



#plymplanning

**Oversight and Governance**

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## PLANNING COMMITTEE

Thursday 10 November 2022  
4.00 pm  
Council House, Plymouth

**Members:**

Councillor Darcy, Chair

Councillor Ms Watkin, Vice Chair

Councillors Allen, Finn, Goslin, Nicholson, Partridge, Reilly, Smith, Stevens, Stoneman, Tuffin and Tuohy.

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

This meeting will be webcast and available on-line after the meeting. By entering the Council Chamber, councillors are consenting to being filmed during the meeting and to the use of the recording for the webcast.

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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 15 September 2022.

#### 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 Service 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. 21 Mutley Road, Plymouth PL3 4SB - 22/00848/FUL (Pages 5 - 30)

Applicant:	Mr N Bishop
Ward:	Peverell
Recommendation:	Grant Conditionally

#### 7. Planning Enforcement: (Pages 31 - 32)

**8. Planning Application Decisions Issued (To Follow)**

The Service Director for Strategic Planning and Infrastructure, acting under powers delegated to him by the Council, will submit a schedule outlining all decisions issued since the last meeting.

- 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>

**9. Appeal Decisions (To Follow)**

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>

**10. Exempt Business**

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item(s) of business on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in paragraph(s) ... of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

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## Planning Committee

Thursday 15 September 2022

### PRESENT:

Councillor Darcy, in the Chair.

Councillor Ms Watkin, Vice Chair.

Councillors Partridge, Mrs Pengelly (Substituting for Councillor Nicholson), Reilly, Smith, Stevens, Stoneman, Tippetts (Substituting for Councillor Allen), Tuffin and Tuohy.

Also in attendance: Emma Jackman (Monitoring Officer), Carly Francis (Area Planning Manager) Jess Vaughan (Planning Officer), Jonathan Bell (Head of Development Planning) and Jake Metcalfe (Democratic Advisor).

The meeting started at 16:00 and finished at 17:24.

*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.*

22. **Declarations of Interest**

There were no declarations of interest.

23. **Minutes**

Agreed the minutes of the meeting held on 21 July 2022.

24. **Chair's Urgent Business**

There were no items of Chair's urgent business.

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

There were no questions from members of the public.

26. **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.

27. **Errill Retail Park, Plymouth Road Plymouth, PL7 4JP - 21/02266/FUL**  
(Pages 3 - 4)

TJ Morris Limited

**Decision:**

Application GRANTED conditionally with agreed amendments or added conditions which included:

- a) A Condition requiring tree planting details regarding the gap in trees to the north-east of Unit C and the eastern triangle of land on the site;
- b) Amendment to condition 23, Monday – Saturday hours operation for Unit A to be amended to 7am-10pm;
- c) Conditions 6 (Code of Practice), 8 (Further Details) and 16 (Site Management Plan) to be discharged in consultation with Ward Councillors of Plympton St Mary, Plympton Earle, the Chair of the Planning Committee, the Vice-Chair of the Planning Committee and Opposition Lead of the Planning Committee.

(The Committee heard from Adrian Fox agent for TJ Morris Limited)

**28. Planning Enforcement**

The Committee agreed to note the report.

**29. Planning Application Decisions Issued**

The Committee agreed to note the report from the Service Director for Strategic Planning and Infrastructure on decisions issued for the period 12/07/2022 to 05/09/2022.

**30. Appeal Decisions**

The Committee agreed to note the schedule of appeal decisions made by the Planning Inspectorate.

**31. Exempt Business**

There were no items of exempt business.

**PLANNING COMMITTEE – 15 September 2022****SCHEDULE OF VOTING**

<b>Minute number and Application</b>	<b>Voting for</b>	<b>Voting against</b>	<b>Abstained</b>	<b>Absent due to interest declared</b>	<b>Absent</b>
<p>6.1 Errill Retail Park, Plymouth Road, Plymouth, PL7 4JP – 21/02266/FUL</p> <p>With amendments and additional conditions which included:</p> <ul style="list-style-type: none"> <li>a) A Condition to include tree planting to the boundary of the end unit and in the triangular area of land on the site</li> <li>b) Amendment to condition 23, Monday – Saturday hours operation for Unit A to be amended to 7am-10pm.</li> <li>c) Conditions 6 (Code of Practice), 8 (Further Details) and 16 (Site Management Plan) to be discharged from the Planning Committee to Ward Councillors of Plympton St Mary, Plympton Earle, the Chair of the Planning Committee, the Vice-Chair of the Planning Committee and Opposition Lead of the Planning Committee.</li> </ul>	<p>Councillors Smith, Stoneman, Darcy, Mrs Pengelly, Ms Watkin, Partridge, Tippetts &amp; Tuohy</p>	<p>Councillors Reilly, Stevens &amp; Tuffin</p>			<p>Councillors Finn &amp; Goslin</p>

