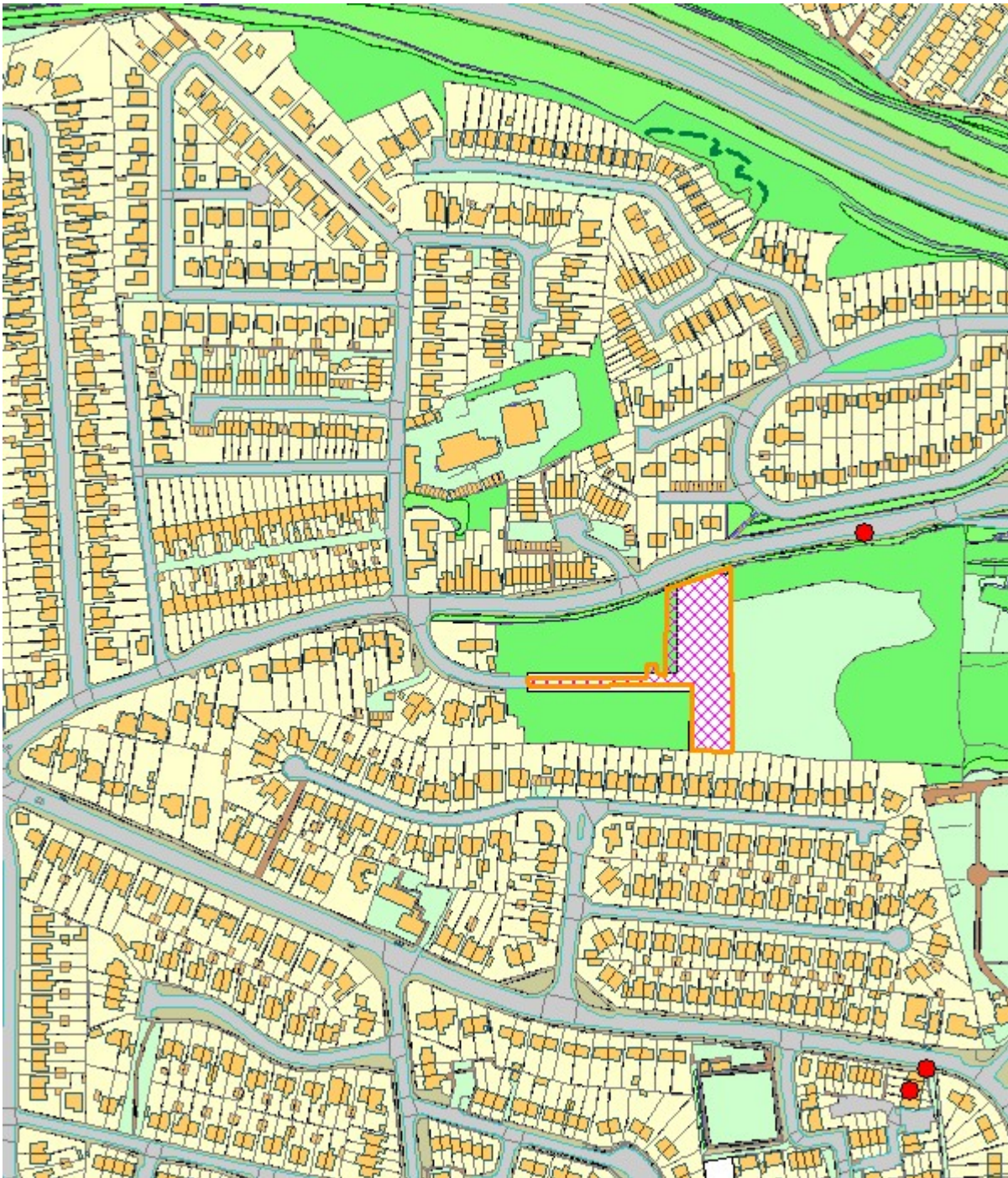


PLANNING APPLICATION OFFICERS REPORT



Application Number	22/01994/FUL	Item	03
Date Valid	13.12.2022	Ward	COMPTON
Site Address	Land At Petersfield Close Plymouth PL3 6QP		
Proposal	Erection of four dwellings with associated landscaping and construction of vehicular access (re-submission of 22/00651/FUL)		
Applicant	Mr A Cottenham		
Application Type	Full Application		
Target Date	07.02.2023	Committee Date	24.08.2023
Extended Target Date	N/A		
Decision Category	Councillor Referral		
Case Officer	Miss Amy Thompson		
Recommendation	Grant Conditionally		



The planning application was referred to Planning Committee by Cllr Tippetts should officers be making a positive recommendation.

I. Description of Site

The application site is at the eastern end of Petersfield Close and is an undeveloped tract of land. The application site is approximately 0.5ha in size and is part of a naturalised slope falling towards the north. The land is bordered by housing to the north, south and west whilst to the east is woodland below the grounds of Efford Cemetery.

There is a large undeveloped tract of land to the west which is largely covered by a Tree Preservation Order (No. 537). The site sits within a well-established residential area.

2. Proposal Description

Erection of four dwellings with associated landscaping and construction of vehicular access (re-submission of 22/00651/FUL).

3. Pre-application Enquiry

None associated with this application.

4. Relevant Planning History

22/00651/FUL - Erection of 4 dwellings together with construction of vehicular access (re-submission of planning permission LPA ref: 17/02055/FUL, with minor amendments) - Refused due to insufficient information on protected species and biodiversity net gain.

17/02055/FUL - Erection of 4 dwellings and linked annex building together with construction of vehicular access - Granted conditionally

961/64- Construct road, lay foul and surface water sewers together with layout of building plots at Petersfield Estate, Higher Compton- Granted conditionally

816/1953 - Use land forming part of the Petersfield Estate and located at Higher Mowles Efford, Plymouth, for the construction of a new street and the erection of forty dwellinghouses - Granted conditionally.

Neighbouring sites:

Land Adj, 28 Petersfield Close - 21/01071/FUL - Detached dwelling with associated car parking, refuse storage and amenity space (re-submission of 21/00211/FUL) - Refused due to insufficient information on the impact on protected species and insufficient information on the impact on protected trees.

Land Adj, 28 Petersfield Close - 21/01071/FUL - Detached dwelling with associated car parking, refuse storage and amenity space (re-submission of 21/00211/FUL) - Refused due to insufficient information on protected species and insufficient information on the impact on trees -APPEAL DISMISSED.

Land Adj, 28 Petersfield Close - 21/00211/FUL - Detached dwelling - Withdrawn.

28 Petersfield Close - 15/02050/FUL- Erection of detached dwellinghouse with integral private motor garage- Granted conditionally.

Land adj To 29 Petersfield Close - 08/00623/FUL - Erection of detached dwellinghouse with integral double private motor garage - Granted conditionally.

Land adjacent to 29 Petersfield Close - 07/01006/FUL - Detached house with integral garage - Refused - APPEAL DISMISSED.

5. Consultation Responses

Local Highways Authority - Recommend refusal on highway safety grounds and lack of sustainable travel credentials.

Natural Infrastructure Team - Object.

Public Protection Service - No Objections subject to recommended conditions.

Lead Local Flood Authority- Recommend condition requiring further information to be submitted that confirms the proposed surface water receiving sewer is available.

Urban Design - Object.

