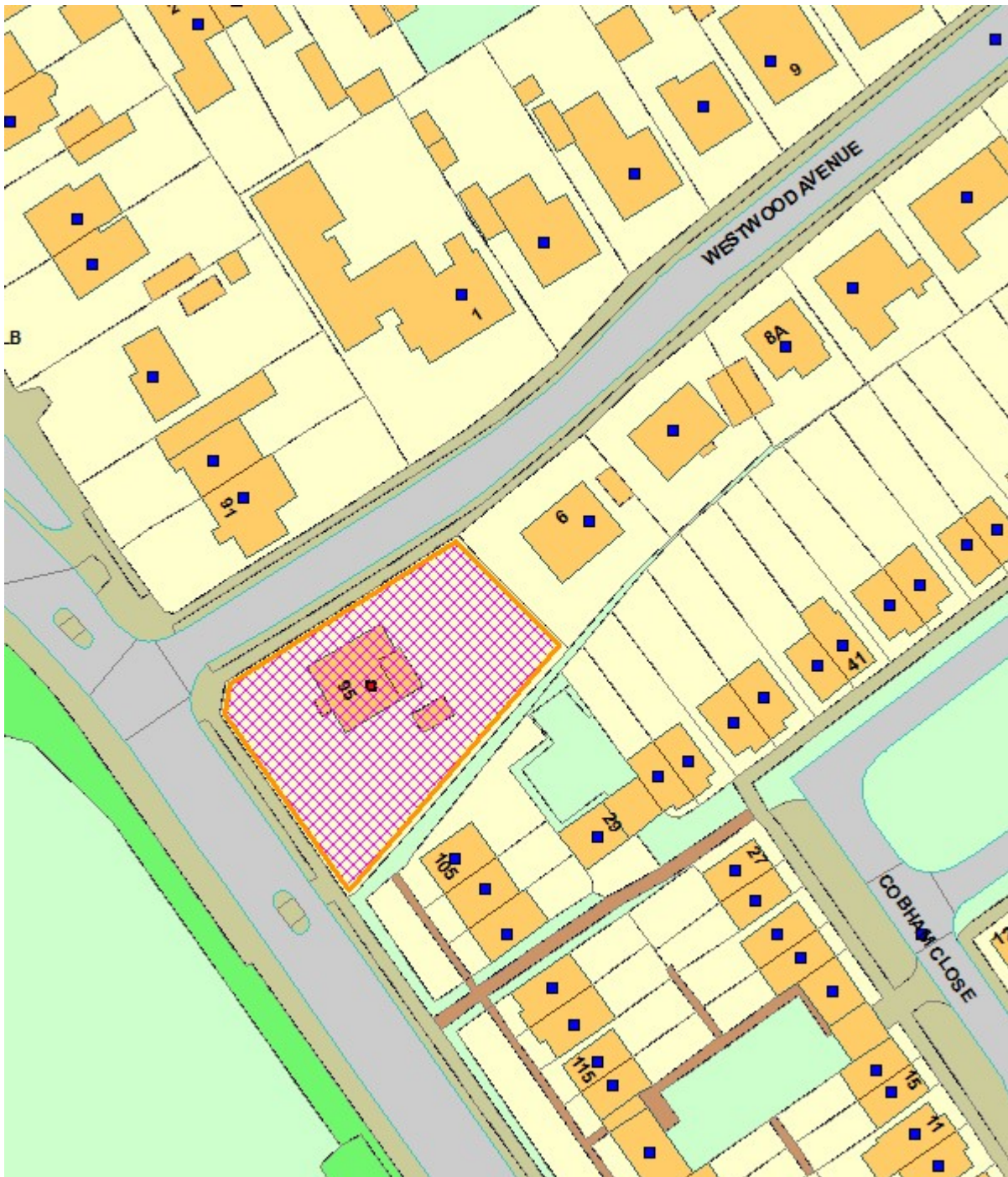


PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00589/FUL	Item	02
Date Valid	28.04.2020	Ward	MOORVIEW
Site Address	95 Plymbridge Road Plymouth PL6 7LD		
Proposal	Demolition of existing bungalow and the erection of 4 dwellings of residential accommodation and associated landscaping		
Applicant	Mrs Rosemary Anne Hayes		
Application Type	Full Application		
Target Date	23.06.2020	Committee Date	20.08.2020
Extended Target Date	27.08.2020		
Decision Category	Councillor Referral		
Case Officer	Mr Jon Fox		
Recommendation	Grant Conditionally		



