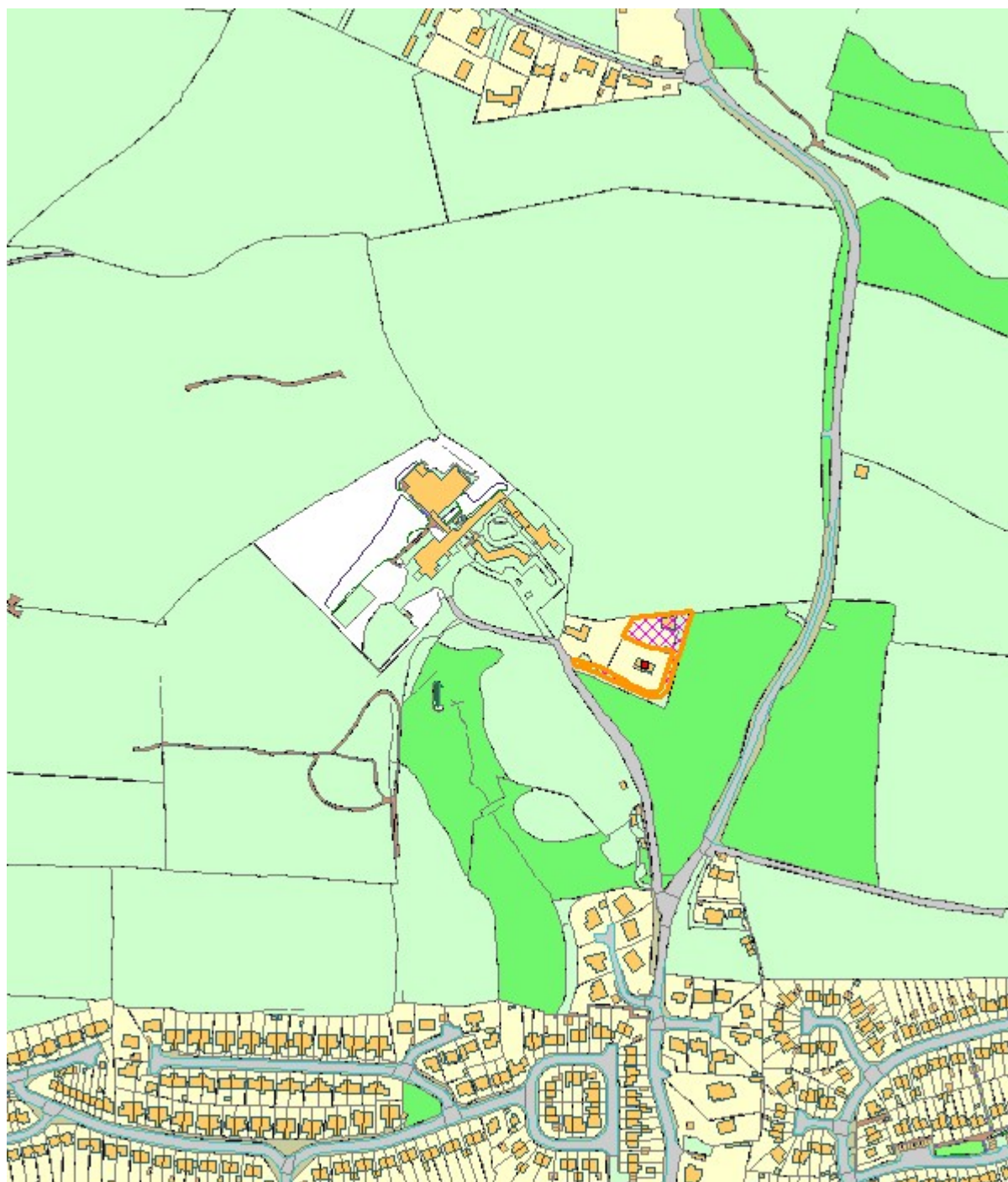


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	20/00333/FUL	<b>Item</b>	<b>06</b>
<b>Date Valid</b>	28.02.2020	<b>Ward</b>	PLYMPTON ST MARY
<b>Site Address</b>	Boringdon Croft Boringdon Hill Plymouth PL7 4DP		
<b>Proposal</b>	Erection of dwelling with associated landscaping, car parking and refuse storage inc. demolition of the existing outbuilding		
<b>Applicant</b>	Mr Damian Lidstone		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>24.04.2020</b>	<b>Committee Date</b>	<b>18.06.2020</b>
<b>Extended Target Date</b>	<b>31.07.2020</b>		
<b>Decision Category</b>	Departure from Joint Local Plan		
<b>Case Officer</b>	Mr Jon Fox		
<b>Recommendation</b>	Grant Conditionally		