6. Representations

The Local Planning Authority has received a total of 106 public comments. 50 public comments objected to the scheme including one petition with 77 names, raising the following concerns:

- Use of dangerous, unsuitable junction entrance to the site/ hazardous for pedestrians and traffic/ issues with public safety.
- Loss/ impact on wildlife/habitats / nature/ biodiversity/ ecology/ protected species and green space
- Impact on protected trees/ established woodland
- Flooding/ subsidence
- Compromise safety of the bank/ steep land
- Should be designated as green space
- Impact on climate change/ climate emergency
- Noise, light and air pollution
- Traffic generation
- Disturbance to neighbours
- Setting a precedent
- Loss of trees and impact that has on landscape and water run off
- Increased security risk
- Overcrowd the area.
- Parking and traffic issues.
- Will not be affordable housing or for first time buyers.
- Loss of green space, which needs to be conserved.
- Biodiversity enhancements proposed will not replicate what is already there.
- Design of house will result in bird strikes.
- Houses not in keeping with the character, scale and design of the area and unlikely to be using public transport.
- Concerns houses and gardens will be used for parties.
- Disturbance from construction of development
- Existing road is not able to accommodate increase in vehicles.
- Lack of engagement with local community.
- Question the status of the extant planning permission.
- Impact from lighting on wildlife.
- Use of herbicides to clear vegetation and the impact this has on wildlife and pets.
- Concerns about the submitted ecological reports and surveys.
- No structural engineers report has been submitted.
- Loss of privacy.
- Is within meters of a known historic landfill and inside a potential high radon protection zone.

Non-material planning considerations:

- Loss of property value

56 public comments were received that supported the proposal raised the following points:

- Is a brownfield site that already has planning permission.
- One tree is proposed to be removed.
- Very positive and eco-friendly addition to the area.
- Homes are future proof, modern, low carbon and suitable for the location.
- Plymouth in need of housing/ helps housing crisis.
- Improve existing street, enhance the area.
- New road through woodland would open up space for public.
- Support small business, promotes/ provide jobs
- Need more eco-friendly homes to help with energy costs.
- Not removing any green belt

- Opportunity to complete the road and create new housing for families as street looks unfinished.
- Design has little impact on surroundings and with an emphasis on ecological improvements.
- Good use of waste land that is dangerous and overgrown and had been used for fly tipping.
- Proposed eco houses better than the original plans.
- Impact on wildlife has been adequately addressed/ commitment to preserve and encourage wildlife on site.
- Perfect infill site.
- Houses will have good access to services.
- Includes elements necessary for climate mitigation.
- Attract new people into community.

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 the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG) of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128 percent and the consequences are None.

Therefore a 5 percent buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5 percent buffer, the combined authorities can demonstrate a 5-year land supply of 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the scale and urgency of the climate change emergency, Plymouth City Councils Declaration on Climate Emergency (March 2019) for a carbon neutral city by 2030 and the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022. Additionally, the following planning documents are also material considerations in the determination of the application:

- Plymouth and South West Devon Joint Local Plan 2014-2034: Supplementary Planning Document (SPD) (July 2020)

8. Analysis

1. This application has been considered in the context of the development plan, the Framework and other material considerations as set out in Section 7.
2. This application has been assessed against the Council's adopted planning policy in the form of the Plymouth and South West Devon Joint Local Plan (March 2019) policies SO1

(Delivering the spatial strategy), SO11 (Delivering high quality development), SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods and sustainable rural communities), SPT3 (Provision for new homes), SPT12 (Strategic approach to the natural environment), DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV7 (Meeting local housing need in the Plymouth Policy Area), DEV9 (Meeting local housing need in the Plan Area), DEV10 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment), DEV23 (Landscape character), DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV27 (Green and play spaces), DEV28 (Trees, woodlands and hedgerows), DEV29 (Specific provisions relating to transport), DEV32 (Delivering low carbon development) and DEV35 (Managing flood risk and water quality impacts).

3. The main issues relating to this development proposal are considered to be the principle of development, design, layout, amenity, biodiversity and trees, highways, contamination, flood risk and drainage.
4. The application is a re-submission of planning permission 22/00651/FUL which sought permission for the erection of 4 dwellings together with construction of vehicular access. Application 22/00651/FUL was a further re-submission of an earlier application 17/02055/FUL for a similar planning permission with some amendments but was not commenced and had since lapsed. Application 22/00651/FUL was refused due to insufficient information being submitted relating to protected species and biodiversity net gain.
5. This re-submitted application has provided an updated Ecological Impact Assessment (EclA) in response to the reason for refusal that included a number of protected species surveys. Details were also provided on biodiversity net gain.
6. The resubmission also has made further amendments in response to the comments made with the previous application to the external building materials, landscaping and boundary treatment. The supporting information states this is to ensure that the proposed development enhances its landscape setting.
7. Plot 4 is proposed to be constructed by the applicant as a self-build dwelling.

Principle of Development

8. As outlined above, planning application 961/64 for the erection of 34 semi-detached dwellings and an access road was granted in 1964. Eight of the dwellings were constructed forming Petersfield Close. Along with part of the access road and underground infrastructure for the development. Planning permission was granted in 2015 for a replacement dwelling on land adjacent to No. 29 Petersfield Close on one of the plots of the 1964 consent, which has since been constructed.
9. A similar proposal under application 17/02055/FUL sought permission for the erection of four dwellings and a linked annex on site and was granted permission. The pre-commencement conditions attached to this consent were never discharged and the consent lapsed in 2020. As this consent has lapsed it does not form a fall-back position. Thus, the previous approval has limited weight.
10. Recent planning history as outlined above, notes the historic extant planning permission as a material consideration when determining applications for residential development. The Planning Inspectorate in a 2007 appeal (relating to No. 28 Petersfield Close) noted that the extant planning permission provided a 'relevant fall-back position' when considering the principle of further residential development (planning reference 07/01006/FUL).

11. To support the application the applicant provided a legal opinion on the relevance of the fallback position with regard to the extant planning permission. The summary of the submitted legal opinion is as follows:
 - (i) The principle of developing the Application Site to deliver 6 dwellings has already been established.
 - (ii) There is a reasonable prospect that, in the event that the current application is unsuccessful, the Application Site will be developed for 6 dwellings pursuant to the Extant Permission. No further reports or surveys are required before the Extant Scheme can be completed.
 - (iii) A comparison must be made between the proposed development and the fall-back use. The impacts of the development should, therefore, be assessed having regard to the planning and ecological baseline presented by the Extant Scheme.
 - (iv) The development of the Application Site pursuant to application 22/00651/FUL would result in fewer adverse impacts than the development of the site for the Extant Scheme. The proposed development is preferable in terms of design, layout, traffic generation, biodiversity and sustainability.
 - (v) Therefore, there are no sound planning reasons why application reference 22/00651/FUL should be refused.
12. The legal opinion was considered by the Council's Legal Department who stated:

"We have now considered the advice provided by Clarke Willmott in detail and note its content. The relevant historical documents have been reviewed again and it is confirmed that the Local Planning Authority have set out its position in relation to the extant permission and this position remains."
13. The Council has previously confirmed that the previous 1964 planning consent was extant and, as such, this still remains the Council's view.
14. Officers consider that the extant planning permission provides a material fall-back position when considering the principle of further residential development within Petersfield Close. Officers acknowledge the site sits within a well-established residential area and consider the principle of further residential dwellings in this location to be acceptable, subject to the development conforming to the national and local policy, as set out below.
15. Without the extant planning permission it is noted that the Council has a five year housing land supply and is seeking to direct development to brownfield sites or those allocated within the Plan. Policy SPT1 sets out the overall sustainable development objectives of the Plan. Point 3i, seeks to reduce the need for greenfield development and protect natural assets by optimising the re-use of previously developed sites. Additionally, the protection of greenfield sites from unnecessary development is given increased weight in the context of the climate change emergency, given the role of greenfield sites not only in capturing carbon but also providing more resilience to extreme weather events.
16. The proposal may therefore be considered to be in conflict with SPT1, but in this case, the notable fallback position of the extant planning permission is considered to hold considerable weight.