This planning application has been referred to Planning Committee by Cllr Bridgeman

I. Description of Site

The site comprises just over a 1/10th of a hectare of land situated on the south-eastern side of the junction of Plymbridge Road with Westwood Avenue, in the Glenholt area of the city. The site contains a substantial bungalow with parking fronting onto Plymbridge Road. The remainder of the site is given over to a front and rear garden. There is a mature hedgebank on the south-eastern site boundary, which includes a number of attractive deciduous trees. The south-western and north-western boundaries are marked by mainly conifer trees of limited merit. The surrounding residential development includes a mix of new, multi-storey dwellings to the south, (the Cobham development off Glenholt Road), and older, detached bungalows and semi-detached houses, to the north. The property immediately to the rear contains a detached bungalow and, to the east, on the other side of the mature hedgebank, there is one of the newer, terraced houses.

2. Proposal Description

The proposal is for demolition of the existing bungalow and the erection of four dwellings of residential accommodation and associated landscaping.

3. Pre-application Enquiry

None.

4. Relevant Planning History

19/00732/FUL - Demolition of the existing single storey dwelling and the erection of five dwellings. This application was refused on grounds of harm to the character of the area, harm to trees and biodiversity, and lack of outside amenity space.

5. Consultation Responses

Local Highway Authority

No objection subject to conditions.

Lead Local Flood Authority

No objection subject to details of surface water management.

Natural Infrastructure Team

No objection subject to conditions and repositioning of soakaway.

Public Protection Service

No objection subject to conditions.

Urban Design

No objection, following redesign of proposals including reducing scale of buildings and simplifying design of proposed semis on the corner of Plymbridge Road and Westwood Avenue.

6. Representations

One letter received during the initial public consultation period, which raises objections on the following grounds:

1. Overlooking leading to loss of privacy.
2. Dust, noise and odour problems and construction vehicles in street during the build.
3. There is too much development in the area, and Westwood Avenue in particular would be harmed by the development and associated car parking.
4. The development overdevelops the plot and would be out of keeping.
5. Overburdening of foul drainage system.
6. Impact exacerbated by the height and design of development.
7. Parking problems in Westwood Avenue.

The application has been amended twice. Following publicity of the latest plans, a 38-signature petition has been received, which raises objections on the grounds of:

- a. Development not in keeping with Westwood Avenue and Plymbridge Road.
- b. Overcrowding of Westwood Ave as exiting and entering via Plymbridge Road, for both vehicles and pedestrians.
- c. Loss of sight of open space.
- d. Loss of privacy.
- e. Loss of sunlight.
- f. Overdevelopment of the site, especially in view of ageing population in the area.

- g. Loss of on-street car parking, and new properties would not have adequate parking.

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

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

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

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the Plymouth and South West Devon Supplementary Planning Document (SPD) is also a material consideration in the determination of the application.

8. Analysis

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

8.1 Principle of Development

8.1.2 The site and surroundings are characterised by residential development, which includes the relatively recent Cobham development, off Glenholt Road. The current proposal is to redevelop the site of a single dwelling into a site for four dwellings, i.e. one less than previously proposed in the refused application 19/00732/FUL. Policy DEV10 (Delivering high quality housing) states that housing developments should be designed to be integrated with the adjacent developments and not appear to be an unrelated addition to the rest of the town, village and neighbourhood. This is to be achieved in the quality of the building design, materials and layout. DEV10 also says that development of garden space will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods. In this case the increase in the number of on-site dwellings, from one to four, is a marked change to the pattern of development in Westwood Avenue. However, the site is adjacent to the newer, more densely designed housing layout, just to the east, and consequently officers consider it would not appear at odds with the density of development in the area generally. Therefore, subject to satisfactory layout, design and protection of amenities officers consider the principle of redevelopment is accepted.

