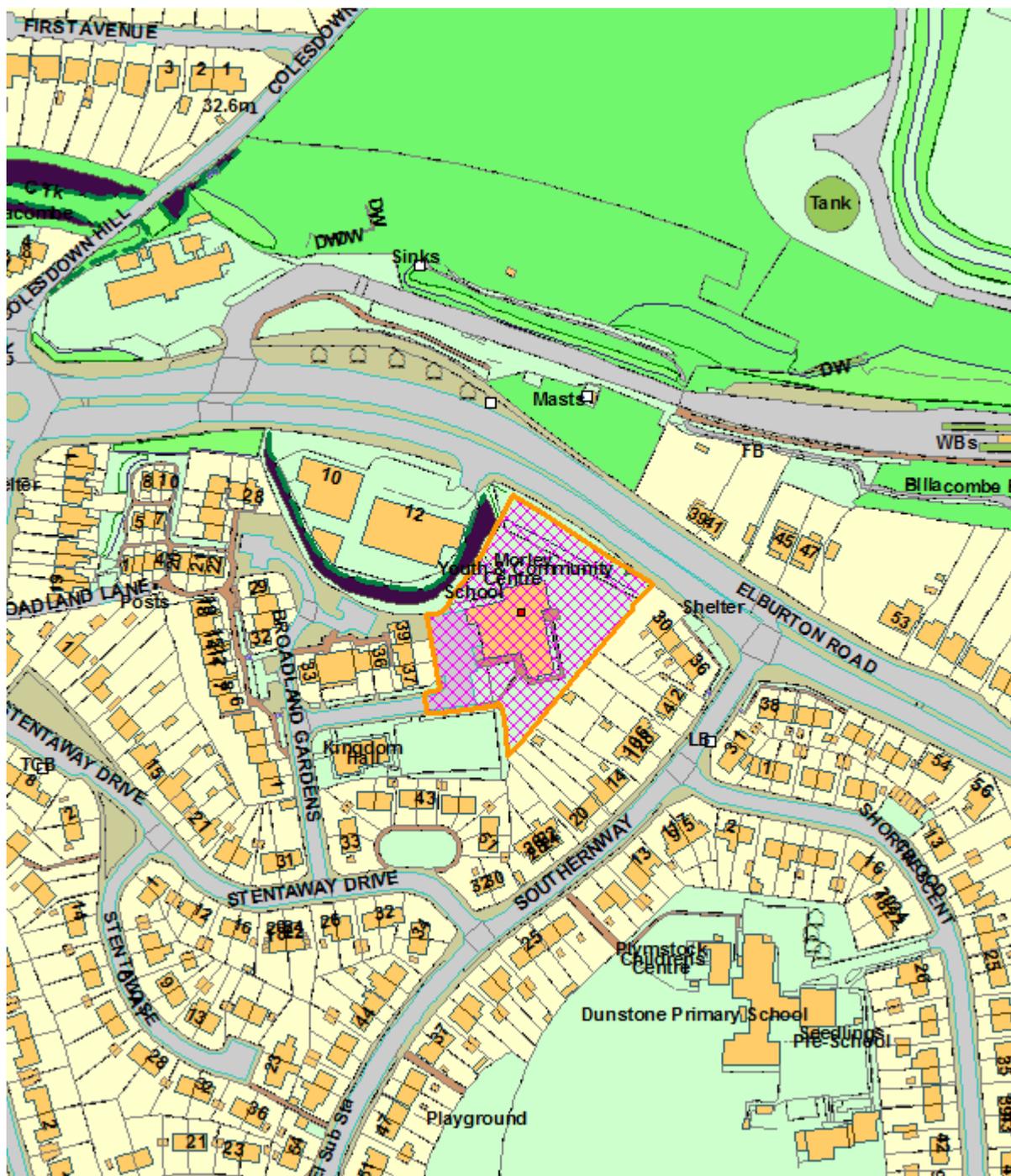


PLANNING APPLICATION OFFICERS REPORT



Application Number	21/00722/FUL	Item	04
Date Valid	22.04.2021	Ward	PLYMSTOCK DUNSTONE
Site Address	Morley Youth & Community Centre Broadland Gardens Plymouth PL9 8TU		
Proposal	Re-development of youth and community centre to provide 10no. residential dwellings and associated works with vehicular access		
Applicant	Plymouth City Council		
Application Type	Full Application		
Target Date	22.07.2021	Committee Date	11.11.2021
Extended Target Date	01.10.2021		
Decision Category	Service Director of SPI		
Case Officer	Mrs Katie Saunders		
Recommendation	Grant Conditionally		



This application has been referred to Planning Committee by the Head of Development Management, in his delegated capacity for the Service Director, in order that the proposal can be fully considered in an open and transparent manner.

1. Description of Site

The site is located in the Plymstock Dunstone ward of the city and was home to Morley Youth Centre which closed in 2018 and remains vacant. The site is accessed off Broadland Gardens and Elburton road lies to the North. The site is located in a predominantly residential area with gardens backing onto the development site.