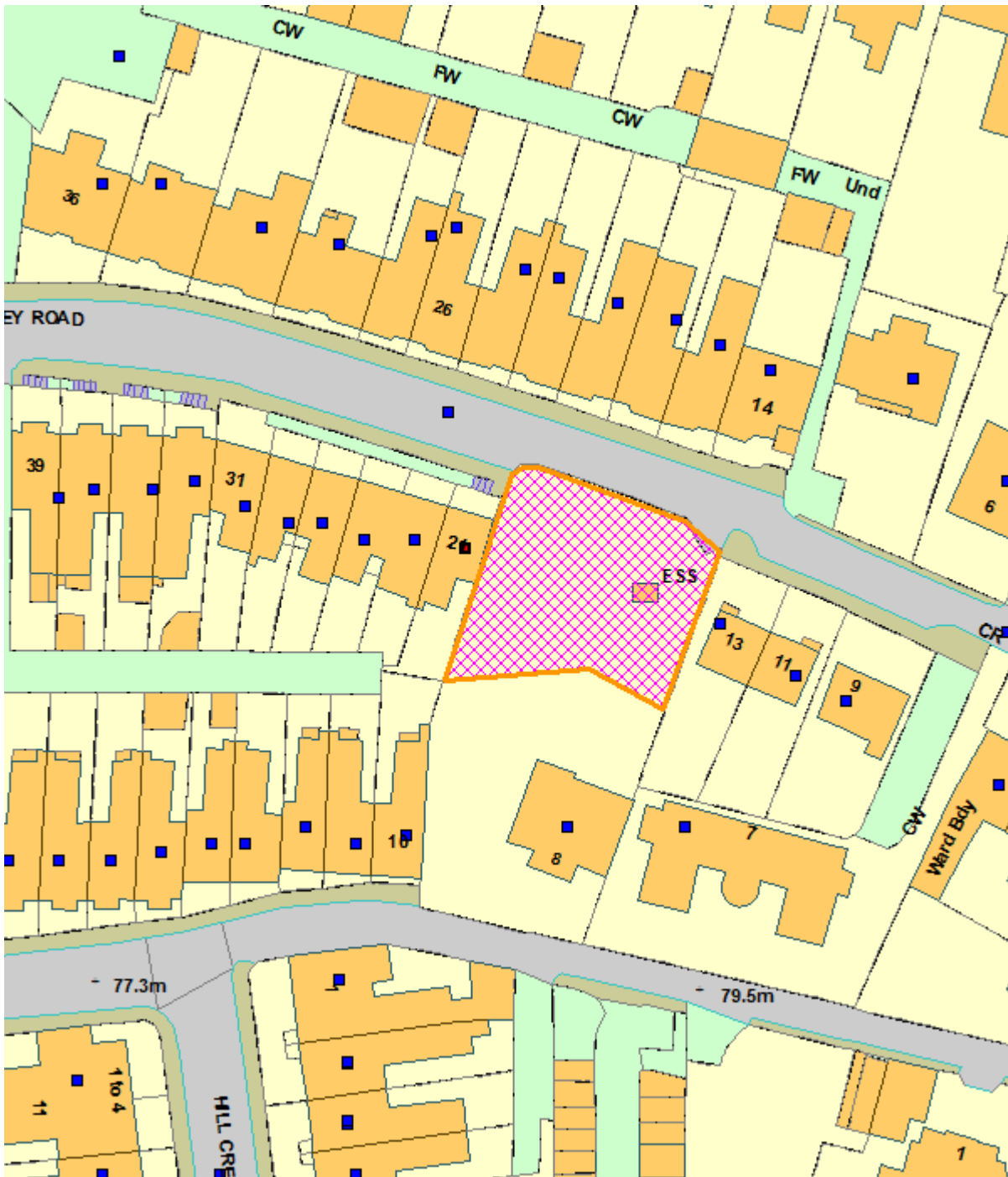
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# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	22/00848/FUL	<b>Item</b>	01
<b>Date Valid</b>	31.05.2022	<b>Ward</b>	PEVERELL
<b>Site Address</b>	21 Mutley Road Plymouth PL3 4SB		
<b>Proposal</b>	Technical details pursuant to permission in principle (19/01646/PIP) for 4no. terraced dwellings and associated works		
<b>Applicant</b>	Mr N Bishop		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>26.07.2022</b>	<b>Committee Date</b>	<b>10.11.2022</b>
<b>Extended Target Date</b>	<b>N/A</b>		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



This Technical Details application has been referred to Planning Committee by the Councillor Dr John Mahony.

### **1. Description of Site**

The site is located at the east end of a terrace of properties with a raised position above Mutley Road Mannamead. The site is understood to have previously formed part of the garden of Stourmont House located to the south. The site reflects the local topography, which banks up from the south side of Mutley Road. The site includes an Electricity Sub Station and is located in the Mannamead Conservation Area.

### **2. Proposal Description**

Technical details pursuant to permission in principle (19/01646/PIP) for 4no. terraced dwellings and associated works

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

21/01923/CONF - Pre-application for 4no. dwellings - Officer advised that any future application will unlikely gain officers support due to concerns from the Local Highway Authority, Urban Design Officer and Historic Environment Officers. Amendments will be needed that consider the objections that have been made. The Natural Infrastructure Team are also seeking further details on mitigation for the trees on site in accordance with the updated SPD.

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

19/01646/PIP - 4no. terraced dwellings inc. associated works - Refused for the following reason:

#### **REFUSAL: AMOUNT OF DEVELOPMENT**

In the opinion of the Local Planning Authority the amount of development proposed at four dwellings would be an unacceptable amount of development of this garden space and would result in town cramming. The amount of development would have an unacceptable impact on the protected trees on site and would not be able to provide adequate mitigation on site. The loss of protected trees are considered to have unacceptable impact on the character and appearance of the Conservation Area.

The proposals are therefore contrary to policies DEV10, DEV20, DEV21, DEV23 and DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 70, 170 and 175 of the National Planning Policy Framework 2019.

Application was taken to appeal and allowed at appeal by the Inspector under appeal reference APP/NI160/W/20/3253648

19/00461/PIP- Construct terrace of 4 houses, widen road and provide pavement- Refused due to the amount of development.

13/00316/FUL- Variation of condition to alter the approved plans condition added by 13/00379/FUL to allow for material alterations of application 10/01334/FUL (Erection of detached dwellinghouse, with off street parking)- Granted conditionally

13/00379/FUL- Variation of condition to add a planning condition listing the approved drawings on application 10/01334/FUL (Erection of detached dwellinghouse, with off street parking)- Granted conditionally

12/01488/PRDE- Re-location of substation- Refuse lawful certificate (Existing)

10/01334/FUL - Erection of detached dwellinghouse, with off street parking -Granted conditionally

10/00258/FUL- Erection of detached dwellinghouse, with off-street parking- Application withdrawn

08/00291/FUL- Erection of dwellinghouse attached to side of existing dwelling at no. 21, with offstreet parking- Granted conditionally

07/02028/FUL- Erection of dwellinghouse attached to side of existing dwelling at no. 21, with offstreet parking- Application withdrawn

### **5. Consultation Responses**

Public Protection Service - No objection subject to recommended condition.

Natural Infrastructure Team - No objection

Local Highway Authority - No objection subject to recommended condition.

Lead Local Flood Authority - No objection subject to recommended condition.

Urban Design - Object

Historic Environment Officer - Object

Low Carbon Team - Request further detail through condition.

## **6. Representations**

23 public comments were received, which raise objections on the following grounds:

- o Not in keeping with area
- o Parking
- o Access
- o Removal of protected trees and impact on street scene/ environment
- o Site doesn't have sufficient space to mitigate loss of trees
- o Impact on wildlife and environment
- o Disturbance/ impact on local area through construction
- o Impact on character of Mannamead Conservation Area, fails to preserve the character and appearance of the Mannamead Conservation Area
- o Overdevelopment
- o Traffic
- o Impact on green space
- o Impact on privacy and overlooking
- o Impact on pedestrian safety
- o Amenity of the gardens would be compromised by trees and steepness of ground
- o Insufficient bin storage
- o No provision of disabled access
- o Would not create a sustainable linked neighbourhood
- o Detract from ambiance/ tranquillity of the area
- o Air quality
- o Garages likely used as storage
- o Access for emergency vehicles
- o Does not provide details on sustainable homes
- o Need further details on Hedgehog provision
- o Drainage

Non-material planning considerations-

- o Impact on property prices
- o Break covenant on the land

## **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 the Housing Requirement 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 confirming the change. On 19th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% 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 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, and Plymouth City Council's Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Supplementary Planning Document

### **8. Analysis**

This application has been considered in the context of the adopted Joint Local Plan, the Framework and other material considerations as set out in Section 7.