8.3 Design

8.3.1 The previous scheme proposed five dwellings fronting onto Plymbridge Road, which is similar to the newer houses further along the street. Turning the houses around, so that four now face Westwood Avenue, is not considered harmful providing the corner plot addresses the main road adequately in design terms. The site is located on the corner of Plymbridge road and Westwood Avenue and should therefore form the connection between the different built characters, i.e. mainly bungalows in Westwood Avenue, two-storey housing in Plymbridge Road and the distinctive new builds of the Cobham development. The proposed corner building stands forward of the building line in Plymbridge Road. However, officers consider it is acceptable for the corner building not to follow the street building line, provided it still follows the principal design of the street and does not project so far forward as to appear intrusive in the street scene. This means using good quality, consistent materials throughout the street, thus giving it a sense of coherent identity.

8.3.2 With regard to the corner part of the site, the design of the pair of semis has been simplified from the original submission and includes an attractive elevation facing Westwood Avenue, which steps down from three storeys to two storeys in deference to the scale of the bungalows further along this street. The Plymbridge Road elevation of the building now includes a simple pitched roof that reflects the newer houses to the east.

8.3.3 Officers consider that the proposed semis on the Westwood Avenue side of the site should follow a simpler design that relates to the scale of the existing bungalows. The design of these buildings has been revised, by lowering the eaves and consequently fitting the first floor accommodation partly into the roof space. The roof has also been fully hipped on both sides of the building. In this case the building, although still a two-storey house, appears to step down adequately to the scale of the bungalow housing in the street.

8.3.4 Overall, the proposed buildings are considered by officers to fit in well with the streets in which they sit. Their scale and design is considered to strike the right and sympathetic tone with the site's location at the junction of new and old housing areas. The materials include the use of natural stone on the ground floor elevations, natural slate roofs and hanging and aluminium windows. Officers therefore consider that the proposals are in accordance with policy DEV20 (Place shaping and the quality of the built environment) of the JLP.

8.4 Amenity

8.4.1 With regard to amenity, the internal dimensions of the houses meet the Government space standards, and all properties are provided with 100m² or more of outside amenity space, in accordance with the guidance in the SPD. The back-to-back distances, to the houses in the Cobham development, are also in line with the SPD: the distance between the rear elevations of the proposed semis, in Westwood Avenue, and the rear of 29 Cobham Close, is approximately 25 metres; and the distance to the side of 105 Plymbridge Road, from the pair of semis proposed on the corner, is approximately 17 metres. The new SPD states that the corresponding separation distances should be 21 metres and 12 metres respectively. The impact on the bungalow to the north appears less than significant, providing there are no clear glazed windows on the north elevation of the nearest proposed unit. The front of the proposed semis on Westwood Avenue would be approximately 15.3 metres from the side boundary of 91 Plymbridge Road and the upstairs bedroom windows would overlook that neighbour's rear garden. However, there is a hedge running along the neighbour's side boundary, which helps to preserve a degree of privacy. Officers consider the pair of semis on the corner with Plymbridge Road would be too far forward to cause overlooking. On balance, it is considered that the overlooking of No.91's rear garden and house would not lead to an unreasonable loss of privacy. Officers do not consider that the proposed buildings would significantly reduce sunlight to neighbouring properties. The proposals are not therefore in conflict with policy DEV1 (Protecting health and amenity) and DEV10 (Delivering high quality housing) of the JLP.