Proposed Layout

17. The application proposes to construct four detached dwellings and vehicular access. Three of the dwellings would be located to the north of the access road and due to the topography of the site would appear two storey at street level but are four storey when viewed from the rear.

18. To the south of the access road a single dwelling which is proposed to be three storeys. It is noted that the approved dwelling under application 15/02050/FUL adjacent to No.29 Petersfield Close is a detached three storey dwelling. The four dwellings will each be provided with outdoor private amenity space and off street parking (driveways and garages).
19. The existing properties on Petersfield Close are mostly two storey, semi-detached properties with varying heights due to the topography of the area. The properties south of the application site on Higher Mowles are semi-detached dwellings that appear like bungalows when viewed from street level but are largely two storey dwellings with some three storey dwellings. The properties to the north of the site on Egguckland Road are two storey terraced properties when view from the street level but three storey when viewed from the rear.
20. The site plan for the extant planning permission has been submitted with this application and shows that the access road continues along Petersfield Close and has pairs of semi-detached properties to the north and south of the access road. There was a clear building line set.
21. The proposed layout would follow the same access road as the extant permission but would replace the six dwellings proposed to the eastern end of the site with the four proposed. The proposal also includes relocating the turning head which would overlap a further two plots on the northern side of the site, but due to the size of the plots these could still be developed for housing subject to a future planning application and amendments to the design and positioning. The extant permission plots to the west of the single dwelling to the south would all still be achievable.
22. Officers consider the overall layout is acceptable given the nature of the extant permission and site constraints.

Design

23. The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
24. The Government's National Design Guide (2019) sets out that "well-designed places are:
 - based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
 - integrated into their surroundings so they relate well to them;
 - influenced by and influence their context positively; and
25. The National Design Guide sets out that "well-designed new development is integrated into its wider surroundings, physically, socially and visually."
26. Turning to local plan policy, Policy DEV10 sets out that housing development should be of high quality in terms of its design and that developments should be designed to be integrated with the adjacent developments and not appear to be unrelated additions. This is to be achieved in the quality of the building design, materials and layout.
27. Policy DEV20 relates to place shaping and the quality of the built environment. This sets out that development will be required to meet good standards of design, contributing positively to both townscape and landscape as well as protect and improve the quality of the built environment. This should be through, using materials and design solutions that are resilient to their context and will endure over time. Regard to the pattern of development and the wider context in terms of style and local distinctiveness should also be considered. As should the layout, orientation, visual impact, views, scale, massing, height, density, materials, detailing,

historic value, landscaping and character, and the demands for movement to and from nearby locations.

28. The proposed design shows modern and contemporary design that responds to the sloping topography of the site. The proposed single dwelling at plot four is positioned to the south of the access road and is proposed to be a self-build dwelling, constructed by the applicant. The dwelling would be three storeys and steps up the site with a single storey rear elevation.
29. The proposed three dwellings (plots 1-3) to the north appear to be two storey from the access road level but step down a further two floors to the north, appearing as a three storey building with a recessed fourth floor.
30. The submitted details state that the houses have a bespoke design that responds to the sloping topography of the site and the surrounding landscape context.
31. The form and massing of each dwelling reflects the ground levels with the roof ridges stepping down the slope.
32. The following materials palette has been proposed;-
 - Roof - Standing seam roof covering, sedum roof.
 - Walls- Beige smooth render, standing seam cladding, natural timber cladding
 - Rain water goods - aluminium rainwater goods.
 - Windows & doors - aluminium windows and doors, frameless glass balustrading
 - Vehicle access - 'no dig' grass system for the road, pavement and driveway
33. The Urban Design Officer raised an objection with the previously refused application, stating previously that they can support a contemporary architectural design but advised that the design should nestle into the landscape to minimise the impact, should be as green as possible and maximise green features.
34. Amendments have been made following the comments from the Urban Design Team with the previously refused application, which include changing the external walls of the dwellings from white render to a beige render, change the Cedar cladding to a natural timber cladding. They also include changing the road, pavement and driveway surface from asphalt to a Geosynthetics "Cellweb no dig" system with pre-grown, mature grass.
35. The proposal includes landscaping amendments which include additional native trees, shrubs and climbing plants. The generic grass bank to plot 4 is being replaced with a green wall bank with a mixture of ferns, flowering and climbing plants. Replacing the timber fencing boundary treatment with a curving hedge for plots 1 to 3, with swale drainage located behind it. The previous proposal included the use of masonry walls clad in smooth white render for planters, retaining wall and for the stairs. However the proposal now seeks to move planting to ground level with galvanised steel railings where possible, to increase visibility of the greenery and reduce the overall amount of render.
36. The Urban Design Officer has considered the submitted scheme and acknowledges the changes made but still objects to the proposal. They have stated "the proposal's site layout needs to be amended to provide overlooking and therefore natural surveillance to the access road, which will otherwise feel unsafe. The layout also needs to be amended to safeguard against future residential development to the east, encroaching further into the woodland. With these issues in mind, a dwelling should be placed at the head of the cul-de-sac facing west - terminating the vista along the access road, and providing natural surveillance over it".

37. The officer is mindful that the layout is similar to that of the extant planning permission. It is therefore considered that while amending the layout would help provide natural surveillance over the access road, it is not a reason to refuse this application given the previous layout of the extant planning permission. Furthermore, development to the east would need to be the subject of a separate permission although officers note that this land is not covered by the extant permission and is designated as City Green Space and is therefore not likely to be acceptable.
38. The Urban Design Officer also raised concerns that the proposed street frontage is dominated by car parking hard-standings and garages. Officers are however mindful that this is common within Petersfield Close due to the topography of the area. 28 Petersfield Close has also previously been approved with the ground floor garage. A recent application at land adjacent to 28 Petersfield Close (21/01071/FUL) also proposed a garage at ground level on the street frontage which was considered acceptable in design terms.
39. The Urban Designers have raised concerns regarding the proposed heights of the buildings and consider them too tall. The proposal seeks to provide three 4 storey buildings and one 3 storey building. The Officer is mindful that the existing buildings are largely two storeys in height however a three storey property has previously been allowed at 28 Petersfield Close. Plots 1 to 3 are four storey properties, but due to the topography of the site will appear two storey at street level with the top floor being recessed. While Petersfield Close does not have any four storey properties it is noted that due to the sloping nature of the site four storeys can be accommodated, furthermore, it is noted that the dwellings are located some distance from other properties in the street and will be screened by existing planting and trees that will be retained. Officers do not therefore consider that the properties will appear overly dominant within the street scene or wider landscape context.
40. The Urban Design Officer has acknowledged that the change in colour to the render would not accent the buildings against the green-space as strongly but considers it not to be the best choice in terms of integrating subtly within the woodland context.
41. The Urban Design Officer also recognises the reduction in the use of rendered walls surrounding the planting at ground level, stating it would be an improvement but suggests that the railings be amended to natural stone walls to better integrate within the landscape context. It is however considered by the Officer that the use of the railings would increase visibility of the greenery, which would also assist with integrating the development within the landscape.
42. The Cedral fibre-cement weatherboarding previously proposed in the refused scheme has now been replaced with western red cedar natural timber boarding, which the Urban Design Officers considered to be an improvement and is a more contextually appropriate response to the woodland setting. The Urban Design Officers also support the use of the sedum roof, the green water-permeable cellular surface to replace the tarmac and the additional tree planting adjacent to the street.
43. The officer has carefully considered the comments by the Urban Design Officer and proposed amendments and design of the proposal. The officer considers that the proposed changes from the previously refused planning application would assist in the proposed dwellings appearing more integrated within the woodland context and help towards mitigating the proposals visual impact. The proposed dwellings are a contemporary and modern design that has considered the topography of the site and surrounding environment by retaining landscape features such as trees and reinforcing the eastern boundary with new planting. The proposed dwellings would not be situated immediately adjacent to any