This application is considered in the context of the Council's adopted planning policy in the form of the Plymouth and South West Devon Joint Local Plan (March 2019). Relevant policies are SPT1 Delivering sustainable development, SPT3 Provision for new homes, SO11 Delivering high quality development, DEV1 Protecting health and amenity, DEV2 Air, water, soil, noise and land, DEV7 Meeting local housing need in the Plymouth Policy Area, DEV9 Meeting local housing need in the Plan Area, DEV10 Delivering high quality housing, DEV20 Place shaping and the quality of the built environment, DEV21 Development affecting the historic environment, DEV26 Protecting and enhancing biodiversity and geological conservation, DEV28 Trees, woodlands and hedgerows, DEV29 Specific provisions relating to transport, DEV31 Waste management, DEV32 Delivering low carbon development and DEV35 Managing flood risk and water quality impacts, 2020) and the National Planning Policy Framework (NPPF) .

### **Planning History**

An application for permission in principle for the development of four dwellings was submitted in 2019. Permission in principle is an alternative way of obtaining planning permission for housing-led development and only considers whether the location, land use and amount of development is acceptable in accordance with the relevant local and national policies and guidance.

The Planning Practice Guidance states: "The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage."

Permission in principle consent has two stages. The first stage (or permission in principle stage) establishes whether a site is suitable in principle, and the second stage ('technical details consent') is when the detailed development proposals are assessed. An applicant can apply for technical details consent once the Local Planning Authority has granted the application for permission in principle.

The permission in principle application was determined at Planning Committee in the 5th December 2019 and was refused for the following reason:

### **AMOUNT OF DEVELOPMENT**

In the opinion of the Local Planning Authority the amount of development proposed at four dwellings would be an unacceptable amount of development of this garden space and would result in town cramming. The amount of development would have an unacceptable impact on the protected trees on site and would not be able to provide adequate mitigation on site. The loss of protected

trees are considered to have unacceptable impact on the character and appearance of the Conservation Area.

The proposals are therefore contrary to policies DEV10, DEV20, DEV21, DEV23 and DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 70, 170 and 175 of the National Planning Policy Framework 2019.

The applicant appealed the decision of the planning committee. Having reviewed the submitted details, and visited the site, the Inspector did not support the Council's view and allowed the appeal. The Inspector stated that whilst there would be some immediate reduction in tree cover the site could accommodate a terrace of four dwellings, retain, replace and provide new tree planting which would not cause any long term harm to the character or appearance of the Conservation Area. The Inspector has stated that details of the layout, suitable species and future management of tree and hedgerow, suitable orientation of principle rooms for adequate light and details of a scheme of protection for existing trees and construction management to avoid any damage, should all be provided at technical detail consent stage.

This application is the technical details consent following the previously allowed permission in principle for four dwellings.

### Principle of the Development

The site is not allocated in the Joint Local Plan and is considered a windfall site. The principle of developing the site for housing has been established through the permission in principle previously allowed by the Inspector on this site. It is therefore considered the principle of development is acceptable.

### Highway and Parking

The Local Highway Authority (LHA) have considered the submitted details and have provided the following comments:

"It has been noted by the LHA that concerns have been raised in various [public comments] received relating to access and the impact that the 4 proposed units would have in terms of trip generation. A typical residential property would be expected to generate around 6-8 vehicular movements per day (over a 12 hour period) so the proposed development could be expected to generate around 24 to 32 trips throughout the entire course of the day. Taking the worst case (32 trips) spread over the course of a 12 hour day this equates to just 2.6 movements per hour which cannot be considered to be considerable and would not give rise to any cause for concern from a trip generation viewpoint.

Each of the proposed units would be served by a garage along with a driveway in front (2 spaces). Such a level of car parking is considered to be appropriate and in accordance with Policy.

One area of concern that has been flagged-up by the applicant and noted by the LHA, relates to the ability for vehicles of occupiers of the new dwellings to be able to manoeuvre into and out of the proposed garages/driveways, taking into account the presence of on-street kerbside car parking which takes place along the northern side of Mutley Road. It is acknowledged that Mutley Road narrows considerably along the frontage of the proposed application site to 1 vehicle width.

It would appear from the drawings that there is less than the required 6m reversing space behind each of the driveways due to the presence of the above-mentioned on-street car parking (5.15m). However the applicant has set the development back with a slightly longer driveway length of 6.5m in front of the proposed garage. Furthermore, the ability to reverse into and out of the spaces could

be improved by dropping the kerb line along the entire frontage of the development in order to provide a greater swept-path.

It is also noted that tracking plans have been provided to demonstrate that vehicles can enter and exit the proposed car parking arrangements taking into account existing on-street kerbside car parking. There is no reason to question the tracking plan provided which, although slightly on the tight side, does show that these manoeuvres could be undertaken.

The creation of the 1.8m footway along the frontage of the site is welcomed as this will allow a continuous footway to be provided along the southern side of Mutley Road. It is recommended that a condition be attached relating to the details and construction of such. The LHA would seek to secure the adoption of such as HMPE through a Highway Legal Agreement (S.38).

The proposed internal garages are all of suitable dimensions and include sufficient space to also incorporate cycle parking. It is also recommended that EV charging points be provided within the garages.

In view of the narrow width of Mutley Road, concerns have rightly been raised by residents regarding the potential impacts during the construction phase of the works. A specific condition is attached relating to a Construction Traffic Management Plan to address this matter. There will also be the need for a Highway Dilapidation Survey. To conclude, the LHA would not wish to raise any objections to this application from a highway viewpoint".

The LHA have recommended conditions that require the street details, contractor access details, highway dilapidation survey and a construction traffic management plan to be submitted to and agreed by the Local Planning Authority prior to work commencing on site. The officer has carefully considered the comments by the LHA and considers with added conditions the proposed development would accord with policy DEV29 of the Joint Local Plan and is therefore acceptable on highways grounds.