## **I. Description of Site**

- I.1 The site comprises part of the grounds of the original Boringdon Croft dwelling, which is a single-storey building situated at the forefront of this large plot. Access to the existing plot is off the road serving Boringdon Hall, which is a Grade I listed building. The site includes a large parking area just inside the entrance gates and a long, curved drive that leads to a large, single-storey outbuilding at the rear, close to the northern site boundary and the field beyond, where the land continues to rise gently northwards from the site. This outbuilding is in the position of the proposed bungalow. The northern part of the plot comprises the application site, while the southern part, where the existing bungalow lies, is the area approved for redevelopment by the erection of two houses. The site contains a large pine tree, near the western boundary. The neighbouring land to the west comprises a substantial residential plot, which contains a large number of mature evergreen and deciduous trees. The surrounding land to the south and east is undeveloped greenspace. The site is also within the

Plym Valley Strategic Greenspace as identified in Policy PLY45 of the Plymouth and South West Devon Joint Local Plan JLP.

## **2. Proposal Description**

- 2.1 The proposal is for the erection of a dwelling with associated landscaping, car parking and refuse storage including demolition of the existing outbuilding.

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

- 3.1 19/01435/MOR – A pre-application enquiry was submitted for the demolition of existing outbuildings; erection of a detached single-storey dwelling with associated landscaping, car parking and refuse storage. This proposal was for a very similar scheme to that now being proposed, the floor plans for which appear identical to those being submitted under the current application.
- 3.2 The pre-application enquiry attempted to overcome the objections of the Planning Inspector, who had previously dismissed an appeal for a dwelling on the site (see the relevant planning history, below). The LPA's view was that the scale and design of the proposed building had been appropriately reduced, and that together with landscape enhancements had overcome the obstacles to building on this part of the overall site.

## **4. Relevant Planning History**

- 4.1 19/01443/S73 - Variation of condition 2 (Approved Plans) of planning permission 17/01034/FUL (see below). Granted conditionally.
- 4.2 17/01034/FUL – This application was for demolition of existing dwelling to be replaced by 3no four bedroom dwellings with associated works. The application was refused on the grounds of unsustainable development and location; inadequate pedestrian provision and impact on strategic greenspace. The case went to appeal and the Inspector refused the proposed dwelling on what is the current application site, but allowed the other two dwellings, which are further away from the northern site boundary, and the open countryside beyond. The Inspector said that House Type A (where the current application site is) would be likely to intrude into the green ridgeline and harm the character and appearance of the SGS (Strategic Greenspace). He said that this harm could be compounded by lighting in and around this new house, which would accentuate the presence of House Type A in this part of the landscape.

## **5. Consultation Responses**

Historic England (HE)

HE do not wish to offer any comments. They suggest seeking the views of the Council's specialist conservation and archaeological advisers, as relevant .

Historic Environment

The Council's Archaeologist considers that an archaeological condition is not justified in this case.

Natural Infrastructure Team

No objection.

Natural England (NE)

Natural England required further information regarding the impact of the proposals on designated sites. This matter is covered by the Habitats Regulation Assessment, which is administered by the Council's Natural Infrastructure Team.

Public Protection Service (PPS)  
No objection.

Lead Local Flood Authority (LLFA)  
No objection, subject to a condition on surface water disposal.

Society for the Protection of Ancient Buildings  
No objection. Suggest that an archaeological condition may be advisable.

Highway Authority  
Objects owing to the site being in an unsustainable location and there being no adequate footways for pedestrians.

South Hams District Council  
No objection to the proposal subject to appropriate planting of the northern boundary.

## **6. Representations**

None received.

## **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 of 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 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 of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019.

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

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: Supplementary Planning Document. The Plymouth and South West Devon Supplementary Planning Document (SPD) has been prepared by Plymouth City Council (PCC), South Hams District Council (SHDC) and West Devon Borough Council (WDBC) to amplify and give guidance on the implementation of the policies of the Plymouth and South West Devon Joint Local Plan (JLP). Public consultation on the SPD ended on 6 January 2020 and it is currently anticipated that the plan will be formally adopted in July 2020. Full weight appropriate to an SPD cannot be given until its formal adoption, although given that the SPD is at an advanced stage it may be appropriate to give its provisions limited weight until then, especially where they have not been subject to objections.