8.5 Natural Infrastructure

8.5.1 The main issue is that of providing an adequately landscaped site, part of which would include mitigating for the loss of the four trees, which in accordance with the SPD equates to approximately 14 replacement trees on site, based on the stem diameter of the trees to be removed. Overall, and subject to conditions, the scheme is considered to provide a reasonably well landscaped site that would complement the character and appearance of the area. The scheme also includes a natural stone bank boundary and natural stone wall, which would add quality to the boundaries of the site. Officers therefore consider the proposals are in accordance with policies DEV20, DEV26 (Protecting and enhancing biodiversity and geological conservation) and DEV28 (Trees, woodlands and hedgerows) of the JLP.

8.6 Other Impacts

8.6.1 Public comments raise the issue of parking and access off Westwood Avenue. However, the Highway Authority raises no objection to the level and position of off-street parking spaces, nor the loss of on-street parking resulting from the proposed new driveway entrances. Overall, the proposals are considered to provide adequate off-street parking facilities without prejudice to on-street parking and highway safety, in accordance with policy DEV29 of the JLP.

8.6.2 With regard to noise and other construction related issues, construction should abide by the Council's Public Protection Service Code of Practice. However, regard should be had to the Government legislation about extending hours of working owing to Covid-19. Concern has been expressed about whether the foul drainage system has the capacity to deal with the development. However, this is a matter for South West 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. In this respect the site is fairly level thereby minimising difficulties for disabled people. The proposals do not include bungalows, but nevertheless are not considered by officers to be discriminatory to older sections of the population.

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 has overcome previous objections based on overdevelopment and is now in accordance with policies DEV1, DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and national guidance and is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 28.04.2020 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

1800mm Timber Framed Ledged and Braced Gate PRD BPC XX XX DR A 050 026 Rev P1 - received 23/07/20

Location Plan PRD BPC XX XX DR A 050 013 Rev P1 - received 23/07/20

Site Plan Demolition Works PRD BPC XX XX DR A 050 015 Rev P1 - received 23/07/20

1800mm Close Board Timber Fence PRD BPC XX XX DR A 050 024 Rev P1 - received 23/07/20

1800mm Close Board Fence with Trellis PRD BPC XX XX DR A 050 025 Rev P1 - received 23/07/20

1400mm Devon Hedge Bank and Braced Gate PRD BPC XX XX DR A 050 027 - received 23/07/20

Tree Protection Plan 05243 TPP 17.4.20 - received 23/04/20

Tree Constraints Plan 05243- TCP - 28.03.19 - received 23/04/20

Proposed Site and Block Plan PRD BPC XX XX DR A 050 016 Rev P3 - received 03/08/20

Tree Removal and Retention PRD BPC XX XX DR A 050 017 Rev P3 - received 03/08/20

Proposed Ground Floor Plan PRD BPC XX XX DR A 050 018 Rev P2 - received 03/08/20

Proposed First and Second Floor Plan PRD BPC XX XX DR A 050 019 Rev P3 - received 03/08/20
Proposed Street Scene and Elevations PRD BPC XX XX DR A 050 020 Rev P3 received 03/08/20
Proposed House Type 3B - 5P PRD BPC XX XX DR A 050 021 Rev P3 - received 03/08/20
Proposed House Type 4B - 7P PRD BPC XX XX DR A 050 022 Rev P3 - received 03/08/20
Proposed Landscaping Scheme PRD BPC XX XX DR A 050 023 Rev P3 - received 03/08/20

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) A surface water drainage strategy or flood risk assessment should be submitted that demonstrates that the proposed drainage system, including any attenuation, can provide a 1% AEP standard of protection plus a 40% allowance for climate change. Calculations and modelling results should be produced in support of any drainage design, including infiltration test results to support the chosen drainage strategy. Details are required for all proposed drainage features prior to planning approval.
- b) The Plymouth Local Flood Risk Management Strategy requires that infiltration tests should be completed in accordance with BRE365, 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. It is recommended by BRE365 to not include infiltration through the base of any infiltration device in the design of a surface water drainage system.

- c) For infiltration drainage systems a ground investigation study should be completed, including an assessment of the underlying geology 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.
- d) 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.