### Layout, Design and Historic Environment

This site falls within the Mannamead Conservation Area. New development within a Conservation area should 'preserve or enhance' the character and appearance of the Conservation Area.

The application site lies on the western edge of the Mannamead Conservation Area. The traditional terraced housing adjacent to and opposite the application site lies outside of the Conservation Area. The semi-detached houses that border the site to the east are within the Conservation Area but do not display the period architectural detailing. The site contains a number of trees which include two large trees that make a positive contribution to the wider area, due to their size, form and wide-ranging visibility. These are a lime and a sycamore, which are the subject of a Tree Preservation Order.

The proposals seek permission for a 3½-storey stepped terrace, providing four dwellings with integral garages, which include rooms within the roof space. The proposed dwellings will be a continuation of the existing terrace along Mutley Road. The terrace will be stepped to follow the existing ground levels.

The proposal includes stone-clad stairs that will run up to the front doors, similar to other units along the street. The ground floor front elevation is proposed to be clad in reclaimed stone. The submitted information stated the "reclaimed stone feature wall along the front replicates and reinforces the attractive site boundary walls as existing". The proposal also includes the provision of four street trees and a new footpath that runs along the front of the site and ties in with the existing public footpath.

The submitted details state that there is "a number of features and architectural details which have been incorporated in the detailed design for the terrace, which embrace the Victorian terrace vernacular in a modern way; using contemporary glazed lights above the front doors, large bay oblique window elements, along with a honey-buff brick finish above the stone ground floor plinth feature. These elements help to tie-in the appearance of the proposed dwellings with what has already been established in the area. The use of natural wood doors and garage doors provides a softened appearance, and the white, PPC, aluminium-framed windows give attractively slim outlines, reminiscent of single glazed wood-framed windows, but with more durability and thermal performance. The sizes/ratios of the proposed fenestration are intended to mirror the existing also".

The proposed materials are as follows:

Walls - Brick

Windows - White aluminium

Boundary Treatment - Fencing, reclaimed stone and planting

Vehicle Access - Block/ brick paving

The Urban Design Team considered the submitted details and object to the application. They provided the following comments:

"It is considered that the existing Plymouth limestone boundary wall along the site's Mutley Road frontage makes a positive contribution to the street scene and we would object to its removal.

The existing mature trees on the site, including those on and around the Mutley Road frontage, are an important feature in the local townscape, including in terms of providing visual amenity. They contribute significantly to Mannamead's leafy character. We would therefore object to their loss. We would also suggest there is a high risk the new street trees proposed here are unviable and undeliverable for various reasons, including insufficient space.

We would object to ground floor integral garages (or open car ports, if they are later changed to these) and car hardstanding areas perpendicular to Mutley Road - these would be out of character with the context and would create a visually intrusive, vehicle dominated frontage and a negative precedent in the area.

The architectural expression of the houses has changed from the pre-application stage, but it is considered premature to review this currently, given the more fundamental issues with the scheme. However, with regards to the proposed materials we would just comment that the use of brick is very much the exception rather than the rule in the local streetscape, where render is the dominant characteristic material. There is a relatively small amount of red and painted brick present in the street, but no "honey-buff" brick as currently proposed, so we would question the appropriateness of this.

Although we object to the scheme in its current form, we would support the principle of a smaller residential building which nestles itself discreetly and sensitively within the existing site boundaries in a way which safeguards the existing mature trees and historic Plymouth limestone wall. There is an opportunity for high quality, innovative architecture which addresses the issues of the day, including climate emergency, and responds sensitively to the site's green character".

The Urban Design Team have therefore objected to the scheme due to the loss of the existing boundary wall, loss of mature trees on site, proposed parking arrangement and the proposed materials.



The Historic Environment Officer also has objected to the scheme due to loss of the existing boundary wall stating:

"I note that the wall fronting Mutley Road and forming the northern boundary of the property is a revetment wall of random limestone construction which provides character to the Conservation Area (along with the tree cover immediately behind the wall). I would object, on Historic Environment grounds, to any loss of this wall in any development proposals which come forward. The loss identified, being the loss of a characteristic Plymouth limestone wall probably of 19th or early 20th century date which appears on early 20th century mapping as a rear garden wall of a property fronting Hermitage Road".

It is worth noting the comments from the Inspector from the previous appeal on this site for the permission in principle application. The permission in principle application was previously refused at Planning Committee due to concerns that the amount of development proposed at four dwellings would be an unacceptable amount of development of the garden space that would result in town cramming, would have an unacceptable impact on the protected trees on site and would not be able to provide adequate mitigation on site and the loss of protected trees would have unacceptable impact on the character and appearance of the Conservation Area.

The Inspector however did not agree with the Council decision to refuse the application and allowed the appeal. When considering the existing site the Inspector stated that aside from the two trees (lime and a sycamore) which are subject to a Tree Preservation Order:

"the site does not make a positive contribution to the street scene. Viewed through the access, the electricity substation and the featureless gable end of No 21, are unattractive features. There is also a range of outbuildings and outside storage, which gives the site a rather run-down appearance. These features are only partly hidden by the overgrown roadside wall and hedge, which also contribute to the unkempt appearance of the site. Overall, therefore, the contribution that the site makes to the significance of the wider [Conservation Area] CA is limited to the positive impact of the two large trees".

The Inspector therefore considered that the boundary wall contributed to the sites unkempt appearance, which conflicts with the Urban Designs Team and Historic Environment Officers view that it made a positive contribution to the street scene and Conservation Area.

When considering the existing trees on site the Inspector highlighted in their decision that the existing boundary trees/ hedge would be removed to allow access and parking for the houses along with the protected lime tree and the beeches on the eastern boundary would be felled to allow space for the building. The Inspector also acknowledged that a small hawthorn towards the rear of the site would also be removed and stated that this would considerably reduce the amount of tree cover on the site. The current proposal seeks to remove the same trees.

When considering the existing trees on site the Inspector stated:

"much of this tree cover has a limited lifespan, regardless of the development. Permission to fell the lime tree was granted in February 2018, as it was found to be structurally compromised by a large open cavity in the stem base. Whilst this permission has lapsed, there is no evidence to suggest that the health of the tree has improved. The beech trees on the eastern boundary have already been lopped, and their size and proximity to the house to the east makes their long-term retention incompatible with the residential amenity of the occupants of that property. Previous planning permissions for development of the site included the removal of most of these trees. The roadside hedge/trees overhang the road to a significant extent, and it is likely that some management will be

necessary as they continue to grow. Consequently, the existing tree cover on the site is unlikely to be viable, in its current form, in the longer term".