neighbouring properties and therefore there is no clear existing street-scene. It is therefore considered that the design of the proposed development is, on balance, acceptable.

Occupant Amenity

44. All the proposed dwellings have internal (218m² to 310m²) and external amenity space (137m² to 170m²) that accords with the SPD and the Nationally Described Space Standards. All habitable rooms are considered to be a sufficient size for daily activities and are served by a window to allow natural light.
45. Overall, the proposal presents an acceptable level of amenity for future occupants, in line with Policy DEV10 of the Joint Local Plan.

Neighbouring Amenity

46. Due to the proposals location away from neighbouring residential properties on Petersfield Close, separation from the properties to the north by Egguckland Road and being set below the properties to the south due to the topography of the area it is considered that the proposal would not have a detrimental impact on neighbouring residential properties privacy, outlook or access to sunlight.
47. Due to the difficult site access, the construction phase of any approved dwellings must be carefully planned and managed. Hours of working must be strictly adhered to in order to prevent unnecessary nuisance. These details could be secured through the submission of a code of practice which could be conditioned.
48. With the addition of conditions as outlined above, Officers consider the proposal complies with Policies DEV1 and DEV2 of the Joint Local Plan 2019.

Local Highways Authority

49. The Local Highway Authority are unable to support the proposal due to the extremely steep estate road from Egguckland Road leading to the site, inadequate visibility splays, and failure to provide reasonable access for all road users.
50. The Local Highway Authority have considered the planning history relating to the site and state that the responses remain relevant to this proposal concluding that the access arrangement with Egguckland Road is potentially hazardous.
51. As outlined in the planning history above, planning application 07/01006/FUL for a detached house with integral garage was refused. This application was dismissed at appeal. However, the Inspector considered that the extant permission for 34 dwellings, which included the application site, was of such weight that despite the inadequacy of the junction between Petersfield Close and Egguckland Road refusing the application on the sub-standard road junction carried little weight.
52. The Inspector stated that "permission for 34 dwellings on Petersfield Close remains extant following the start of development by the building of the existing houses, so that this is a relevant fallback position for the appellants. The Council states that its transport officers have consistently resisted proposals for development "over and above the existing consent" and that, as no development has taken place for many years, this objection is maintained. However, it is clear to [the Inspector] that the proposed house occupies one of the plots within the extant permission and does not add to the existing permission. In these circumstances, this reason for refusal carries little weight".

53. As the proposal seeks consent for four dwellings over 6 plots from the extant planning permission, the proposal would not add to the existing permission and the Local Highway Authorities reason for refusal remains to carry little weight.
54. Each dwelling is considered to have sufficient parking and any garages would be suitable for cycle storage. Appropriate facilities would also be provided for EV charging in line with current requirements. Therefore, officers consider the development complies with the Joint Local Plan SPD and policy DEV20 of the Joint Local Plan.

Ecology and Biodiversity

Ecological Impact

55. This site is adjacent to City Green Space (Efford Cemetery), this green space is also linked to Efford Marsh County Wildlife Site (CWS) and Efford Marsh Local Nature Reserve. The site covers an area of a Biodiversity Network Feature (Woodland to North of Efford Cemetery). This site is adjacent to Forder Valley Wooded Valley and Efford Marsh Landscape Character Area.
56. The previous application on site was refused for the following reason:
Insufficient information in the form of protected species surveys have been provided. As such, it is not possible to conclude that the development will not have an adverse effect on protected species. Furthermore, inadequate information has been submitted to evidence that the development would achieve a biodiversity net gain. Taking a precautionary approach, the application is deemed contrary to the requirements set out in JLP Policy DEV26, the Plymouth and SW Devon SPD and the NPPF.
57. The NI Team previously advised that the submitted details were missing key information such as baseline surveys and justifiable scale of ecological impacts. The Natural Infrastructure Team therefore recommended that the application be withdrawn and the further details be submitted such as additional surveys and BNG calculations.
58. A revised Ecological Impact Assessment (EclA) has been submitted to support the application and in response to the reason for refusal for the previous application and the concerns raised by the Natural Infrastructure (NI) Team. The EclA considers and assesses the perceived ecological impacts associated with the proposal, including any perceived impacts to legally protected species or legally protected habitats and opportunities to provide biodiversity enhancements.
59. To inform the assessment a number of surveys were concluded on site which included botanical/habitat surveys, bat activity, badger surveys and breeding bird and reptile surveys.
60. The EclA states that the application site supports the following habitats:
 - o Amphibians: The mixed scrub and woodland are likely to provide terrestrial habitat for common amphibians;
 - o Bat feeding & dispersal: The woodland strips and woodland edges to the trackway vegetation provide sheltered flight lines for bat species tolerant of urban and urban fringe habitats. The mixed scrub provides foraging habitat for a moderate level of predominantly common bat species;
 - o Birds: The boundary woodland strips, mixed scrub and grassland provide feeding habitat, with the woodland strips and mixed scrub providing nesting habitat, for bird species typical of urban and urban fringe habitats;
 - o Reptiles: The grassland, mixed scrub and woodland edge are likely to provide transitional habitat for reptiles;

- o Badger: No badger setts were identified within the site. However, an outlier sett is present outside the site boundary. The site provides foraging and commuting habitat for badger;
- o Invertebrates: The grassland, scrub and woodland vegetation will provide habitat for a range of invertebrate species typical of urban and urban fringe habitats; and,
- o Non-Native Invasive Botanical Species: The site includes non-native invasive botanical species.

61. The EclA states that in the absence of mitigation measures, the proposed development is considered to have, at worst, long-term, adverse impact at the local/parish level through removal of scrub and grassland habitat, including removal of habitat for feeding and dispersing bats, and feeding and nesting birds.

62. The EclA includes avoidance, mitigation, compensation and enhancement measures which include:

- Grassland management;
- Vegetation clearance schedule;
- Post clearance inspection;
- Nesting bird check;
- Hedge and tree protective fencing;
- Pollution prevention;
- Non-native Invasive species removal;
- Restrictions on external lighting during the construction phase.
- Retention of woodland strips;
- Woodland management;
- Habitat piles;
- Hedgebank planting;
- Hedge management;
- Screening of badger sett;
- Habitat creation;
- Green roofs;
- Inbuilt bat, bird and invertebrate provisions;
- Ecologist compliance monitoring visits.