2. Proposal Description

Re-development of youth and community centre to provide 10no. Residential dwellings and associated works with vehicular access.

The development will provide 10 dwellings focussed around a central greenspace accessed from a new shared surface street. Six of the properties will be 4-bedroom, three will be 3-bedroom and one is a 2-bedroom apartment located above a parking area. All properties will have two allocated parking spaces and outside amenity space.

3. Pre-application Enquiry

20/01908/MJR- In principle the application would be supported by the Local Planning Authority subject to further information and consideration given to highways comments.

4. Relevant Planning History

None

5. Consultation Responses

Housing Delivery Team – No objections subject to condition

Local Highway Authority – Originally raised concerns with the application however further information was submitted and the recommendation changed to no objection subject to conditions

Low Carbon Team – No objections subject to condition

Natural infrastructure team – Originally raised concerns with the application however further information was submitted and the recommendation changed to no objection subject to conditions

Police Designing Out Crime Officer- No objections

Public Protection- No objection subject to conditions

SUDS- No objection subject to condition

Urban Design Officer – No objections, general support for the scheme with further details to be secured by condition

6. Representations

Four neutral letters of representation have been received all from the same individual querying the access and parking arrangements during construction. In addition some comments have been made about a potential link path between Elburton Road and Broadland Gardens.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test

Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019. On 13th February 2020 MHCLG published the HDT 2019 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 139% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.1 years at end March 2020 (the 2020 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2020 (published 22nd December 2020).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application: The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).

8. Analysis

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.
2. The policies most relevant to the consideration of this application include SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods and sustainable rural communities), SPT3 (Provision for new homes) SPT9 (Strategic principles for transport planning and strategy), SPT10 (Balanced transport strategy for growth and healthy and sustainable communities), SPT12 (Strategic approach to the natural environment) Policy SPT13 (Strategic infrastructure measures to deliver the spatial strategy, DEV1 (Protecting Health and Amenity); DEV2 (Air, Water, Soil, Noise, and Land); DEV10 (Delivering high quality housing); DEV20 (Place shaping and the quality of the built environment); DEV26 (protecting and enhancing biodiversity); DEV27 (Green and play spaces) DEV28 (Trees, woodlands and hedgerows); DEV29 (Specific provisions relating to transport); DEV30 (Meeting the community infrastructure needs of new homes); DEV31 (Waste management); DEV32 Delivering low carbon development; DEV35 (Managing flood risk); and Policy DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy)
3. The key issues are considered to be the principle of the development, the quality of the proposed dwellings and residential amenity. Other considerations include highways and parking, design, drainage, contamination, and biodiversity.

Principle of Development

4. The Council will usually look to prevent development that harms the local character and adversely impacts the primary function of the area. The site is currently a vacant youth club and its suitability for redevelopment shall be considered accordingly, with the aim to protect and enhance the local environment and promote the creation of sustainable communities.
5. Policy DEV18 notes "the change of use to other uses of facilities of local community importance, such as local convenience shops, post offices, public houses, cafes, restaurants and community facilities, will only be supported where there is no significant harm to the level of service locally and where there is no reasonable prospect of the business or community use continuing." Officers acknowledge this application is not for a change of use but will however result in the permanent loss of the youth centre. The centre has now been closed for approximately 3 years and

officers are aware that a range of other youth facilities are available in the wider Plymstock Area. Officers do not consider that the loss of the facility will prejudice the locality.

6. The site is located adjacent to Elburton Road which is a principal transport corridor into the city centre of Plymouth. The site sits within a post-war housing estate characterised mainly by family dwellings with gardens. The majority of the houses are two storey in nature and officers consider that this is reflected in the proposal by proposing two storey units ranging from two bedrooms to four. The houses have also been designed to allow for adaptation over time. The proposed development would not be out of character or demonstrably harmful to the pattern of development.

7. In addition, the location of the site is considered sustainable as it is within close proximity to numerous local amenities and facilities (bus stop, shops, schools etc.).

8. The development is therefore considered to accord with policies SPT2, DEV1, DEV7, DEV10, DEV18 and DEV20 of the Joint Local Plan. The principle of residential development is therefore considered acceptable by officers.

Design, Layout and Amenity

9. The application proposes ten houses varying from 2 bedroom to 4 bedroom. In total the site will comprise of 6 four-bedroom units, 3 three-bedroom units and one 2-bedroom unit which sits above undercroft parking.

10. The development responds positively to its setting, with an appropriate scale and massing and a good level of enclosure created by arranging the two storey houses around a central green space. This, combined with the shared-surface streets around it, will provide an attractive living environment, with a positive sense of place. Windows provide a good level of overlooking and natural surveillance to the streets and central space. The Police Designing Out Crime Officer has not raised concerns with the scheme.