The Inspector also considered that while the existing trees had a limited lifespan, they also were not characteristic of the Conservation Area, stating:

"The existing high roadside boundary hedge/trees are not characteristic of Mutley Road, or the western portion of the CA in general, where terraced houses are open to view behind low front boundary walls. The characteristic tree cover in this part of the CA is mainly provided in the parks, or on the streets. The indicative plans show that five street trees could be planted along the frontage of the site to mitigate the removal of the roadside boundary vegetation. This form of landscaping would be more characteristic of the wider CA, particularly of the terraced housing area to the west. Therefore, once established, the street trees would make a positive contribution to the significance of the CA".

The Inspector also considered Plymouth's Plan for Trees within their decision, stating:

"My attention has been drawn to Plymouth's Plan for Trees, which seeks to ensure that trees in the urban area benefit present and future communities, are resilient to the challenges of climate change and disease, and are adaptable to future challenges. The sycamore would be retained, and the compromised lime and incompatible, poorly managed trees, would be replaced with appropriate on-site planting and street trees. This would ensure that the site maintains its contribution to the canopy cover and tree diversity of the city in the future, so would accord with the aims of the plan".

The Inspector concluded their decision stating:

"Overall, therefore, the indicative drawings show that the site could accommodate a terrace of four houses that would be similar in scale and layout to the adjoining terrace. Such a development would not appear out of character with its surroundings. The retained and replacement planting to the south would maintain a verdant backdrop to the buildings, and the replacement planting to the eastern boundary would be more compatible with the adjacent house, so could be maintained in the longer term. The street trees would be more characteristic of the CA than the existing boundary treatment. Therefore, whilst there would be some immediate reduction in tree cover, the retained and replacement planting would ensure that there would be no long-term harm to the character or appearance of the CA".

The Inspector therefore did not consider that the loss of trees on site would harm the character or appearance of the Conservation Area. This again conflicts with the Urban Design Teams views.

Having carefully considered the comments by the Urban Design Team, Historic Environment Officer and the Inspector the Officer does not consider that the proposed loss of the boundary wall or trees on site warrant the refusal of this application. The Inspector has made it clear that they do not consider that the boundary wall and trees make a positive contribution to the Conservation Area. The Officer considers that with the proposed street trees, additional planting of suitable species, retention of trees on site as proposed and appropriate management that the development would provide a positive contribution to the Conservation Area.

The Urban Design Team also raised concerns regarding the proposed ground floor integral garages and the car hardstanding areas perpendicular to Mutley Road as it would be out of character and be visually intrusive. The Officer has considered the existing street scene and notes while the dwellings to the west of the application site do not feature any garages or off-road parking provision, the area to the east of application site does feature some driveways, parking areas accessed off Mutley Road and one house includes an integral garage (9 Mutley Road). The design of the development also seeks to have the street level façade clad in stone which is considered to be in keeping with the local area,

which features stone boundary walls. While the Officer has considered the concerns raised by the Urban Design Team these are not considered reasons to refuse the application.

The Officer agrees with the Urban Design Team that the proposed materials, specifically the proposed brick, is not suitable and should be amended to reduce the visual impact of the houses and help the development blend within the existing street scene. The proposed use of honey-buff brick is not considered appropriate as it does not feature within the local area. While there are small amounts of red and painted brick, the most dominant external material is render. It is considered changing the materials would better integrate the dwellings within their context. While the proposed materials are considered to be unsuitable, these details could be conditioned and therefore it is not considered a reason to refuse the application on these grounds.

The Officer has carefully considered the comments by the Urban Design Team, Historic Environment Officer and the Inspector. While the Officer is concerned about the proposed materials, these could be conditioned and could result in the proposed dwellings appearing more integrated within the street scene and help towards mitigating the proposals visual impact. The proposed modern design of the terrace has incorporated features of the existing Victorian buildings in a contemporary way such as the large bay oblique window elements and glazed lights above the front doors. The proposed terrace is considered by the Officer to be a high quality build that is of its time that will respect and not compete with the existing Victorian buildings. It is therefore considered that the design of the proposed development is acceptable and would not cause harm and would enhance the Mannamead Conservation Area in accordance with DEV20 and DEV21 of the Joint Local Plan.

### Occupant Amenity

Policy DEV10 requires all new dwellings meet the Nationally Described Space Standards (NDSS). The proposal seeks to provide four, four bedroom, 3 and half storey properties. The internal floor space for these properties measures at approximately 142sqm, which would exceed with the national space standards for a four bedroom property. It is noted that bedrooms 01, 02 and 03 shown on the plans are all below 11.5sqm, which is below the minimum standard for a double bedroom. These bedrooms would therefore only be suitable for single occupancy.

All habitable rooms are served with windows to allow for natural light and a condition will be added to ensure that all bathroom windows will be obscured glazed.

Outdoor amenity space is important for providing a high quality residential environment. Paragraph 2.8.27 within the Development Guidelines SPD states that a terraced dwelling should have a minimum standard of 50m<sup>2</sup> of outdoor amenity space. One of the dwellings complies with this guideline however the remaining dwellings have outdoor amenity spaces ranging from approximately 46sqm to 37sqm. While these outdoor spaces do not comply with the guidelines, it is not considered a reason to refuse this application considering the close proximity to Mutley Park which provides outdoor amenity space. Furthermore the outdoor areas are comparable in size to some of the surrounding properties in Mutley Road.

Bin stores are proposed internally on the ground floor. A condition is recommended that states that bins are to be stored there at all times apart from collection day to prevent obstructions on the highway.

### Neighbour Amenity

The application site will be situated in front of 14 to 22 Mutley Road, with a separation distance between habitable room windows of approximately 16m at the closest point. The SPD states that habitable room windows facing directly opposite one another should be a minimum of 21 metres

apart for a two-storey development, and increased to 28 metres when one or more of the buildings are three-storeys in height. The proposal will therefore not comply with this guideline.

It is however noted that the existing properties facing each other on Mutley Road have a similar distance between their habitable room windows. The SPD states that the levels of privacy expected from a residential environment will differ depending upon the location. For example, within densely developed contexts such as city, town or neighbourhood centres, or areas with a medieval street pattern, it is reasonable to assume that privacy might be less than in lower-density neighbourhoods.

It is therefore considered that on balance, while the proposal does not comply with the SPD guidance that relates to privacy, due to the existing separation distances within the street and pattern of development it is not considered a reason to refuse the application on these grounds.