## **8. Analysis**

- 8.1 This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7.
- 8.1.2 This case turns on the following policies of the Plymouth and South West Devon Joint Local Plan: DEV1 (Protecting health and amenity); DEV10 (Delivering high quality housing); DEV20 (Place shaping and the quality of the built environment); DEV21 (Development affecting the historic environment); DEV23 (Landscape character); DEV26 (Protecting and enhancing biodiversity and geological conservation); DEV27 (Green and play spaces); DEV28 (Trees, woodlands and hedgerows); DEV29 (Specific provisions relating to transport) and; DEV35 (Managing flood risk and water quality impacts).
- 8.1.3 The key planning considerations are the impact of the development on the setting of the Strategic Green Space, including landscape character and views of the site from the countryside; heritage assets and transport considerations.

### **Principle of Development**

- 8.2. Development of this kind can seriously erode the intrinsic qualities of the Strategic Green Space. DEV27 states that: In these areas development will normally only be permitted where it enhances the value of the green space, for example through sports, allotment and play provision, lighting, cafes, educational uses and sustainable transport routes. Given that the proposed development is for a dwelling, the application constitutes a departure from the JLP.
- 8.2.1 A departure such as this would normally be considered unfavourably in principle. However, in this case a Planning Inspector has allowed two houses within close proximity to the site, and did not allow one on the same site owing to its scale and consequent impact on the SGS and heritage assets. Given the proximity of the proposed scheme, to the approved houses, and the fact that a large, single-storey out-building exists on the site, this case is not clear-cut. The applicant has sought to address the Inspector's concerns by reducing the scale of the proposed building and enhancing the landscape qualities of the site. The design and, more importantly, the scale of the building is critical to the success of the scheme, since this is what led to the refusal of the previous proposals for a dwelling.
- 8.2.2 The planning appeal, referred to here, preceded the adoption of the Plymouth and South West Devon Joint Local Plan by about seven months, which means the appeal decision carries less weight than if it had been made in the context of an adopted plan. However, the emerging JLP was recognised by the Inspector as having reached an advanced stage towards adoption and could therefore be given moderate weight. As the appeal Inspector pointed out, one of the main issues is whether any adverse impacts of the development, having

particular regard to the likely effect upon the Plym Valley Strategic Green Space (SGS), would significantly and demonstrably outweigh the benefits. The appeal decision, which refused house type A (i.e. the site of this application) refers to how much the height of the proposed building would intrude into the green ridgeline and harm the character and appearance of the greenspace. The lighting in and around the new house was also considered to accentuate the presence of the building in this part of the landscape.

8.2.3 The Inspector's decision letter, in which he allows the two fronting dwellings (house types B and C), states that:

'The extent of the 'footprint' for the proposed dwellings and associated hard surfaced areas would be broadly similar to that of the existing bungalow and its associated buildings and hard surfaced areas.'

The decision letter also says that:

'The two other proposed dwellings (House Type B and House Type C) would be sited on lower ground to the south and on the 'footprint' of the existing bungalow and parking area.'

8.2.4 In the opinion of the LPA these comments point to the fact that the overall developed area of the site, including house types B and C, is a factor (in addition to the height of the buildings) that impacts on the Strategic Greenspace. In this respect the floor area of the proposed bungalow is approximately 146% of the original proposed footprint of the refused two-storey dwelling. The bungalow accommodation includes four substantial bedrooms, large kitchen/diner and separate living area. The scheme also includes a reception hall, and a substantial utility room and garage. The proposed study and walk-in wardrobe etc. adds to the considerable footprint of the dwelling.

8.2.5 At the pre-application stage, it was considered that a dwelling of this size, located on the fringe of the built-up area, should 'grade' more sympathetically into the surrounding countryside. What this new application has done is to reduce the height of the building to just below 88 metres AOD, which is more than a two-metre reduction from the height of the appeal building, and is also below the height of the existing large outbuilding on the site. In addition to this, officers' initial reservations, at the size of the footprint of the bungalow, were lessened by further reductions in the overall footprint of the building.

8.2.6 The Submitted Landscape and Visual Impact Assessment (LVIA) states that: It is the presence of the proposed bungalow on what is described as an undeveloped and open ridgeline that forms the setting of Plympton, which has the potential for adverse effects to the character of the Strategic Green Space (DEV27). After much analysis, the LVIA concludes that the proposals would have a 'neutral' impact on the character of the area. The term 'neutral' is given as 'No discernible deterioration or improvement in existing views; the proposals would avoid being visually intrusive.' On balance, officers concur with this view, and consider that the scheme as now presented would have no more impact on the character of the area than the two houses allowed by the appeal Inspector.