11. If the site were clear and flat, there would be a valid urban design expectation that the scheme should have frontages rather than rear gardens addressing Elburton Road. However, the challenge with addressing the level change here is acknowledged, as is the potential loss of green infrastructure that this might entail. In this regard officers note the pre-application included an access link from the site down on to Elburton Road. Unfortunately this has been removed, as due to the challenging levels, it was not inclusive of everyone and would have resulted in an area of greenspace being significantly engineered with the destruction of existing planting. Officers acknowledge that the link would have provided permeability and connectivity to key public transport routes however it would have prejudiced disabled users and those pushing pram and resulted in an unacceptable impact on a biodiversity site. On balance, officers therefore consider the removal of the link acceptable.

12. All of the properties comply with the Nationally Described Space Standards in terms of internal amenity space. The properties have been designed with flexibility and modern living in mind, with some of the units including a “pod” addition from the outset and others having the ability to add this on in the future. The “pods” could be used as a play room, home office, music room or variety of other uses. They will allow future residents to tailor the property to their own individual needs although a condition will be imposed to ensure their function remains ancillary to the main house.

13. In relation to House Type 3 officers acknowledge this has been designed with a specific end user in mind. The unit is proposed as a “cycle house” with the pod being used to provide cycle storage, bike workshop space, bike charging and other customised solutions. There is no policy requirement for “cycle housing” however officers welcome the consideration of sustainable travel at the heart of the development. If successful officers hope this template could be used and replicated

on other developments moving forward. In terms of design the property will appear like the House Type 1 units and will not be out of character.

14. Table 11 of the SPD (2020) sets out the minimum standards for outdoor amenity space and states that detached dwellings should have a minimum of 100m², with semi-detached properties 75m² and terraced properties 50m². Officers are also mindful that consideration can be given to the size of the properties proposed and pattern of development in the area. The proposal seeks to exceed the guideline for each dwelling, with some units having a generous garden.

15. The architectural expression of the houses, their form, materiality, colour palette and detailing provides an elegant contextual response to the site's opportunities. As well as providing air quality, energy and natural daylight benefits, the passive ventilation / light well stacks add modelling and interest to the roofs. The cutaways around front doors make the entrances distinctive and legible, as well as providing shelter. It is positive that the houses have been proactively designed to be flexible and adaptable to change over time.

16. The proposed materials palette for the houses and landscaping is supported, it is of a good quality and is locally distinctive. The materials include render, aluminium composite windows and doors, slate and standing seam metal with boundary treatments being hedges, gabion walls and close boarded fencing. Metal cladding is relatively unusual as a domestic elevation material in the context, but is increasingly being used in Plymouth waterfront neighbourhoods where it links to the architectural language of marine/industrial buildings. Further details will be secured by condition, but an informative will also be added to advise that all the metal materials should be of a suitably robust specification for the context, as there have been local issues with corrosion / powder coatings wearing off metal windows and cladding for example. In addition a condition will also be added to restrict permitted development rights associated with boundary treatment as officers are mindful that the gabion baskets and hedging add to the quality of this development.

17. The proposed dwellings would therefore provide a good level of amenity for future occupiers and positively enhance the local area in accordance with Policies DEV1, DEV10 and DEV20 of the Joint Local Plan.

18. The site slopes downwards towards Elburton Road at the northern edge of the site and is raised in height from the houses located to the east at Southernway. The houses located on Broadland Gardens are the same level as the development site.

19. Paragraph 13.19 of the SPD (2020) states that habitable room windows facing opposite one another should be a minimum of 21m apart for a two-storey development. The houses located on Broadland Gardens are in relatively close proximity to the development. Numbers 38 and 39 sit approximately 20m away from the rear elevation of Plots 8 and 9. Whilst this is a short fall of approximately one metre officers do not consider the shortfall will significantly harm the privacy of existing residents and therefore deem it acceptable. In terms of the relationship between Plot 10 and No. 37 Broadland Gardens officers are mindful that the separation distance is approximately 15m. The design of the unit has however been carefully considered with both of the first floor bedroom windows on the western side of the property being served by a window in either the south or north elevation to prevent unreasonable overlooking of No. 37. As the western elevation is the side of this property if windows were to be inserted at first floor level in the future they would need to be obscure glazed to comply with permitted development, a restrictive condition is not therefore required.

20. The houses located on Southernway are a considerable distance from the proposed dwellings measuring approximately 38m away. As mentioned above these properties are situated lower than

the development site and officers do not consider there will be a detrimental impact to the privacy of these properties.

21. The aspects of the development that could have an impact on residential amenity of neighbouring properties, such as noise and disruption caused from development construction can be mitigated through the imposition of planning conditions. The nature of the application is not considered to create concerns in relation to noise or light pollution once occupied. On this basis the development proposal is not considered to have an unacceptable impact on the residential amenity of neighbouring properties in terms of outlook, noise, nuisance or light pollution. The proposal would therefore comply with policy DEV1, DEV2 and DEV20 of the JLP.

Natural Infrastructure

22. The current youth centre is located centrally within the plot with areas of lawn to the north, east and west. Along these boundaries are established hedge and tree lines. The bank to the north, which slopes down towards Elburton Road, is identified as a Biodiversity Stepping Stone site.