The property to the rear of the site is set above the application site. It is however noted that the distance between the rear of the proposed properties and 8 Hermitage Road is approximately 17m, which also fails to comply with the SPD privacy guidance. It is however noted that there is an existing tree line and hedge that is proposed to be retained and is due to have additional planting along this boundary which provides screening between the two properties. Due to the ground level changes it is considered the main windows that have the potential to impact on the occupiers of 8 Heritage Road privacy will be the rear roof lights, therefore a condition has been added to ensure that these roof lights are obscured and non-opening. It is therefore considered unreasonable to refuse the application on these grounds.

Due to the sites position and the pattern of development in the area it is considered that the proposed development is unlikely to have a significant impact on neighbours daylight/ sunlight and outlook.

The Officer has carefully considered the guidelines that protect neighbours amenity within the SPD. While the proposal does not comply with some of the guidance set out in the SPD, when considering the pattern of development within the local area the development is considered, on balance, to be acceptable and would not have a significant impact on neighbours amenity in accordance with DEV1, DEV2 and DEV10 of the JLP.

### Sustainability

The application was supported with a Sustainability Statement, which details the proposed developments carbon reductions which includes the reusing of the existing limestone from the boundary wall, the use of zero-carbon concrete blocks, prioritising local material providers, use of high efficiency glazing, high quality insulation and the inclusion of EV charging points. All of which are supported.

The Low Carbon Team have considered the submitted details and have not raised an objection but is seeking further details to ensure the development complies with the emerging Plymouth and South West Devon Climate Emergency Planning Statement. The Plymouth and South West Devon Climate Emergency Planning Statement will require developers to go further to help address the growing impacts of climate change. However as this document has not yet been agreed, it therefore does not have any weight when considering this application.

A condition will be attached to ensure that the proposed EV charging points are delivered as part of the development and the development accords with the Sustainability Statement.

### Biodiversity, Ecology and Landscape

An EclA, Biodiversity Budget and EMES (including LEMP and CEMP) has been submitted to support the application. The information provided indicates the finished development will result in minor

biodiversity improvements at site level. The Natural Infrastructure Team have considered the submitted details and consider them acceptable in principle. They have however recommended a condition requiring more to be submitted on sensitive lighting, hedgehog mitigation and management of habitat pile. It is therefore considered that with the recommended conditions the proposal would comply with policy DEV26

The Natural Infrastructure Team have noted that some details have been provided regarding soft landscaping, such as tree planting however they have recommended conditions requiring further details on the soft and hard landscaping. The Natural Infrastructure Team are happy with the landscaping details in principle and subject to the recommended condition the proposal is considered to accord with policies DEV20 and DEV23.

### Trees and Woodlands

TPO No.470 applies with two trees on the site being protected. Permission for the removal of a protected Lime has been granted previously on condition the tree was replaced on or in the immediate vicinity of the former tree to ensure continuity of canopy cover and amenity. The other, a Sycamore, is still present. The site is located in the Mannamead Conservation area and the trees are protected by this status as they are considered an important element of the character of a Conservation Area.

A Tree Survey and Tree Constraints Plan, an Arboricultural Statement, Tree Protection Plan and Arb Method Statement have been submitted to support the application. These details include how the proposed development has been designed to protect existing trees to the southern boundary with retaining walls positioned to avoid the relevant root protection areas. The submission also confirms the arrangements for protecting existing trees during the course of construction.

The scheme includes four feature street trees within purpose-made street planters to the Mutley Road elevation of the proposed development. Additional tree planting is also proposed to further enhance the existing southern boundary. Landscape planting is also provided to the eastern boundary.

The development involves the felling of two groups and two individual trees, which includes the protected lime tree. However, as outlined in the previous appeal decision and Arboricultural Reports it has a limited lifespan and permission has previously been given for felling.

Trees to the southern boundary are to be retained with minor crown reduction works and a modified root protection area (RPA). The protection of these trees will be conditioned.

The proposal seeks to remove 12 trees from site. A total of 37 trees should be replaced either on or off-site to mitigate the impacts of removal in accordance with guidance set out in the Supplementary Planning Document. Current plans state 24 replacement trees will be delivered on site which include the four street trees, which are vital to improving the visual amenity of the site and would make a positive contribution to the significance of the Conservation Area.

The Natural Infrastructure Team have considered the submitted details and have stated that 24 good quality replacement trees on site are sufficient enough to mitigate the loss of trees on site. Despite guidance indicating 37 replacement trees are necessary, the site is of insufficient size to accommodate this level of replacement planting. 13 trees would therefore need to be provided off-site which would take the trees away from the site. In this case the Natural Infrastructure Team consider the provision of four suitable street trees would provide immediate amenity for the area. The Natural Infrastructure Team will review these trees to determine if these can become protected under TPO 470 following planting, due to replacement of amenity value following the felling of a

TPO tree on site. The Natural Infrastructure Team therefore consider the proposed development provides sufficient mitigation for the loss of the trees on site. Conditions are recommended that require further details to be provided to ensure the longevity of the trees including detailed planting and management plans, specific replacement locations, tree pit details, species of native trees, and maintenance schedules (e.g. watering, pruning, loosening of stake ties, commitment to replacement of any dead or defective stock over 10 years). With the added condition it is considered that the development would be compliant with policy DEV28.

### Drainage

The site is within Flood Zone 1 and at low risk of fluvial or tidal flooding. Surface water flood risk mapping provided by the Environment Agency indicates the site is at low risk of surface water flooding from a 1% AEP (1 in 100 year return period) flood event.

The site is located in a Critical Drainage Area where the Environment Agency considers the existing drainage to be at or close to capacity. Public sewer records indicate that there are no SWW sewers within the vicinity of the site. A 225mm diameter SWW combined sewer is indicated opposite 29 Mutley Road.

PCC flood incidence records indicate a report of flooding along Mutley Road approximately 30m from the site in November 2011 due to surcharged sewers and or a blocked highway gully.

A drainage strategy for the proposed development has been submitted that proposes an attenuated discharge from the site to the combined sewer in Mutley Road.

The Lead Local Flood Authority have considered the submitted details and have not raised an objection to the proposal subject to their recommended condition requiring details of South West Waters approval on the discharge rates, details of how the surface water drainage and attenuation tanks would be protected from contamination in the event of foul or combined sewer surcharge, surface water exceedance flow route, construction environment management plan and details should be submitted of how and when the system is to be managed and maintained.