8.2.7 On balance it is considered that the scale and design of the proposed development would not be harmful to the strategic greenspace and therefore is not in conflict with policies DEV27 (Green and play spaces) and PLY45 (Plym Valley Strategic Greenspace) of the JLP. The latter policy seeks to protect the functions of the greenspace by (among other things) ensuring the landscape value of the site is protected and enhanced and the site continues to provide a strong natural edge and attractive setting for Plymouth. The proposals now include a planted

bund on the northern site boundary, a green roof on the northern side of the building, and a darker coloured render, all of which helps to blend the development into the natural environment.

### Amenity

- 8.3 The SPD guidance states that detached dwellings should have 100m<sup>2</sup> of associated amenity space and the proposals achieve this standard. The internal space standards for a four bedroomed, single-storey bungalow range from 90m<sup>2</sup> to 117m<sup>2</sup> depending on the number of occupants. The floorspace of the building easily exceeds these standards. The proposed bund between the plot and the two previously approved units would provide a good screen and neighbours would be relatively unaffected, especially as the proposals are for a bungalow. The proposals are considered to accord with policies DEV1 (Protecting health and amenity) and DEV10 of the JLP.

### Other Impacts

- 8.4 Historic Environment: The appeal Inspector found that by virtue of its height and siting, the previously proposed dwelling would intrude into the rural landscape settings of Boringdon Hall and the Triumphal Arch (which lies to the west, on Plymbridge Road) and detract from their historic interest, and that this harmful impact would not be outweighed by the public benefits of the proposal. The reduced height of the now proposed building would lessen the impact on these two historic assets. The siting and footprint of the building is also considered to be of a sufficiently reduced scale that the impact on heritage assets is not in conflict with policy DEV21 (Development affecting the historic environment). Had the area of disturbance been greater then Historic Environment officers would have considered an archaeological condition but under the circumstances presented do not consider that one can be justified at this stage.
- 8.5 Highways: With regard to transport issues, the LPA's view previously was that the location is unsustainable and that the access road is substandard, leading to conditions prejudicial to highway safety.
- 8.5.1 However, the Inspector said:  
'Whilst the development plan and the Framework include a requirement for new development to reduce the need to travel, they do not prohibit development that requires occupants of new buildings to travel by car. In this instance, the increase in the need to travel generated by two additional dwellings would not be so great as to undermine the objectives of established and emerging local and national planning policies that are aimed at creating sustainable linked communities.'

And that:

'The site is accessed from a private road that serves Boringdon Hall Hotel and Spa. Like much of the countryside around Plymouth there is no footway along this road. However, from what I saw during my visit, vehicles are generally moving slowly along this private road and traffic is intermittent. I also note that there are no personal injury accident records involving pedestrians along Boringdon Hill. The increase in pedestrian traffic associated with two additional dwellings in this location would be unlikely to result in any significant pedestrian/vehicular conflict and would not pose a serious risk to highway safety interests or be likely to interfere with the free-flow of traffic.'

- 8.5.2 The situation is unchanged in this respect and having regard to the Inspector's comments, which relate to the same number of dwellings (cumulatively) as now being proposed, it is

considered that , notwithstanding the Local Highway Authority's objection, the decision of the Inspector carries significant weight in the planning balance and therefore the objection is not a strong enough reason to refuse the planning application.

8.6 Other Natural Infrastructure considerations : The proposals include new areas of landscaping on the northern side of the site, as well as new tree planting in place for those specimens that need removing as part of the development, which comprise four category C trees and three category B trees. There are five areas of the site identified in the plans as requiring an arboricultural method statement. These relate to:

AMS1 - block paving within root protection area (RPA) in place of existing tarmac driveway.

AMS2 - installation of earth bund within RPA of TGI (Tree Group 1)

AMS3 - installation of drainage within driveway.

AMS4 - installation of garage and foundation.

AMS5 - relating to the tree planting plan on the northern boundary.

8.6.1 In officers' view, the amount of positive landscaping and tree planting is considered a sufficient substitute for the loss of trees on the site. The proposed landscaping and green roof will help to overcome the impact of the development on the Strategic Green Space.