23. The application has been supported by a Preliminary Ecological Appraisal (PEA), alongside further reptile surveys, Biodiversity Budget and Ecological Constraints and Opportunities Plan, Biodiversity Metric and a Tree Survey.

24. The scheme has been designed to minimise the impact on existing habitats and deliver biodiversity net gain in accordance with Policy DEV26 of the JLP. The proposed layout will impinge slightly on the stepping stone site in the north west corner, where some removal of the current planting will be needed to accommodate Plot 7. However, the Natural Infrastructure Team acknowledge that this impact will be mitigated by the delivery of the public open space in the centre of the scheme alongside the enhancement of the remaining northern bank with new planting. Overall the proposal will be delivering approximately 40% biodiversity net gain, far in excess of the 10% policy requirement. The supporting documents also adequately consider and address the protected population of slow worms that currently live on the site.

25. Officers acknowledge that whilst the new communal green space will help to deliver the required net gain, and mitigate the impact on the stepping stone site, it also plays a central place-making function. The Natural Infrastructure Team note that new areas of greenspace should achieve a score of 20 on the Open Space Assessment. Officers acknowledge the central greenspace in the development will not meet this number, with Natural Infrastructure Officers suggesting it currently gains approximately 18 points. Whilst officers acknowledge this is not ideal, it is also recognised that the space created is of a limited scale, which severely limits the ability to meet certain criteria and score the required points. Notwithstanding the points shortfall, officers believe the space created will positively benefit the development, and over time, as future residents evolve their use of the space, it may meet further criteria and score additional points. Officers therefore consider the proposal meets Policy DEV27 of the JLP. It is noted that a condition was recommended for a further open space assessment to be completed before the development proceeds beyond DPC level, officers do not consider that this is necessary given the assessment above.

26. The layout and design of the scheme has been informed by the existing features on the site including trees and hedgerows. The development will result in the loss of a single, poor quality tree however this will be mitigated through the planting of 11 new trees. One of these trees will form a feature in the new greenspace, with other trees being planted in both the front and rear gardens of the new properties. Natural Infrastructure Officers would have preferred for a higher number of trees to be accommodated within the greenspace or the new street, however this has not been possible, and justification has been provided for the approach taken. The proposal still far exceeds the requirements of Policy DEV28, which would have required the single tree to be replaced by two

new ones. Further details of all new landscaping will be secured by condition and all retained trees and hedgerows will also be safeguarded by condition.

27. Overall, officers consider the development has carefully considered its location, setting and enhancement measures and accords with Policy DEV20, DEV23, DEV26, DEV27 and DEV28 of the JLP.

Housing Considerations

28. The housing delivery team requested to see robust justification for the lower density of this proposal, such as an options appraisal of residential development alternatives and reasons for selection of the proposed scheme/comparison to other similar housing developments regarding density. Officers noted that the proposal falls just under the affordable housing provision threshold and should the site be assessed to have capacity for further dwellings then affordable housing provision either on site or off would be required.

29. Further information was received which outlined its rationale for a low density scheme and explained that some of the site is not developable due to site levels and vegetation.

30. Whilst it is disappointing that the housing mix has not included more smaller units officers accept that the scheme sits comfortably within the context of the surrounding area and therefore deem it acceptable.

31. At least 20% of dwellings would be required to be constructed to full Building Regs Part M (4) Level 2 specification - accessible /adaptable - to meet accessible housing needs and Policy DEV9 of the JLP. Formerly known as Lifetime Homes, this type of accommodation is particularly valued by elderly residents or those with mobility difficulties because the design is more accessible/adaptable from the outset.

32. Officers are pleased to note that the proposals will provide eight dwellings that would meet the higher accessibility level - Part M(4) Level 2 which goes over and above the policy requirement. There is a chronic shortage of accessible housing and many households who are in need of this type of accommodation wait far too long for suitable housing to become available.

33. Whilst the policy requirement is only for 20% provision, officers are mindful that the overprovision delivered does go some way to compensate for the lack of smaller units as part of the scheme. A planning condition will therefore be imposed to ensure eight units comply with the M(4)2 specification and that this is retained in perpetuity for future residents. The applicant has accepted this condition and officers consider this is an extremely positive aspect of the development.

Highway considerations

34. The development has been designed so that residents are able to choose sustainable transport options for getting about. Whilst two parking spaces per house are provided to ensure that the scheme is pragmatic and responds to current living requirements, each property has cycle facilities and is futureproofed for electric car and cycle charging.

35. The Local Highways Authority (LHA) originally recommended the application for refusal due to the unacceptable street layout and road construction materials proposed, in addition to the unsuitable parking arrangement. The applicant has since provided an amended Parking Layout plan (drawing number 200702 L 02 03, rev B) for consideration and the LHA are now in a position to support the proposed development subject to the submission of further details secured by condition.

