. It was unable to agree to changing the layout to alter the spatial relationships of the critical properties but will consider amending the window design to mitigate the overlooking from plots 71 and 72 to plot 34.

Officers have concerns about the "future legacy" flexible uses of the large assembly unit of industrial appearance close to houses. If when the site is completed there is not sufficient demand for all of the building to be used for business use the local planning authority would then consider suitable alternative uses. But the applicant is insistent that it requires the flexibility resolved now. Given the size and volume of

the building additional conditions are necessary to control its use. These relate to restricting the size units for A3 Restaurants and Cafes, A4 Drinking establishments and D1 Non-residential institutions and permitted development changes of use to A1 shops and the prevention of adding additional internal floors that could double the floorspace. The hours of use are controlled by condition 35.

On transport and parking matters the applicant has provided additional parking. Some of the spaces are some distance from the properties they serve such as those alongside the eastern hedgebank. These will need to be controlled to prevent their use by staff at the Children's Support Agency.

The applicant will provide details of the phased operation of the access arrangements from Woolwell Crescent and around the assembly building during the construction phase and this will be conditioned. The applicant will also provide an amended drawing showing how the future junction improvements at Woolwell Crescent with Tavistock Road will be safeguarded.

These changes will further improve the quality of the development.

Section 106 Obligations

Parts of this section of the original report have been revised and to include updates and the changes are included in bold.

A development of the scale proposed will have impacts of local and strategic infrastructure and also triggers policy requirements for the provision of affordable housing, all of which are matters for consideration through a Section 106 negotiation. The circumstances of the application proposal, in particular relating to delivery of Code 6 homes as part of a wider eco-village concept, and the implications for development viability arising from this approach, are also relevant factors to weigh in the balance in relation to a Section 106 negotiation.

Core Strategy Policies CS15 and CS33 (amplified by the Planning Obligations and Affordable Housing SPD Second Review) set out the framework for negotiating planning obligations. The application of CS15 would suggest a requirement for 13-14 affordable homes, subject to viability. In addition, the application of CS33 would justify the seeking of infrastructure contributions in relation to local schools, playing pitches, strategic transport, strategic green space and the European Marine Site, the need for such contributions being supported by evidence of need.

Given the particular characteristics of the scheme and the market conditions, the applicant has raised viability concerns. The applicant has worked closely with officers on agreeing the viability appraisal. The appraisal is satisfactory for evidencing viability. It is a project with high risk with a viability gap in the appraisal of £1.8 million on a developer profit of 20% on cost. If the LPA sought substantial planning obligations it would render the project undeliverable. The reasons why this is so are because of the high build costs associated with the sustainable homes, the employment space providing little value, and the amount of open space and land required for the junction improvements. **It is therefore**

appropriate to consider the application within the context of the Market Recovery Scheme, which provides a framework for Section 106 negotiations in such circumstances in order to support the recovery of the local economy.

The application provided several benefits not least the high degree of sustainability, energy efficiency and carbon dioxide reduction. **The applicant has confirmed that it will provide 12 affordable homes.**

Negotiations are continuing on the draft heads of terms submitted by the applicant. These include matters relating to: the dwellings achieving a Code for Sustainable Homes level 6 EN rating; provision of a learning resource centre of up to 55 sq m; dedicating land in the south west corner of the site of about 500 sq m for highway junction improvements; “reasonable endeavours” to facilitate delivery of a green car sharing scheme and electric bicycles; retention and management of the woodland; creation of the open space and installation of the play equipment; and construction of the first phase of the employment facility. In addition to these, officers are seeking additional terms subject to viability. These are: the management agreement extended to the open space and eastern hedgebank; maintenance of the open space and play area by the developer/management company or a commuted payment; provision of travel passes; a contribution for a car club; **and funds to cover the cost of the Traffic Regulation Orders for parking restrictions, waiting restrictions and the roads to be one way only.**

As the application site includes land in the South Hams, South Hams District Council will need to be a party to the Section 106 agreement.

Recommendation

The proviso needs to be added to the recommendation delegating authority to refuse permission if the section 106 agreement is not completed in time. The recommendation is: **Minded to grant conditional permission subject to S106 obligation with delegated authority to Assistant Director to refuse if the obligation is not completed by 10 December 2012.**

The following conditions have been added following further consultation responses received as outlined above and further consideration of issues raised. These are:

RESIDENTIAL TRAVEL PLAN

(31) No dwelling hereby permitted shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage staff 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 RTP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of (the commencement of the use)(occupation) the occupier shall operate the approved RTP.

Reason:

In the opinion of the Local Planning Authority, 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.

SPECIFIED USE RESTRICTION I

(32)The employment/live-work units on the west side of the Mews Street and the assembly premises south of plots 80 to 85 premises on drawing number 227/P/103 Rev shall be used for Use Class B1 business purpose and for no other purposes including any other purpose in the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIVE-WORK FLOORSPACE

(33) Not more than 50% of the floorspace of each one of the employment/live-work units shall be used for living accommodation.