With the use of this condition the application is considered acceptable in terms of drainage and accords with DEV35 of the Joint Local Plan.

### Contamination

The contaminated land risk assessment report has identified potential pollutant linkages, particularly as a result of the historic use of the site. The report recommends an intrusive investigation to assess the ground conditions on site. The Public Protection Service raised no objections subject to a condition requiring further site characterisation work, plus any other remediation and verification work that may subsequently also be necessary. With the use of this condition the proposal is considered to accord with DEV2 of the Joint Local Plan and is acceptable.

### Habitat Regulations Assessment

Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the European and Internationally protected sites, this represents the authorities Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6(3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2021.

The authority has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuary Estuaries Management Plan and the

Yealm Estuary Environmental Management Plan. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

## **9. Human Rights**

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

## **10. Local Finance Considerations**

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

## **11. Planning Obligations**

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

Planning obligations are not sought due to the nature and size of proposal.

## **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 concluded that the application does not cause discrimination on the grounds of gender, race and disability.

DEV9 requires on schemes that seek to provide five or more dwellings that at least 20% of the dwellings need to meet national standards for accessibility and adaptability (Category M4(2) of Building Regulations). As the scheme is below five dwellings there is no requirement for the development to meet the national standards for accessibility and adaptability dwellings.

The submitted details state that the living areas will be provided on the upper first floor level and are only accessible via stairs. However, a level access is provided at ground level with a WC. The dwellings could potentially be adapted using stair lifts or through-floor disabled platform lifts.

## **13. Conclusions and Reasons for Decision**

The proposed development would provide four contemporary dwellings as a continuation of the existing terrace. The proposal will regrettably result in the loss of tree cover on site, however the retained, replacement trees and four street trees will ensure the development would not harm the character of the Conservation Area and with the added conditions will ensure that they are sufficiently maintained. The decision is finely balanced but ultimately the proposed development along with the recommended conditions is considered 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.

#### **I4. Recommendation**

In respect of the application dated 31.05.2022 it is recommended to Grant Conditionally.

#### **I5. Conditions / Reasons**

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

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

Vehicle Tracking Plan MRH-BPC-XX-XX-DR-C-3000 Rev B received 16/05/22  
Site Location Plan 2201/01 Rev A received 16/05/22  
Site Plan Proposed MRH-BPC-01-ZZ-DR-A-0202 Rev P07 received 16/05/22  
Tree Protection Plan and ARB Method Statement TC181103-TPP-AMS-04-2022 - received 16/05/22  
Tree Survey & Tree Constraints Plan TC181103-TS.TCP-04.2022 - received 16/05/22  
GA Plan - Ground Floor MRHBPC 01 ZZ DR A 0301 Rev P07 received 16/05/22  
GA Plan - First Floor MRHBPC 01 ZZ DR A 0302 Rev P08 received 16/05/22  
GA Plan - Second & Third Floor MRHBPC 01 ZZ DR A 0303 Rev P08 received 16/05/22  
GA Elevations MRHBPC 01 ZZ DR A 0401 Rev P06 received 16/05/22  
GA Section I MRHBPC 01 ZZ DR A 0501 Rev P05 received 16/05/22  
GA Cross Section Checks MRHBPC01 ZZ DR A 0502 Rev P05 received 16/05/22  
GA Cross Section Checks MRHBPC01 ZZ DR A 0503 Rev P05 received 16/05/22  
Site Section - Neighbouring Property MRHBPC 01 ZZ DR A 0504 Rev P04 received 16/05/22  
Subwall types diagram MRH BPC XX XX DR A 0506 Rev P01 received 16/05/22  
Drainage Strategy Plan MRH BPC XX XX DR C 08 00 Rev B received 16/05/22  
Drainage Construction Details Sheet 1 of 2 MRH BPC XX XX DR C 09 00 - received 16/05/22  
Drainage Construction Details Sheet 2 of 2 MRH BPC XX XX DR C 09 01 - received 16/05/22  
Impermeable Areas Plan MRH BPC XX XX DR C 10 00 Rev B received 16/05/22

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 OF PERMISSION IN PRINCIPLE**

The development hereby permitted shall be begun before the expiration of three years from the date of the approval of associated Permission in Principle 19/01646/PIP which was granted at appeal on 22nd October 2020.

Reason:

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

##### **3      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 groundwater's 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 environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEV1 (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

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

**4      CONDITION: STREET DETAILS**

PRE-COMMENCEMENT

No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling 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 footpath that secures a safe and convenient environment and to a satisfactory standard in accordance with Policy DEV 29 of the Plymouth and South West Devon JLP 2019.

Justification: To ensure that the development can reasonably accommodate the external design, layout, levels, gradients and materials that are acceptable to the local planning authority.

**5      CONDITION: ACCESS (CONTRACTORS)**

PRE-COMMENCEMENT

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

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

**6      CONDITION: HIGHWAY DILAPIDATION SURVEY**

PRE-COMMENCEMENT

No works shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and

from the site being used by construction traffic.

Reason

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP March 2019.

Justification: To ensure the safety of road users and pedestrians.

## **7      **CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN****

### PRE-COMMENCEMENT

The development building works hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the development building works and shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The development building works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the development does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

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

## **8      **CONDITION: DRAINAGE DETAILS****

### 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) The LLFA does not support the discharge of surface water to a combined sewer. Approval from SWW has been provided with a discharge rate of 1l/s. Additional measures of reducing surface water runoff from the site have been recommended by SWW, details of how this will be incorporated into the scheme shall be submitted and approved by the Local Planning Authority.
- b) A difference of 300mm between foul and surface water invert connections is required to facilitate future removal of surface water from the combined sewer system. Details should be submitted that show how the surface water drainage and attenuation tanks are protected from contamination in the event of foul or combined sewer surcharge.
- 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) Details should be submitted of how and when the system is to be managed and maintained.
- e) 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 and demolition phases.

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 2019 and the National Planning Policy Framework 2032.

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.

## **9      CONDITION: EXTERNAL MATERIALS**

### PRE-COMMENCEMENT

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

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policies DEV20 and DEV21 of the Plymouth and SW Devon Joint Local Plan and the National Planning Policy Framework.

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

## **10     CONDITION: ECOLOGY**

### PRE-COMMENCEMENT

Notwithstanding the submitted details, no development shall take place until the following details relating to ecology have been submitted to and approved in writing by the Local Planning Authority:

- o      Details on external lighting
- o      Details of hedgehog mitigation measures
- o      Details for management of habitat pile

Development shall be carried out 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 Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the National Planning Policy Framework..