36. The new proposed parking arrangement is an improvement on the original scheme design with the spaces serving plots 4-8 now being acceptable in principle. As the street will remain private, the on-street space allocated to plot 9 is also acceptable in principle. The parking arrangement for plot 10 is acceptable however in order to maintain an adequate level of inter-visibility, no obstructions exceeding 600mm in height should be erected for a distance of 2 metres either side of the vehicular access. Further details will be required with regard to the spaces serving plots 1-3 as it is unclear whether there will be supporting structures separating each of the under-croft spaces which, in turn, would require an additional allowance of width.

37. The street layout has been slightly amended due to the relocation of the parking spaces serving plot 5. This results in the proposed turning head now being considered an acceptable size to allow a refuse vehicle to turn on site and exit in a forward gear. Furthermore, in terms of the street layout, consideration will need to be given to the proposed street lighting arrangement for the development.

38. No amended details have been submitted with regard to the surfacing materials proposed for the new street. Previous comments from the LHA stated that the proposed construction of the street in bituminous material gives rise to concerns of highway safety and is considered unsafe to pedestrians as the design alludes to priority being given to vehicular movements. This results in increased vehicle speeds in a shared-surfaced street which poses a risk to pedestrian safety. In order to be considered acceptable, the street should be constructed in a distinctively different, contrasting material (such as block paving) to inform road users of the change in functionality of the street. Further details will be required to demonstrate a surfacing material that is distinctively different and contrasting to the traditional street layout on Broadland Gardens which will indicate the change in functionality to a shared-surfaced street with priority given to pedestrians.

39. It should be noted that the shared soakaway proposed within the communal greenspace and the location of the drainage channel through the centre of the shared-surfaced street results in the street not being built to an adoptable standard and would therefore preclude it from adoption by the LHA. As such, the street will remain private following construction.

40. The proposed development impinges on the existing public highway. This area of public highway contained within the development site will need to be extinguished under Section 247 of the Town and Country Planning Act in order for the control of the land to revert back to the landowner and this process will need to be concluded prior to the commencement of any works on site. The extinguishment process includes consultation with the LHA who would be willing to support the removal of public highway rights in this instance. It should be noted that the applicant will be responsible for arranging any diversion of services that may be necessary as part of this process.

Low Carbon

41. Officers welcome the high level of consideration that has been given to trying to deliver sustainable homes, that respond to peoples' evolving ways of live and the Climate Emergency.

42. Policy DEV32 requires major applications to deliver a 20% carbon saving above that required through Building Regulations alongside consideration of climate resilience and solar masterplanning.

43. The accompanying Energy Strategy and Design and Access Statement notes the units have been orientated to maximise natural light and winter sun, with consideration also given to overheating in the summer, passive principles are at the forefront of the dwellings. Each property will be fitted with efficient Air Source Heat Pumps (ASHPs), with a wet underfloor heat system. Ventilation will be provided by way of decentralized mechanical extract ventilation (DMEV) units to

each wet space, kitchen and utility rooms, to provide local extract ventilation. Furthermore the units will also benefit from LED lighting, a rooftop mounted PV array and EV charging. Officers consider they will be extremely efficient properties, which will ensure they deliver financial security to future residents whilst minimising the environmental costs on the City. A condition will be imposed to secure the provision of the Low Carbon technologies in accordance with Policy DEV32 of the JLP.

Drainage

44. The site is not located within a flood zone or a critical drainage area however the development has considered the drainage hierarchy and proposes to deal with surface water through a soakaway located below the central greenspace. Officers consider this solution acceptable, and in accordance with Policy DEV35 of the JLP, although some further details will be secured by condition.

Public Protection

45. The application has been supported by a Phase I Ground Assessment, which concludes that the development does not pose a significant risk to Human Health. An unexpected contamination condition is therefore recommended.

46. Officers note that one of the letters of representation received raised concerns regarding disturbance and potential parking issues when the development was under construction. The applicant will be directed to the Council's Code of Practice for Construction and Demolition Sites, which advises on hours of working. In addition a Construction Traffic Management Plan will consider all vehicle movements associated with the development and contractor parking.

Public Consultation

47. The Local Planning Authority encourage developers and applicants to engage with the public prior to submission of a planning application. This allows for local residents to pass on their knowledge to the developer and air any concerns whilst allowing the developer to address these prior to the submission of a formal application.

48. Unfortunately the Covid 19 Pandemic hindered the personal contact that was allowed with the public and therefore a leaflet drop took place directing people to a website with details and drawings available to view. This consultation ran for a four week period. People were also given the opportunity to talk with members of the project team by phone or Microsoft Teams if they so wished.

49. As a result of the four week consultation, during the pre-application, 13 responses were received which related to car parking, privacy, overshadowing and construction noise and disturbance.

50. The developer is content that the design of the proposed scheme has addressed the concerns raised and will minimise any impact on the surrounding residents.

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).

The applicant for this proposal is Plymouth City Council with the site also under Council ownership. Officers are aware that this application could deliver a financial benefit to the Council through the profits generated by the development. However, this consideration has had no bearing on the Planning considerations or recommendation for this application. As noted at the start of this report, in the interests of openness and transparency, this application has been referred to Planning Committee as a result of the potential financial gain to the Council that could be delivered by this proposal.

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.