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

f) 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 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: ARBORICULTURAL METHOD STATEMENT**

PRE-COMMENCEMENT

No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority in relation to the no-dig parking area to provide parking space 1 and 2 in the SE corner. The statement shall detail how trees are to be protected during construction. 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 paragraphs 127, 170 and 175 of the National Planning Policy Framework 2019.

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

5 **CONDITION: ASBESTOS REMOVAL**

PRE-COMMENCEMENT

No demolition works shall commence unless and until 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, has been confirmed 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 protect the residential and general amenity of the area from noise emanating from the business and avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework. Justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence

6 CONDITION: PROVISION OF SIGHT LINES

PRE-COMMENCEMENT

No development shall take place until details of the sight lines to be provided at the junction between the means of access and the highway showing front boundary walls of no more than 1000mm in height when measured from the surface of the public footway have been submitted to and approved in writing by the Local Planning Authority. No foliage shall be allowed to grow above the height of the approved sight lines. The approved sight lines shall be provided before the first dwelling is occupied and thereafter maintained.

Reason:

To provide adequate visibility between the driver of an emerging car and pedestrians walking along the fronting public footway in the interests of public safety in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 – 2034 and the National Planning Policy Framework. Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

7 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 Joint Local Plan and the National Planning Policy Framework. Justification: To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

8 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, slate cladding, windows/doors) 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.

9 CONDITION: DETAILS OF BOUNDARY TREATMENT

PRE- DPC LEVEL

Notwithstanding the submitted details the development shall not proceed above damp proof course level until there has been submitted to and approved in writing by the Local Planning Authority details of the design and materials of the natural stone wall to be erected on the Westwood Avenue frontage of the site. The boundary treatment including the 'Devon Hedge' specified on the Plymbridge Road frontage shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

10 CONDITION: CAR PARKING PROVISION & GATES

PRE-OCCUPATION

The dwellings shall not be occupied until the designated car parking areas and turning area shown on the approved plans has been drained and surfaced in accordance with the approved details, where no more than two cars shall be parked at each property at any time, and the turning area serving the access from Plymbridge Road shall be kept available at all times for the turning of cars only, the parking spaces and turning area shall not thereafter be used for any purpose other than the designated parking and turning of cars. No driveway gates, barriers or other form of enclosure shall be permitted or fixed to the driveway entrances/exits on Westwood Avenue, that shall remain open at all times.

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 safe free flow of traffic on the highway in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 – 2034 and the National Planning Policy Framework.

11 CONDITION: TREE PLANTING

PRE-OCCUPATION

Prior to completion or first occupation of the development hereby approved, whichever is the sooner; details of the proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include confirmation of location, species and size to accord with emerging SPD guidelines and provide net gain in canopy cover. All tree planting shall be carried out in accordance with those details.

Any tree/s that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with DEV 23 and policy DEV28 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework 2019.

12 CONDITION: EXISTING 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 from Tree Protection Plan ref: 05243 TPP 17.4.20 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 the National Planning Policy Framework.

13 CONDITION: 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. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2 above, 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 condition 3 above.

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 DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework.

14 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 DEVI, 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. 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/communityinfrastructurelevy>

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

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

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

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

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 and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: CODE OF PRACTICE

The site is located in a residential area and is surrounded by sensitive receptors. Therefore, the applicant should adhere to the Public Protection Service Code of Practice, and demolition or construction works should not take place outside 08:00 hours to 18:00 hours Mondays to Fridays 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays. 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>

4 INFORMATIVE: PUBLIC HIGHWAY APPROVAL & ACCESS TO SITE

This planning permission does not authorise the applicant to carry out works from the publicly maintained highway. An Access to Site Permit is likely to be required so before development works start the applicant should contact Plymouth Highways for the necessary further approval.

5 INFORMATIVE: KERB LOWERING

Before the new accesses hereby approved are first brought into use it will be necessary to secure dropped kerbs and vehicle footway crossings with the consent of the Local Highway Authority. The applicant should contact Plymouth Highways for the necessary approval and to agree the precise details of all works within the public highway.