8.7 Ecology: the submitted ecology reports show that the site and buildings were surveyed, and that account has been taken of the surrounding natural features. The ecology report concludes that: 'As a relatively small site located just to the north of a substantial suburban area with a relatively high level of human disturbance and with the impact avoidance measures adopted, the proposed development represents a neutral ecological impact at a site level.....Through the implementation of the outlined ecology mitigation and compensation measures, the proposal represents a positive biodiversity impact at site level.'

8.7.1 Officers are of the view that providing the development is carried out in accordance with the Construction Environment Management Plan (CEMP), Landscape Ecological Management Plan (LEMP) and Ecological Mitigation and Enhancement Strategy, the proposed development would conform with policy DEV26 (Protecting and enhancing biodiversity and geological conservation).

8.8 Drainage: the proposals include a large soakaway situated just to the west of the new bungalow, but also quite close to the retained tree. The drainage of surface water (and details of exceedance flows) is considered acceptable in accordance with policy DEV35 (Managing flood risk and water quality impacts) of the JLP. The Lead Local Flood Authority (LLFA) require more details of drainage and point out that there is a significant risk of surface water flooding to properties downstream from the site in Boringdon Hill, Golden Square and Colebrook. In light of this, it is recommended that surface water be retained on the site as far as practicable.

The Natural Infrastructure Team are of the view that the applicant should consider the inclusion of permeable paving to the driveway to deliver water quality benefits and to reduce the amount of soft landscape area affected by the provision of the soakaway as indicated on the drainage strategy. However, given the potential for flooding downstream, further drainage details should address both landscaping and retention of surface water.

## **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 not required 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.

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

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal is not harmful to the landscape character of the area, tree and natural infrastructure, heritage assets, residential amenity and highway safety and convenience, and accords with policy and national guidance and is therefore recommended for conditional approval.

### **14. Recommendation**

In respect of the application dated 28.02.2020 it is recommended to Grant Conditionally.

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

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

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

Location Plan I243-941-0000 - received 28/02/20

Tree Impact and Removal Plan 5379 AIATRP - received 28/02/20

Tree Constraints Plan 5379 AIATRP TPP - received 28/02/20

Tree Protection Plan 5379 TPP - received 28/02/20

Drainage Layout C-14365/C/100 Rev A received 28/02/20

Exceedance Flow Layout C-14365/C/101 Rev A received 28/02/20

Tree Planting Plan 5379 Rev B received 29/05/20

Proposed Site Layout I243 942 0100 Rev D received 22/04/20

Proposed Site Usage I243 942 0101 Rev C received 22/04/20

Proposed Site Sections I243 942 0200 Rev B received 22/04/20

Proposed Plans and elevations I243 942 1000 Rev A received 22/04/20

Reason:

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

## **2 CONDITION: COMMENCE WITHIN 3 YEARS**

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

Reason:

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

## **3 CONDITION: SURFACE WATER DRAINAGE**

### **PRE-COMMENCEMENT**

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

a) The Plymouth Local Flood Risk Management Strategy requires that infiltration tests should be completed to confirm the infiltration rate and support the drainage strategy, in accordance with BRE365. Tests should be located where the proposed soakaway devices are to be situated and below any made ground. It's recommended that the test sites be shown clearly on a plan.

A ground investigation study including an assessment of the underlying geology should be undertaken to assess and confirm the anticipated path the water will take having been discharged to the proposed soakaway. This is to confirm that water will not follow a pathway that ultimately impacts upon third party land or property. Details of infiltration testing should be submitted for review.

b) There is a significant risk of surface water flooding to properties downstream from the site in Boringdon Hill, Golden Square and Colebrook. It's recommended that surface water be retained on the site as far as practicable.

c) The location of a soakaway beneath carriageways should be avoided if possible due to the potential of vehicle loading to cause settlement and structural issues. Any infiltration device should be located greater than 5m from property or public highway.

d) A site specific Construction Environment Management (CEMP) should be submitted that describes how the water environment is to be protected during the demolition and construction of the proposed development.

e) Details should be submitted of how and when the drainage system is to be managed and maintained, and any future adoption proposals should be submitted.

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

Reason:

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

Justification: This is 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.

**4 CONDITION: HAZARDOUS MATERIALS SURVEY/ASBESTOS CONTROL**  
**PRE-COMMENCEMENT**

No demolition works shall commence unless and until a Hazardous Materials Survey is undertaken prior to demolition works taking place. The survey shall be submitted for approval by the LPA. If Asbestos Containing Materials are identified, a plan detailing methods, controls and management procedures relating to removal of all Asbestos Containing Materials associated with the development site and any former structures within it shall be submitted and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plan. Following completion of measures identified in the approved plan, verification documentation that demonstrates the effectiveness of any removal works carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from asbestos to highways, the environment, future users of the land and neighbouring land are minimised.