However in this instance a planning obligation cannot be entered into due to the applicant being Plymouth City Council, and planning obligations cannot be entered into between parties within the same authority. However there is still a requirement for the mitigation measures to be secured as the development proposes 10 new houses.

As a result of this issue the Applicant (Plymouth City Council) has committed to provide the necessary infrastructure mitigation through an executive decision by the Portfolio Holder for Housing. The decision details that the necessary mitigation will be paid to the following areas:

Health: £5,041

Secondary Education: £37,140

Parks and Gardens: £14,631.13 for improvements to Saltram

Natural Green Space: £5,597.98 for improvements to Saltram

Playing Pitches: £15,054.89 for provision and maintenance of playing pitches at Staddiscombe

Play Space: £6,154.29 for maintenance of Southernway play park.

Allotments: £421.80 for improvements to Dunstone allotments

Biodiversity: £1,500 for monitoring slow worm translocation

A further request was made for Outdoor Sports however Officers did not consider this met the Regulation 122 tests.

The executive decision has been published and the associated “call in” period expires in advance of Planning Committee. Officers will provide further clarity on the position through an addendum.

The executive decision is considered to provide the certainty of the delivery of the required mitigation to support the planning consent. Officers are however mindful that although the current plan would be for the Council to directly deliver the housing, there is no planning certainty this will happen and the site could be sold to an alternative developer. In order to ensure the necessary mitigation is secured in this scenario a condition is imposed which requires an alternative developer to enter into a S106 obligation to deliver the agreed mitigation.

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.

The development will deliver in excess of the policy requirement of accessible housing, which will help address an identified need in the City.

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 accords with policy and national guidance and will provide high quality, flexible housing that has carefully considered the Climate Emergency and provided new greenspace at the heart of the development. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 22.04.2021 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

Tree Protection Plan 05550 TPP 26.3.2021 - received 16/04/21
Highway Surfacing Strategy 1002 Rev P01 received 16/04/21
Highway Long Sections 1003 Rev P01 received 16/04/21
External Level Strategy 1004 Rev P01 received 16/04/21
Drainage Strategy Plan 1005 Rev P01 received 16/04/21
Impermeable Area Plan 1006 Rev P01 received 16/04/21
Overflow Route Plan 1007 Rev P01 received 16/04/21
Proposed Floor Plans 200702 HT 01 01 - received 16/04/21
Proposed Elevations 200702 HT 01 02 - received 16/04/21
Proposed Floor Plans Plot 07 200702 HT 01 05 - received 16/04/21
Proposed Elevations Plot 07 200702 HT 01 06 - received 16/04/21
Proposed Floor Plans 200702 HT 02 01 - received 16/04/21
Proposed Elevations 200702 HT 02 02 - received 16/04/21
Proposed Floor Plans 200702 HT 03 01 - received 16/04/21
Proposed Elevations 200702 HT 03 02 - received 16/04/21
Location Plan 200702 L 01 01 - received 16/04/21
Block 02 Street Elevation 200702 SE 01 02 - received 16/04/21
Proposed Floor Plans 200702 HT 04 01 Rev A received 20/07/21
Proposed Elevations 200702 HT 04 02 Rev A received 20/07/21
Proposed Floor Plans 200702 HT 05 01 Rev A received 06/07/21
Proposed Elevations 200702 HT 05 02 Rev A received 06/07/21
Proposed Site Layout 200702 L 02 01 Rev D received 06/07/21
House Type Plan 200702 L 02 02 Rev A received 06/07/21
Parking Layout 200702 L 02 03 Rev B received 06/07/21
Refuse Strategy Plan 200702 L 02 04 Rev A received 06/07/21
Boundary Treatments 200702 L 02 05 Rev B received 06/07/21

Block 01 Street Elevation 200702 SE 01 01 Rev A received 06/07/21
Plots 4-7 Street Elevation 200702 SE 01 03 Rev A received 06/07/21
Proposed Floor Plans - Side Entrance 200702 HT 01 03 Rev A received 01/11/21
Proposed Elevations - Side Entrance 200702 HT 01 04 Rev A received 01/11/21

Reason:

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

2 CONDITION: COMMENCE WITHIN 3 YEARS

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

Reason:

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

3 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

PRE-COMMENCEMENT

No development shall take place (including demolition, ground works, and vegetation clearance) until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The CEMP shall take account of the measures outlined within Ecological Impact Assessment, Former Morley Youth Centre, Plymouth, Devon, March 2021; Construction Environmental Management Plan, Former Morley Youth Centre, Plymouth, Devon, March 2021 and Broadland Gardens, Plymouth, Devon, Biodiversity Budget and Ecological Constraints and Opportunities Plan v3; for the site and shall include the following.

- a. Risk assessment of potentially damaging construction activities.
- b. Identification of 'biodiversity protection zones'.
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d. The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e. The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- f. Responsible persons and lines of communication. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Joint Local Plan Policy DEV26 and Government advice contained in the National Planning Policy Framework 2021.

Pre-commencement justification: This is necessary to ensure protected species and the environment are fully considered before works start on site.