63. The report concludes that through the implementation of the ecology impact avoidance/mitigation and enhancement measures the proposal would represent a significant ecological improvement when compared to the existing extant planning permission for the site.

64. The Natural Infrastructure (NI) Team have considered the submitted details and are objecting to the proposal. The NI Team have raised concerns regarding the adequacy of the information submitted stating that the information:

- Provides a poor evaluation of the site's value for biodiversity i.e. lacking qualitative and quantitative (measurable) data on habitats and species present,
- Poor assessment of impact - currently too generic and vague,
- Lack of clarity and certainty over the proposed design of the compensation and enhancements and how they will be delivered and maintained,

65. The NI Team have highlighted that the proposed development would result in a loss of 80% of the existing habitat on site, which would have an impact on species using the site. The NI Team have therefore stated that the potential impacts on protected species have not been adequately addressed, nor appropriately mitigated. They continued by saying that the scheme

does not avoid or mitigate for impacts on species using the site and should therefore be recommended for refusal.

66. In response to the adequacy of the ecological information submitted the applicant advised that the standard survey protocol has been used for the habitats and species present and accords with BS42020 and CIEEM guidance. The applicant has advised that the submitted EclA has been undertaken by a qualified ecologist who has carried out appropriate surveys at the correct time of year, in accordance with the relevant standards and good practice guidance and that avoidance, compensation and enhancement measures have been incorporated into the development, included within the proposed plans and can be appropriately secured by planning condition.
67. The applicant has provided the following points to provide further clarity on the impact on protected species:
68. Amphibians
- o These species are legally protected from being offered for sale only. They are not of conservation concern and the amphibians themselves, and their habitat, is not legally protected.
 - o The Ecological Impact Assessment (EclA) report includes 'good practice' recommendations in relation to the clearance of vegetation in order to allow/encourage prior dispersal of amphibians away from the working areas.
 - o The development will remove an extent of scrub habitat. The development will retain an extent of scrub/woodland and established woodland habitat, and will create new habitats including swales, hedgerow and habitat piles.
 - o Consequently, the development, although removing an extent of habitat, will not contravene any legislation relating to amphibians and is not perceived to have a significant negative impact upon amphibians.
69. Reptiles
- o These species are legally protected from being intentionally killed or harmed. These species are not of conservation concern and their unintentional harm, and their habitat, is not legally protected.
 - o As set out above, no reptiles were recorded during the site survey.
 - o Currently, the site is becoming less suitable for reptiles due to the regrown as scrub habitat, which has become dense and is transitioning further towards woodland.
 - o The development will remove an extent of scrub habitat. The development will retain an extent of scrub/woodland and established woodland habitat, and create new habitats including swales, hedgerow and habitat piles.
 - o Consequently, the development, although removing an extent of habitat, will not contravene any legislation relating to reptiles and is not perceived to have a significant negative impact upon reptiles.
70. Birds
- o Birds that currently use the site are typical of green spaces (e.g. gardens, parks, wooded areas etc.) encapsulated by urban habitats.
 - o The nests of these species are afforded legal protection from damage while the nest is in active use (i.e. from the commencement of nest building, until all the young have fledged).
 - o The EclA report includes 'good practice' recommendations in relation to the clearance of vegetation outside of the bird nesting season, or following a nesting bird check by a professional ecologist which confirms an absence of active nest sites (and an active nests to be protected accordingly until nesting is complete).

- o The development will remove an extent of scrub habitat. The development will retain an extent of scrub/woodland and established woodland habitat, and create new habitats including swales, hedgerow and habitat piles. The reduction of scrub will incrementally reduce approximately 1 to 2 nesting territories for species such as robin, blackbird and wren. The new hedgerow may replace 1 nesting territory for each of the species listed.
- o The development will include inbuilt nesting provisions: at least two per each residential unit (the EclA also states one per building, allowing for provisions to be spaced and incorporated into dwellings, garages etc. as required). This will create nesting sites for species of conservation concern associated with building nest sites such as house sparrow and starling.
- o Consequently, the development, although removing an extent of habitat, will not contravene any legislation relating to birds and is not perceived to have a significant negative impact upon birds.

71. Bats

- o A bat activity survey was undertaken, which identified bat species and corresponding level of use. The assessment of this survey and corresponding raw data was provided within the EclA.
- o Bat roosts and 'important' bat habitats are legally protected. 'Important bat habitats' are protected through supplementary planning guidance (SPD) and/or consultation zones, such as the 'South Hams SAC greater horseshoe bat SPD' or the 'Beer Quarry & Caves SAC Guidance'.
- o No bat roosts are present and the bat activity survey identified bat species and the level of use was typical for the encapsulated green space.
- o Consequently, the development will (1) not impact upon important bat habitat, (2) will not cause a disturbance to, or significantly impact bat populations, and (3) will not contravene any legislation relating to bats.
- o The EclA report includes 'good practice' recommendations in relation to the retention of peripheral woodland, creation of a new boundary hedge and restriction of external lighting, in order to main an extent of feeding habitat and dispersal flightlines surrounding the development.
- o The development will include inbuilt roosting provisions: at least two per each residential unit (the EclA also states one per building, allowing for provisions to be spaced and incorporated into dwellings, garages etc. as required).
- o Consequently, the development, although removing an extent of habitat, will not contravene any legislation relating to bats and is not perceived to have a significant negative impact upon bats.

72. Badger

- o The survey identified a badger sett outside, but within close proximity to the redline boundary.
- o Badgers are legally protected from disturbance whilst within a set, and a badger sett is legally protected from damage or destruction.
- o Accordingly, the EclA includes precautions and protective measures to ensure badger/s are not disturbed, and the badger sett is not damaged.
- o Consequently, the development will not contravene any legislation relating to badgers and is not perceived to have a significant negative impact upon badgers.

73. While the concerns by the NI Team have been carefully considered by the Officer it is considered that the applicant has submitted sufficient information to demonstrate that that there would be no direct harm to protected species. When compared to the fallback position

the previous consent has a legal requirement under legislation such as the Wildlife & Countryside Act 1981 to consider protected species. The fallback position would have a legal requirement therefore when clearing the site to ensure that vegetation is cleared following a nesting bird check by suitably qualified ecologist (if cleared within the nesting bird season), vegetation clearance schedule and pollution prevention. The submitted EclA however will secure avoidance and mitigation of the ecological impacts such as grassland management, hedge and tree protective fencing. The fallback position will not result in any ecology compensation and enhancement measures being secured, however the current application would secure measures such as retention of woodland strips, habitat piles, hedgerow planting and management, inbuilt bat, bird and invertebrate provisions and ecologists compliance monitoring visits.

74. It is therefore considered that the submitted ecological information provides enough information to determine this application, with added conditions, would ensure the development would not cause direct harm to protected species. It is considered that with added conditions the proposal would provide mitigation for protected species when compared with the fallback position. It is therefore considered that the information, on balance, and is acceptable in ecology terms.