Reason:

To ensure that parts of the premises are used for employment purposes to prevent any unit being used for 100% living accommodation as the units are unsuitable for wholly residential use given their poor standard of residential amenity in accordance with policies CS01, CS04 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

SPECIFIED USE RESTRICTION

(34)The ground floor premises of Block C as shown on drawing number 227/P/103 Rev X shall be used for Class A3 Restaurant & Café, A4 Drinking Establishments or D1 Non-residential institutions purposes and for no other purposes including any other purpose in the Schedule to the Town and Country (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

The Local Planning Authority considers that, in the particular circumstances of the case, the use of the premises for the purpose specified is appropriate but that a proposal to use the building for any other purposes would need to be made the subject of a separate application to be considered on its merits in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OPENING HOURS EMPLOYMENT AND ASSEMBLY USES

(35)The employment/live-work units on the west side of the Mews Street and assembly unit south of plots 80 - 85 as shown on drawing number 227/P/103 Rev X shall not be used outside the following times: 08.00 hours - 18.00 hours Mondays to Saturdays inclusive and not at any times on Sundays and Bank or Public Holidays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OPENING HOURS GROUND FLOOR OF BLOCK C

(36)The ground floor premises of Block C shown on drawing number 227/P/103 Rev X hereby permitted shall not be used outside the following times: 08.00 - 23.00 hours Mondays to Saturdays inclusive and 10.00 - 22.00 hours on Sundays and Bank or Public Holidays.

Reason: To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DELIVERY HOURS

(37) No deliveries taken at or dispatched from the employment/live-work units on the west side of the Mews street, the assembly unit south of plots 80-85 and the ground floor premises of plot C shown on drawing number 227/P/103 Rev X shall take place outside the following times 08.00 - 18.00 hours Monday to Saturday inclusive and not at any time on Sundays and Bank or Public Holidays.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

VENTILATION/FUME EXTRACT SYSTEMS

(38)No ventilation or fume extract system shall be installed in any of the employment/live-work units on the west side of the Mews street, the assembly unit south of plots 80-85 or the ground floor premises of plot C shown on drawing number 227/P/103 Rev X until the full details of the system have been submitted to and approved in writing by the local planning authority. The ventilation or fume extract system shall be installed in accordance with the approved details.

Reason:

To protect the residential amenities of the area to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

PHASED PROVISION OF THE EMPLOYMENT/LIVE-WORK UNITS

(39)The three southern employment/live-work units on the west side of the Mews street shown on drawing number 227/P/103 Rev X shall be completed and available for occupation before the thirtieth dwelling hereby permitted is occupied.

Reason:

To ensure that the some of the employment/live-work space is provided in a phased manner during the course of the build programme to comply with policies CS01 and CS04 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

EXTERNAL MATERIALS

(40))The full palette of materials proposed on the approved drawings and Design and Access Statement is not approved. No development shall take place until details and samples of all 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 CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES

(41)20 percent of the dwellings hereby permitted shall be built to the full Lifetime Homes standard.

Reason:

To ensure that adequate Lifetime homes are provided to cater for the needs of Plymouth's population to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(42)Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Class A of Part I of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the residential and visual amenities of the area given th esixe of plots on closeness of dwellings to one another in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRANSLOCATION OF PART OF THE EASTERN HEDGEBANK

(43) Before commencement of the development hereby permitted details of the phasing of the translocation of the northern part of the eastern hedgebank and method of translocation shall be submitted to and approved in writing by the local

planning authority. The hedgebank shall be translocated in accordance with the approved details and phasing programme.

Reason:

To ensure that the ecological and landscape value of the hedgebank is retained to comply with policies CS18 and CS19 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

ECOLOGICAL MITIGATION AND ENHANCEMENT AND WOODLAND MANAGEMENT

(44) Before commencement of the development hereby permitted details of the phasing programmes and monitoring arrangements of the approved ecological Mitigation and Enhancement Plan and approved Woodland Management Plan shall be submitted to and approved in writing by the local planning authority. The ecological Mitigation and Enhancement Plan and approved Woodland Management Plan shall be implemented in accordance with the approved details, phasing programmes and monitoring arrangements.

Reason:

To protect the ecological, landscape and amenity value of the site to comply with policies CS18 and CS19 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

AIR QUALITY

45) Prior to commencement of the development hereby permitted a further air quality assessment, in addition to that already submitted with the application, shall be submitted to and approved in writing by the local planning authority. The report shall present the results of all air quality monitoring. If mitigation is required the report shall state what the mitigation measures are and they shall be installed prior to occupation of the development and remain in situ for the life of the development, unless otherwise agreed in writing by the LPA.

Reason:

To protect the residential and general amenity of the area from harmfully polluting effects to air quality, and to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document, 2007.

INFORMATIVE I: CODE OF PRACTICE

(1) The management plan required by condition 5 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. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, construction traffic parking.

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

INFORMATIVE 2: DRAINAGE OF THE SITE, DRAINAGE AND WATER MAINS INFRASTRUCTURE AND EASEMENTS

(2)The applicant is advised to act upon the advice contained in South West Water's letter of 25 September 2011 that was copied to the agents relating to the drainage of the site and the drainage and mains water infrastructure on the site and the easements relating to it.

INFORMATIVE 3 NATURAL ENGLAND LICENCE AND AGREEMENT

(3)The applicant/developer is advised that as there is evidence of the presence of dormice and badgers on site before the commencement of development that the applicant/developer will need to obtain: 1) a European Protected Species Licence from Natural England in relation to the dormice; and 2) if work will be carried out that disturbs the badger setts the applicant/developer will require a licensing agreement to be submitted to, approved and granted by Natural England

FOOD PREMISES - INTERNAL SURFACES

(4)The information provided with the application gives construction of the commercial units as being with basic materials and a basic finish. The applicant and future tenants/owners of the commercial units should be reminded that there are legislative minimal requirements for finishes inside food premises which will need to be met before a food business can legally begin to trade. For further guidance about satisfactory finishes in a food premises please contact the Public Protection Service.