4 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

The development hereby approved shall not commence, including any works of demolition, 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 include details relating to the detailed programme of works; a highway dilapidation survey assessing the existing condition of the highway adjoining the site; 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 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 works 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 Joint Local Plan (2014-2034) 2019.

Pre-commencement justification: necessary to ensure the impact of the works does not prejudice existing residents in the locality.

5 CONDITION: SURFACE WATER DRAINAGE

POST DEMOLITION

No work beyond demolition shall be commenced until final 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 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.
- b) Details should be provided that show how the drainage system is to be protected from silt and pollution from the parking and access road areas. A construction environment management plan incorporating method statements should be submitted to demonstrate how the new drainage system and water environment is protected during the construction phase.
- c) Details should be submitted of how and when the 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 2019 and the National Planning Policy Framework 2021.

6 CONDITION: LANDSCAPE DETAILS

POST-DEMOLITION

No development shall take place beyond demolition until the details of the landscape works 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:

- Broadland Gardens, Plymouth, Devon, Biodiversity Budget and Ecological Constraints and Opportunities Plan v3, September 2021; and
- Ecological Impact Assessment, Former Morley Youth Centre, Plymouth, Devon, March 2021.

The proposals shall be fully coordinated with proposed underground services, explore means of integrating SuDS measures into the development and include 11 trees of which at least 1 will be planted in the public realm and 1 will be in a front garden.

The landscape works shall include:

i. Soft landscape details:

- a. Full soft landscape specification including all plant species and their size (to HTA standards), soil details, implementation specification, establishment care and defects period.
- b. The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference. We expect plans to demonstrate sufficient rooting volume for all proposed trees and prove there is no conflict with proposed services.
- c. Planting details (1:20 scale or as appropriate) including (but not limited to) tree pit details and level details

ii. Hard Landscape Details

- a. Drawings identifying the arrangement of proposed hard landscape elements including (but not limited to) paving materials, street furniture, play equipment and boundary treatment materials (min 1:200 scale) and proposed and existing site levels
- b. A specification of the hard landscape materials (e.g. paving materials), street furniture, play equipment and any boundary treatments.

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, dying, severely damaged or diseased planting shall be replaced with a period of 5 years.

Reason: To ensure that satisfactory landscaping works are carried out in accordance with policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

7 CONDITION: FURTHER DETAILS

PRE-FOUNDATIONS

No works on the foundations shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority:

- Details to demonstrate the surfacing material will be of distinctively contrasting material to inform road users of the change in functionality of the street area.

- Clarification on the presence of supporting structures separating the undercroft parking spaces serving plots 1-3 and evidence to demonstrate there is adequate width afforded to each space to allow for adequate access for pedestrians.

The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and allow for safe vehicle and pedestrian movements in accordance with Policy DEV29 of the Plymouth and South West Devon JLP (2014-2034) 2019.

8 CONDITION: MATERIALS

PRE-DAMP PROOF COURSE (DPC) LEVEL

Prior to work continuing above DPC level full details of the materials to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are appropriate and in keeping with the character of the area in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

9 CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN

PRE-DPC LEVEL

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the development proceeding beyond DPC level.

The content of the LEMP shall include the following;

- a. Description and evaluation of features to be managed.
- b. Ecological trends and constraints on site that might influence management.
- c. Aims and objectives of management for both the landscape elements and the biodiversity features.
- d. Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- e. Preparation of a work schedule.
- f. Body or organisation responsible for implementation of the plan.
- g. Monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery (we expect at least a 30year funding plan to be included).

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

Reason: In the interests of the retention, protection and enhancement of wildlife and features of biological interest and to ensure that satisfactory landscaping works are carried out, in accordance Policies DEV20, DEV23 & DEV26 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and Government advice contained in the National Planning Policy Framework 2021.

10 **CONDITION: ENERGY STATEMENT**

PRE-OCCUPATION

Prior to first occupation of any of the dwellings hereby approved the requirements as set out in the Energy Statement (Reference 05823P-SDS-XX-XX-RP-ME-XXXX-0002 dated 24/03/2021), namely the provision of an air source heat pump and roof mounted PV array for each property, shall be installed. These provisions shall deliver carbon savings of at least 20% above those required by building control. The measures to deliver the required carbon savings shall be maintained and retained for the life of the development.

Reason:

To ensure suitable provision of renewable and low carbon energy in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

11 **CONDITION: BIN STORAGE**

PRE-OCCUPATION

Each bin store area shown on the approved plans shall be constructed and made available for use before the unit of accommodation that it serves is first occupied. The allocated bin storage area shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority. The waste and recycling containers for each dwelling shall be stored in their respective store 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 (2014-2034) 2019 and the National Planning Policy Framework 2021.

12 **CONDITION: CAR PARKING PROVISION**

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.

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 (2014-2034) 2019 and the National Planning Policy Framework 2021.