Biodiversity Net Gain (BNG)

75. The applicant has submitted a report that compares BNG habitat scores between the proposed scheme and the extant planning permission during the course of this application. The report states that the Small Sites Metric calculates the extant planning permission to represent 0.881 habitat units and 0 hedgerow units. The Small Sites Metric calculates the proposed site plan associated with application 22/00651/FUL to represent 1.2835 habitat units and 0.6025 hedgerow units. The report concludes that the increased post-development habitat unit site score for the proposed site plan (22/01994/FUL) represents a gain of 45% when compared to the post-development habitat unit site score for the extant planning permission. The increased post-development hedgerow unit site score for the proposed site plan (22/01994/FUL) can not be expressed as a percentage change (as no hedgerow planting is associated with the extant planning permission). The increase of 0.6025 hedgerow units is represented by the post-development layout including 90 m of new hedgerow.
76. The NI Team however do not agree with the calculations submitted by the applicant and have stated that by undertaking their own assessment that the current scheme will result in almost the same loss of habitat as the extant planning permission. Based on the evidence submitted with the application, the NI Team have stated that the proposed development does not adequately mitigate or compensate for biodiversity loss on site, and consequently does not achieve a measurable net gain or enhancement for biodiversity as required by JLP Policy DEV26.
77. The SPD acknowledges that Policy DEV26 of the JLP refers to biodiversity net gain in terms of major development, the proposal is however not a major development. Nonetheless, the SPD states that biodiversity net gain will be encouraged for minor development and that developments should deliver proportionate and measurable biodiversity net gain or enhancements.
78. Officers are mindful that the extant planning permission offers a fallback position, acknowledged by the Inspector of the recent appeal decision who stated "it is acknowledged that the extant permission represents a fallback position. I accept that there is a greater than theoretical possibility that the fallback position could be constructed in the event that this appeal was dismissed". The extant planning permission was not required to provide biodiversity net gain and no BNG calculations were required to be submitted on applications

at the time of the previous consent. While there is a disagreement between the applicant and the NI Team about the amount of net gain being proposed when compared to the extent planning permission, the worst case scenario is the extant and current scheme would result in the same biodiversity impact. However, the current scheme would be able secure the mitigation measures through condition which was not possible with the extant planning permission. It is therefore considered on balance that the proposal is acceptable in biodiversity terms.

Trees and Woodlands

79. This site is adjacent to a woodland TPO (number 537) which also covers the area of access road shown on this application. The application site has largely been cleared leaving minimal trees on site.
80. An Arboricultural Impact Assessment including tree survey, tree constraints plan and tree protection plan has been submitted to support the application.
81. The tree report outlines impacts on trees and includes details of trees to be removed and retained. It appears that just T269 is to be removed. This is a group of 2 trees (sycamore) and so in line with the SPD will need to be replaced with at least 6 trees. The Natural Infrastructure Team have reviewed the submitted details and have no objection to the proposal from an arboricultural view point. The proposal includes the provision of 6 new trees to be planted on site, therefore it is considered that the proposal complies with policy DEV28.

Habitat Regulations Assessment

82. Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the European and Internationally protected sites, this represents the authorities Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6(3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2021.
83. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuary Estuaries Management Plan and the Yealm Estuary Environmental Management Plan. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Contamination

84. An appropriate Phase I Contamination report was submitted prepared by ASI Ltd (Ref:A1303/PI/JW Dated: 20th July 2017). The report states that the only potential risk could be from the migration of landfill gas. The report recommends that a Landfill Gas assessment be undertaken to identify if the site is at possible risk and recommend a course of action to mitigate such risk. A Landfill Gas Risk Assessment (ref 07-017-001, dated 25 January 2022) was submitted that provided recommendations. A condition will be added to ensure that the development complies with these recommendation.
85. The Public Protection Service state that the uncovering of the tractor trailer raises some concerns over possible buried farming machinery and although the report states no engine or

potential contamination was identified a condition to cover any unexpected contamination will be required.

86. The Public Protection Service have also raised that they have received a number of complaints over the last few years regarding burning on site. The applicant is reminded that all waste produced in the course of this development needs to be removed from site via an approved method and disposed of legally, including wood. Waste documents need to be kept for 2 years by law and can be demanded at any point by Local Authority. Waste must not be burnt on site. A Construction Environment Management Plan was submitted stating that working hours will be Monday to Friday 08:00 - 18:00, Saturday 08:00 - 13:00 and no work on Sundays. A condition will ensure works comply with the submitted management plan.

Drainage

87. The application site is situated in a low flood risk zone (zone 1) but is located in a Critical Drainage Area.
88. A Drainage Flood Risk Assessment has been submitted for the development that concludes the site is at a low risk from fluvial, tidal and surface water flooding.
89. Due to the topography of the site, infiltration drainage has been dismissed. The proposed surface water drainage strategy is to discharge surface water to an existing SWW surface water sewer at an attenuated rate. The proposed connection is described as being to the east of the site.
90. An attenuation storage tank is proposed measuring 4.8m x 1.8m x 1.26m deep situated to the rear of Plot 2, with a proposed attenuated discharge rate of 0.7l/s. Modelling results have been submitted to support the proposed design with a design standard of 1 in 100 year return period with a 40% allowance for climate change.
91. The Lead Local Flood Authority have considered the submitted details and have objected to the proposal asking that details of the proposed connection should be submitted to confirm the proposed surface water receiving sewer is available. Public sewer records indicate there are no SWW surface water sewers to the east of the site and that the proposed discharge rate of 0.7l/s, previously agreed with SWW should be maintained.
92. The applicant provided further details stating the sewer network within the application site was installed in the 1970s as part of the extant planning permission and provided a photo of plan from 1971 showing combined and surface water drains connecting to the existing sewer system to the north of the site and a letter dated from 1978 stating that sewer had been inspected. The applicant also highlighted that when the site was purchased they asked SWW to survey the existing drainage and following the survey SWW provided a plan for the sewer network which is included within the Flood Risk Assessment.
93. The LLFA considered the submitted details and have stated that they are happy to agree to a condition that requires the following details to be submitted to and agreed:
- Confirmation is provided by the applicant to confirm approval from the private sewer owner, for the proposed connection to the private sewer and to confirm that the sewer has the required capacity to receive the proposed discharge,
 - Or if this approval is not given or the sewer does not have capacity, that the applicant will enter into an agreement with South West Water to connect into the Public Sewerage system in accordance with and as set out in the South West Water response.

94. The Officer notes that the correspondence with SWW states that they will accept the proposed drainage proposal provided that the applicant ensures that the sites surface water connects to one of the public surface water sewers which flow northwards (North of Eggbuckland Road) and the discharge rate for the surface water is no more than 0.7 l/sec. The Officer therefore considers the submitted drainage details are acceptable in principle subject to the recommended condition.

Self-Build

95. The Self and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) places a duty on Councils to grant sufficient permissions to meet the demand evidenced by the number of entries on their Self Build Register for each base period.
96. The SPD states that 'the LPAs will support self and custom build housing developments provided that they meet the requirements of other policies. This section relates to both market led and Affordable self and custom build housing'.