Justification: This is necessary 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 Policy DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

**5 CONDITION: ARBORICULTURAL METHOD STATEMENT**  
**PRE-COMMENCEMENT**

No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority in relation to approved planting plan [5379 TREE PLANTING PLAN REV B, 5379 AIATRP, 5379 TPP]. The statement shall detail how the proposed features are to be installed. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

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

Justification: This is necessary to ensure the trees are protected throughout the scheme.

**6 CONDITION: LANDSCAPE DETAILS**  
**PRE-DAMP PROOF COURSE LEVEL (DPC)**

The development shall not proceed above damp proof course level until the details of the landscape works including the green roof have been submitted to and approved in writing by the local planning authority. The landscape works shall accord with the following approved drawings and reports:

- o EMES 191117 rev00
- o Landscape strategy 1243 942 0100 REV D
- o Planting Plan 5379 TREE PLANTING PLAN REV B

The landscape works shall include:

- o Soft landscape details:
  - o Full soft landscape specification; plant species and size (to HTA standards), soil/roof build-up details, planting spec and establishment care, including Sedum Roof.
  - o The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference.
  - o Planting details (1:20 scale or as appropriate) including (but not limited to) slim-line planter details, tree pit details.
  
- o Hard Landscape Details: to provide:
  - o Drawings identifying the arrangement of proposed hard landscape elements including (but not limited to) paving materials, street furniture and boundary treatment materials (min 1:200 scale)
  - o Plans should include a specification of the hard landscape materials (e.g. paving materials), street furniture and any boundary treatments.
  - o Boundary treatment details (1:20 scale or as appropriate) e.g. mesh surrounding car park

All 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. Any dead or defective planting shall be replaced with a period of 5 years.

Reason:

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

## **7 CONDITION: EXTERNAL MATERIALS**

### **PRE-DPC LEVEL**

The development shall not proceed above damp proof course level until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (including natural stone, cladding, membrane, rain water goods, windows/doors, render colour) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

## **8 CONDITION: LANDSCAPE MANAGEMENT PLAN**

### **PRE-OCCUPATION**

A Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use, such a Plan shall include the long term objectives of the landscape scheme, and must set out how these objectives will be met. The Management Plan must indicate the ownerships and responsibilities of all landowners or agencies following the completion of the development and intended land transfers and leases etc. for all landscape areas, and must include this information graphically on a plan. The Landscape Management Plan should also set out all maintenance operations for the first 5 year following implementation of the scheme.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with JLP policy DEV20 and DEV23 and Paragraph 127 of the National Planning Policy Framework 2019.

**9 CONDITION: CAR PARKING PROVISION**

**PRE-OCCUPATION**

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

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 Joint Local Plan and the National Planning Policy Framework.

**10 CONDITION: ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy [191117 rev00] for the site which includes a Construction Environment Management Plan and Landscape Ecology Management Plan.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT12 & DEV26 of the Plymouth and South West Devon Joint Local Plan and Government advice contained in the National Planning Policy Framework.

**11 CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED**

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars (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 trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policy DEV28 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **12 CONDITION: 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 must be reported in writing immediately to the Local Planning Authority. 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 this condition has been complied with in relation to that contamination. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared which is subject to the approval in writing of the Local Planning Authority. It is recommended that the applicant contact the Local Planning Authority for further advice on what information should be included in such reports. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

### **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 Policy DEV2 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

## **13 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A (the enlargement, improvement or other alteration of a dwellinghouse), B (the enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch), E (the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool, or container used for domestic heating purposes) and F (hard surfaces) of Part 1 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 preserve tree roots and the character of the area and the amenities of neighbours in accordance with Policies DEV1, DEV10, DEV20, DEV23 and DEV28 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/communityinfrastructuralevy>

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 (NEGOTIATION)**

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

## **3 INFORMATIVE: PROTECTED SPECIES**

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Natural Infrastructure Officers.

## **4 INFORMATIVE: CODE OF PRACTICE**

The site is located in a residential area and is surrounded by sensitive receptors. Therefore, the applicant is advised to adhere to the Public Protection Service Code of Practice. The aim of this informative is to prevent or control any nuisance or negative impact on the environment and residential amenity arising from any work carried out. A copy of the Public Protection Service, Code of Practice for Construction and Demolition is available to be downloaded via:

<http://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>