Justification: To ensure wildlife and features of biological interest are retained, protected or enhanced.

## **11      CONDITION: LANDSCAPE AND ECOLOGY MANAGEMENT PLAN**

### **PRE-DAMP PROOF COURSE**

Prior to construction reaching damp proof course level a Landscape Management and Ecology Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall clearly identify areas of management responsibility and set out in detail how each element of the landscape will be managed and maintained. Highly detailed planting and management plans including detail replacement locations, tree pit details, species of native trees, and maintenance schedules (e.g. watering, pruning, loosening of stake ties, commitment to replacement of any dead or defective stock over 10 years). The Landscape and Ecology Management Plan should adhere to guidance outlined in BS5837 (2012) and BS3998 (2010) as well as influenced by information provided in the SPD and Tree Design Action Group. The Landscape Management Plan should include a commitment to replace any dead or defective planting stock for a period of 10 years.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with JLP policies DEV20, DEV23, DEV26 and DEV28 and the National Planning Policy Framework.

## **12      CONDITION: LANDSCAPE DETAILS**

### **PRE-DAMP PROOF COURSE**

Prior to construction reaching damp proof course level details of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority.

The hard landscaping works shall be carried out in accordance with the approved details prior to the occupation of any dwelling hereby permitted and notice shall be given to the Local Planning Authority when the approved scheme has been completed.

The hard landscaping details shall include:

- o Drawings identifying the arrangement of proposed hard landscape elements including: street furniture, boundary treatment materials, location, topography and (min 1:200 scale). Plans should include a specification of the hard landscape materials e.g. paving materials, street furniture and any boundary treatments/railings.
- o Boundary treatment details (1:20 scale or as appropriate) including openings and hedgehog holes.

The soft landscaping scheme shall provide planting plans with written specifications including:

- o Full soft landscape specification including (but not limited to); tree and plant species and size (to HTA standards), soil details, planting spec and establishment care, etc. This shall include a plan to show existing vegetation to be retained and safeguarded during construction.
- o Drawings identifying the arrangement of proposed soft landscape elements and soil layouts (min 1:200 scale).
- o Drawings identifying planting details (1:20 scale or as appropriate) such as tree pit details, hedge planting, typical planting details (not limited to species, size, density spacing, cultivation

protection, methods of weed control). Plans should also include a planting schedule for reference, timeline of planting schedule and maintenance post-development.

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with JLP policy DEV20 and DEV23 and the National Planning Policy Framework.

### **13      CONDITION: PROVISION OF PARKING AREA**

#### PRE-OCCUPATION

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles. This shall also include the provision of EV Charging Points.

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 Policy DEV29 of the Plymouth and South West Devon JLP 2019.

### **14      CONDITION: BIN STORAGE**

Refuse and recycling bins shall be stored within the application site at all times apart from collection days.

Reason:

To ensure adequate refuse and recycling storage and to prevent amenity impacts to the surrounding area or highway safety conflict in accordance with Policies DEV1, DEV2 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2021.

### **15      CONDITION: OBSCURE GLAZING**

For the avoidance of doubt, and notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the roof lights to the rear of the terrace facing south and all windows serving a bathroom shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and shall at all times be restricted to opening a maximum of 100mm 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.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwellings in accordance with Policy DEV1 of the adopted Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2021.

**16 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 and Classes A, B and C and E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwelling hereby approved.

Reason:

In order to protect the character of the area and residential amenity in accordance with Policies DEV1, DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

**17 CONDITION: EXISTING TREES/HEDGEROWS TO BE RETAINED AND 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. This should be in accordance with Table 28 of the SPD, detailing number of replacement trees needed based on trunk diameter of lost tree.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans [Tree Protection Plan April 2022, TC181103-TPP.AMS-04.2022] and/or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that the trees on site are protected during construction work in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 130, 174 and 180 of the National Planning Policy Framework 2021.

**18 CONDITION: SUSTAINABILITY STATEMENT**

PRE-OCCUPATION

The development hereby approved shall accord with the details submitted in the Sustainability Statement (dated May 2022) unless otherwise approved in writing by the Local Planning Authority.

Reason:

To reduce carbon demands in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2021.

**19 CONDITION: ARBORICULTURAL METHOD STATEMENT**

The development shall be carried out in accordance with the submitted arboricultural method statement and tree protection plan TC181103-TPP.AMS-04.2022 dated April 2022.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, and the proposed replacement trees are provided on site, in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

**20 CONDITION: ECOLOGICAL IMPACT ASSESSMENT EcIA**

The development shall be carried out strictly in accordance with the submitted ecological impact assessment (EcIA), Biodiversity Budget & Ecological Mitigation and Enhancement Strategy (including CEMP & LEMP) (ref 210840 rev00 dated September 2021). This also includes the Mitigation and Opportunities Plan which details the provision of the ecological enhancements such as the bat, bird and invertebrate provisions in each residential unit, creation of a habitat pile and holes for small mammals within the garden fences.

Reason:

To support the protection, conservation, enhancement and restoration of biodiversity and geodiversity across the Plan Area in accordance with policy DEV26 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

**INFORMATIVES**

**I INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

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

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

[https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructur  
elevy](https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructur/elevy)

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](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>

## **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 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.

## **3 INFORMATIVE: ROADWORKS**

Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980. The applicant should contact Plymouth Highways for the necessary approval.

## **4 INFORMATIVE: BATS AND BIRDS**

Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2001, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the trees should be undertaken prior to the commencement of works to determine if any bats or birds reside in the trees. No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk). Further advice on bats is available from The Bat Conservation Trust 0845 1300 228.

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# PLANNING DEPARTMENT

## Enforcement Case Summary Report



<b>PERIOD</b>	SEPT-OCT 2022
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### Enforcement Report for Planning Committee.

<b>Cases Outstanding</b>	<b>218</b>
<b>Cases Received</b>	<b>55</b>
<b>Cases Closed</b>	<b>44</b>
<b>Planning Contravention Notices Issued</b>	<b>2</b>
<b>Planning Enforcement Notices Issued</b>	<b>2</b>
<b>Temporary Stop Notices (TSN) issued</b>	<b>0</b>
<b>Advertisement Removal Notice</b>	<b>0</b>
<b>Breach of Condition Notice</b>	<b>1</b>
<b>Untidy Land Notices Issued</b>	<b>1</b>
<b>Prosecutions Initiated</b>	<b>0</b>

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