Energy/Sustainability

97. The Climate Emergency Planning Statement was adopted in November 2022 and is a material planning consideration. The statement applies to all applications submitted from the 1st December 2022. The document sets out what new development should do to make sure that it can mitigate for, and adapt to, the challenges of climate change. The document builds upon the current Building Regulation Approved Document Part L and Policy DEV32 of the Joint Local Plan 2019.
98. A climate emergency compliance form was submitted in relation to the application. For major and minor applications, Mitigation Measure M1 of the Climate Emergency Planning Statement requires development to secure an equivalent 20% carbon saving through on site renewable energy generation. The baseline 'target emissions rate' (TER) should be calculated using SAP10 to ensure the latest carbon factors are used to create both a robust baseline for the proposal and to calculate the most accurate carbon savings from renewable energy.
99. The submitted details indicates that the development will achieve a reduction of at least 55.54% of carbon dioxide emissions. This far exceeds the Policy DEV32 requirement to reduce emissions to 20% less than required to comply with Building Regulations Part L.
100. The Assessment indicates that the development will achieve the requirements of the mitigation and adaptation measures contained in the CEPS through the following interventions:
- M1: Each proposed dwelling includes roof-mounted solar PV panels;
 - M2: Each new dwelling will have battery storage;
 - M3: Each new dwelling will be served by an air source heat pump;
 - M4: The Cedral boarding has been replaced with natural Cedar timber cladding in this resubmission. The timber cladding will be sustainably sourced.
 - M5: not applicable as no demolition works are required;
 - M6: The garages for each dwelling have been designed to ensure there is sufficient space for EV charging. EV charge points will meet the required Building Regulations;
 - M7: The site is located within the Plymouth urban area in very close proximity to bus stops along Eggbuckland Road and within walking distance of the amenities and facilities at the Higher Compton local centre. It is therefore a sustainable location. The proposed new access road includes footways that will connect to the existing footways along Petersfield Close so that there is pedestrian connectivity between the new houses and the surrounding area;
 - A1: Building Regulations Part O will be met to reduce the risk of overheating;

- A2: The site benefits from an extant planning permission which has been part implemented. This proposal represents an improvement to the extant scheme, particularly as it proposes to retain significant woodland strips (wildlife buffer areas) along the northern and southern boundaries which will assist with protecting soil resource as well as contributing towards biodiversity enhancement.
- A3: one category C tree requires removal, all other trees will be retained and protected. New replacement trees are proposed.
- A4: The proposal includes biodiversity enhancement and a landscaping scheme.
- A5: The site have a sustainable drainage system with an attenuation system located underneath the access road and a large bio-attenuation swale located to the rear of Plots 1-3.
- A6: A number of biodiversity enhancement measures are proposed including green roofs, new native species planting, tree mounted bat and kestrel boxes and in-built bat and bird nesting provisions

101. Conditions would be imposed to ensure the development is implemented in accordance with the submitted information and to ensure compliance with Policy DEV32 of the JLP and the CEPS.

Other Considerations

102. Concerns have been raised within the public comments regarding the development resulting in increased security risks. The officer has carefully considered these concerns and does not consider that the proposed development would result in increased security risks to neighbouring properties. It is therefore considered that the proposal would not conflict with policies DEV10 and DEV20.

Planning Balance

103. The proposal is considered to be very finely balanced, however a key consideration in this case is the extant planning permission, which has been afforded significant weight. The proposed scheme would result in securing ecological mitigation and enhancements measures such as grassland management, removal of non-native invasive species, habitat piles, hedgebank planting, woodland management, inbuilt bat, bird and invertebrate provisions, will include renewable energy and low carbon technology such as PV panels and EV charging points and sustainable drainage systems. All of which would not be delivered through the extant planning permission. It is therefore considered that when weighing up the planning balance, the proposed development would secure benefits that the extant planning permission would not and this tips the balance in favour of supporting this proposal.

9. Human Rights

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

10. Local Finance Considerations

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

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development

acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

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

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

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 when weighing up the overall benefits of the development, such as the provision of homes against the shortfalls, particularly in relation to the lack of biodiversity net gain, the proposal is a finely balanced , but the planning decision is tipped in the officers view in favour of conditional approval.

14. Recommendation

In respect of the application dated 13.12.2022 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

1 **CONDITION: APPROVED PLANS**

Site Location Plan 1396-941-0000 received 02/12/22
Planting Plan 01 909/01 received 02/12/22
Planting Plan 02 909/02 received 02/12/22
Proposed Biodiversity Enhancements 1396-942-1002 Rev B received 02/12/22
Proposed Block Plan 1396-942-1010 received 02/12/22
Existing and Proposed Site Section AA 1396-942-1400 Rev B received 02/12/22
Plots 1 - 3 Proposed Elevations 1396-942-1301 Rev B received 09/12/22
Plot 4 Proposed Elevation 1396-942-1300 Rev B received 09/12/22
Plots 1-3 Floor Layout Sheet 2 1396-942-1103 Rev B received 09/12/22
Plots 1-3 Floor Layout Sheet 1 1396-942-1102 Rev B received 09/12/22
Plot 4 Floor Layout Sheet 2 1396-942-1101 Rev B received 09/12/22
Plot 4 Floor Layout Sheet 1 1396-942-1100 Rev B received 09/12/22
Proposed Site Layout Plan 1396-942-1001 Rev E received 09/12/22

Reason:

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

2 **CONDITION: COMMENCE WITHIN 3 YEARS**

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: DRAINAGE DETAILS

PRE-COMMENCEMENT

No development approved by this permission shall be commenced until the following details are submitted to and approved in writing by the Local Planning Authority. The details shall include:

- Confirmation is provided by the applicant to confirm approval from the private sewer owner, for the proposed connection to the private sewer and to confirm that the sewer has the required capacity to receive the proposed discharge,
- Or if this approval is not given or the sewer does not have capacity, that the applicant will enter into an agreement with South West Water to connect into the Public Sewerage system in accordance with and as set out in the South West Water response.

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

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework 2032.

Justification: Necessary because of the essential need to ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure and water environment.

4 CONDITION: LIGHTING DESIGN STRATEGY AND CONTROL FOR LIGHT SENSITIVE BIODIVERSITY

PRE-COMMENCEMENT

No development shall commence until a sensitive lighting scheme has been submitted and approved in writing by the Local Planning Authority to address light-sensitive species mitigation. The scheme shall ensure the following;

- i. A drawing showing sensitive areas and/or dark corridor safe guarding areas.
- ii. Identify areas and features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around breeding or resting sites and foraging routes. Please note that the introduction of artificial light can mean species are disturbed and/or discouraged from using their breeding, foraging and resting places. This disturbance can constitute as an offence under wildlife legislation.
- iii. Show how and where external lighting will be installed (including the provision of appropriate lighting contour plan and technical specifications, such as inclusion of hoods, cowls, shields and louvers and lighting levels below 0.5 lux), taking into account hard landscaping. Boundary features should remain dark and unlit at night. This should clearly demonstrate the areas to be lit will not negatively impact on the above species' ecology and behaviour.

- iv. Methods to control lighting (e.g. timer operation, passive infrared sensor (PIR), limited operational hours)

It is recommended that a qualified lighting designer is consulted to ensure that the lighting scheme for the proposed development is appropriate to the setting and complies with BS 5489-1:2020. Furthermore, the lighting scheme should be produced in collaboration with a suitably qualified ecologist to ensure the lighting scheme does not affect ecology including, but not limited to, bats.

The external lighting scheme shall be fully implemented in accordance with the approved details prior to the first occupation of the dwellings and shall be maintained thereafter. No additional external lighting shall be installed without prior consent from the Local Planning Authority.