13 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 22 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

14 CONDITION: ELECTRIC VEHICLE CHARGING

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for the provision of 1 standard electrical vehicle dedicated charging point per dwelling served with a driveway, a minimum of 2 charging points to serve the other car parking spaces and for 50% of the remaining spaces to be served with passive wiring to allow a future connection. The electrical vehicle charging point shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote sustainable modes of travel in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

15 CONDITION: SERVICE ROADS

PRE-OCCUPATION

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 plans.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

16 CONDITION: ACCESSIBLE HOMES

Eight dwellings hereby approved shall meet national standards for accessibility and adaptability (Category M4(2) of Building Regulations).

Prior to the occupation of each of the dwelling an independent verification report shall be provided which confirms that the properties have been constructed to the required specification. The report shall also set out the qualifications of the examiner who undertakes the verification.

The properties shall remain as a M4(2) specification in accordance with the approved detail.

Reason:

To ensure that a mix of accessible houses are brought into the housing market in accordance with Policy DEV 9 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

17 CONDITION: LOCKABLE GATES

PRE-OCCUPATION

All pedestrian gates that lead to rear gardens must be capable of being locked from both sides, by means of a key for example. Details of the gates and locking system shall be submitted to and approved in writing prior to the occupation of the dwelling that it serves.

Reason:

To ensure satisfactory security of rear gardens to design out crime in accordance with Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

18 CONDITION: UNEXPECTED CONTAMINATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers,

neighbours and other offsite receptors, in accordance with Policy DEV2 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

19 CONDITION: PRESERVATION OF SIGHT LINES

No structure, erection or other obstruction exceeding 900mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within 2 metres either side of the vehicular access to plot 10 at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

20 CONDITION: ECOLOGICAL MITIGATION

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Broadland Gardens, Plymouth, Devon, Biodiversity Budget and Ecological Constraints and Opportunities Plan v3, September 2021 and Ecological Impact Assessment, Former Morley Youth Centre, Plymouth, Devon, March 2021 for the site.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policy DEV26 and the National Planning Policy Framework 2021.

21 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 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 (2014-2034) 2019 and the National Planning Policy Framework 2021.

22 CONDITION: ANCILLARY OR INCIDENTAL USE

The proposed plug on pods shall only be used for purposes incidental or ancillary to the primary use of the premises as a residential dwelling.

Reason:

Whilst the proposal for such ancillary use is acceptable to the Local Planning Authority, the independent use of different parts of the premises would be likely to produce conditions unacceptable to the Local Planning Authority; this condition is in accordance with Policy DEVI, DEV20 and DEV29 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

23 CONDITION: INFRASTRUCTURE MITIGATION

If, at the point of commencement (other than demolition), any party other than Plymouth City Council owns a relevant legal interest in the land, no development (except for demolition) shall take place unless and until all parties with a relevant interest in the land have entered into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 giving effect to the Heads of Terms stated in the Planning Committee Report November 2021 (with the intent that all of the covenants contained therein will be enforceable without limit of time not only against all of the owners of the land, but also their successors in title and any person corporate or otherwise claiming through or under them an interest or estate in the land).

Reason:

In order to ensure the necessary infrastructure mitigation could be secured if the Council decided to sell the site in the future in accordance with Policies DEV30 and DEL1 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

24 CONDITION: PERMITTED DEVELOPMENT

Notwithstanding the provisions of Article 3, Schedule 2, Part 2, Class A (Gates, Fences and Walls) of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), other than the fencing (and any subsequent or future like-for-like replacement as necessary) hereby approved by way of this application, no enlargements, improvements or other alterations shall take place to the approved hedges and gabion walls.

Reason:

In order to protect the quality of the development in accordance with Policy DEV20 of the Plymouth and South West Devon Joint Local Plan (2014-2034) 2019 and the National Planning Policy Framework 2021.

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 including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: EXTINGUISHMENT OF PUBLIC HIGHWAY

The development hereby proposed includes the extinguishment of a section of public highway (Highway Maintainable at Public Expense) at the development access on Broadland Gardens. The Local Highway Authority would not wish to object to an extinguishment of the public highway and any extinguishment of the public highway as agreed through the planning process should be sought in accordance with Section 247 of the Town and Country Planning Act.

4 INFORMATIVE: PUBLIC HIGHWAY APPROVAL

This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

5 INFORMATIVE: ADOPTION OF HIGHWAY

The proposed street is not designed to an adoptable standard and will therefore not be eligible for adoption by the Local Highway Authority following construction.

6 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 or habitat 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. Further advice on bats is available from The Bat Conservation Trust 0845 1300 228.

7 INFORMATIVE: RESIDENT'S BIODIVERSITY INFORMATION

The developer is encouraged to advise future residents of the measures that have been included within the development to deliver biodiversity net gain, how to best care for these measures and what additional steps could be taken to improve biodiversity.

8 INFORMATIVE: COUNCIL CODE OF PRACTICE

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

In particular working hours shall not take place outside the following times:

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

9 INFORMATIVE: MATERIALS

The applicant is advised that all the metal materials should be of a suitably robust specification for the context, as there have been local issues with corrosion / powder coatings wearing off metal windows and cladding