Reason:

In the interests of the retention, protection and enhancement of wildlife and biological features; and to ensure that adequate external lighting is provided to safeguard the amenity of residents and users of the site, in accordance with policies DEV2, DEV10, DEV20 and DEV26 of the Plymouth and Southwest Devon Joint Local Plan 2014-2019 (2019) and the National Planning Policy Framework (2021).

Justification: Necessary to safeguard the amenity of residents and users in addition to ecology.

5 CONDITION: EXTERNAL MATERIALS AND FINISHES

PRE-COMMENCEMENT

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

Once approved the development shall be carried out at all times in strict accordance with the approved details and permanently retained as such, or such other details as may subsequently be agreed in writing by the Local Planning Authority.

Reason:

To ensure that the details of the proposed works comply with DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034, the National Design Guide and chapter 12 of the NPPF.

Justification: To ensure material details are appropriate prior to works commencing.

6 CONDITION: STREET DETAILS

PRE-COMMENCEMENT

No development shall take place until details of the design, layout, levels, gradients, materials and method of construction, street lighting and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policy DEV29 of the Plymouth and South West Devon 2014-2019 (2019).

Justification: Necessary to ensure that the highway infrastructure is safe prior to the commencement of development.

7 **CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN (LEMP)**

PRE COMMENCEMENT

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

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
- e) a further 4 years following establishment for achieving aims and objectives.
- f) Preparation of a work schedule.
- g) Body or organisation responsible for implementation of the plan.
- h) Monitoring and remedial measures.

The following should be provide in addition for the management of BNG features (i.e. sedum roof and vegetated gardens)

- a) Detailed delivery plan for each area of mitigation including timeframes for implementation
- b) Detailed management and maintenance strategy for each area of mitigation. Please note biodiversity net gain (BNG) habitats must be secured for 30 years, to include continuous management and monitoring for this period in adherence with BS 8683 (2021).
- c) Details of the resourcing of the entire delivery strategy for net gain for biodiversity.

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 and Government advice contained in the National Planning Policy Framework 2021.

Justification: To ensure that a suitable scheme can be achieved prior to commencement of development.

8 CONDITION: CONSTRUCTION OF DRIVEWAY

PRIOR TO COMMENCEMENT OF EACH DWELLING

Details of the driveway (including surfacing, drainage and gradient) to serve each individual dwelling shall be submitted to and approved in writing by the Local Planning Authority before the development on that dwelling commences. The driveway to each dwelling shall be completed in accordance with that approval prior to the occupation of that dwelling and shall accord with the approved details and thereafter maintained as such.

Reason:

In order to afford safe and convenient access to the dwelling and to preserve highway safety and to ensure adequate parking is provided, in accordance with Policy DEV29 of the Plymouth and South West Devon 2014-2019 (2019)

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

9 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 TPP-PET-22, TREE PROTECTION PLAN, 4 April 2022 by DTC KM and 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 2014-2034 (2019) and the National Planning Policy Framework (2021).

10 CONDITION: SUSTAINABILITY

PRE-OCCUPATION

Unless otherwise agreed in writing by the Local Planning Authority, the dwellings hereby approved shall not be occupied until the provisions set out in the approved Sustainability Statement within the Design and Access Statement (ref 1396_240) and the Compliance with Climate Emergency Policy Guidance by Avalon Planning have been delivered. The low carbon measures shall be maintained for the lifetime of the development.

Reason:

To ensure that the development incorporates on-site renewable energy generation to offset predicted carbon emissions for the development in accordance with Policy DEV32 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2021).

11 CONDITION: LANDSCAPING

PRE-OCCUPATION

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in strict accordance with planting plans ref: 909/01 and ref: 909/02. The works shall be carried out in accordance with that approval prior to the first occupation of the development, or in accordance with any alternative timetable agreed in writing in advance by the Local Planning Authority.

Any trees or plants that, within a period of five years after planting, are removed, fail to thrive, or become damaged or defective, shall be replaced as soon as is reasonably practical with others of species, size and number as originally approved, unless the local planning Authority gives its written consent to any variation.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy DEV23 of the Plymouth and South West Devon Joint Local Plan (March 2019), and relevant Central Government guidance contained within the NPPF.

12 CONDITION: CAR PARKING PROVISION

PRE-OCCUPATION

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2021).

13 **CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

The development hereby approved shall not be occupied until space has been laid out in accordance with the approved plan for a minimum of 4no. bicycles to be securely parked per dwelling. 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 & South West Devon Joint Local Plan 2014-2034 (2019).

14 **CONDITION: ELECTRIC VEHICLE CHARGING PROVISION**

PRE-OCCUPATION

The development hereby approved shall not be occupied until space has been laid out within the site for a minimum of 1no. dedicated electric vehicle charging point per dwelling, which shall remain available for its intended purpose in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In order to promote sustainable modes of transport in accordance with Policy DEV29 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034.

15 **CONDITION: BIN STORAGE**

PRE-OCCUPATION

The development hereby approved shall not be occupied until the bin storage areas shown on approved plan have been made available for use. The bin storage areas shown on the approved plan shall remain available for their intended purpose and shall not be used for any other purpose without the written consent of the Local Planning Authority. Bins shall be stored in these areas at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from poor refuse storage in accordance with policies DEV1, DEV2, and DEV31 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

16 **CONDITION: ECOLOGICAL MITIGATION**

PRE-OCCUPATION

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the avoidance and mitigation measures detailed within the submitted Ecological Impact Assessment (EclA) by Ecologic (ref: 161101 rev08) and associated landscape drawings and Mitigation and Opportunities Plan prior to the occupation of the dwellings hereby approved.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies SPT11 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 and Government advice contained in the NPPF (2021) paragraph 174.

17 CONDITION: TREE WORKS

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in strict accordance with the Arboricultural Impact Assessment with Constraints Plan and Method Statement, 4 April 2022, (AIA-PET-21) that is hereby approved.

Reason:

In the interests of the protecting trees, in accordance with Policy DEV28 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2021).

18 CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where further remediation is necessary a remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

19 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

Notwithstanding the provisions of Article 3 and Classes A, B, C and E of Part 1, and Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, outbuildings and boundary treatments shall be constructed to and within the curtilage of the dwellings hereby approved.

Reason:

In order to protect the amenity of neighbouring dwellings, in accordance with Policies DEV1 and DEV20 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2021).

20 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP)

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in strict accordance with the Construction and Environment Management Plan (dated Nov 22, issue no. 5) that is hereby approved.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works, ensure the traffic impacts associated with the construction phase of the works do not lead to adverse impacts on the operation of the local road network, and to safeguard against pollution and adverse effects on the SPA and SAC and to prevent unacceptable impacts on protected wildlife and to avoid conflict with Policies SPT12, DEV1, DEV2, DEV31, DEV28 and DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

INFORMATIVES

1 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 (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: BATS AND BIRDS

Bats and birds are protected under the Wildlife & Countryside Act 1981 and the Countryside and Rights of Way Act 2000, it is an offence to deliberately or recklessly disturb them or damage their roosts or habitat. Therefore, close inspection of the trees should be undertaken prior to the commencement of works to determine if any bats or birds reside in the trees. No works should occur while birds are nesting which may be at any time between the month of March to September inclusive; if bats are present works should cease until the applicant has obtained further advice from Natural England on 0845 601 4523 or email wildlife@naturalengland.org.uk. Further advice on bats is available from The Bat Conservation Trust 0845 1300 228.