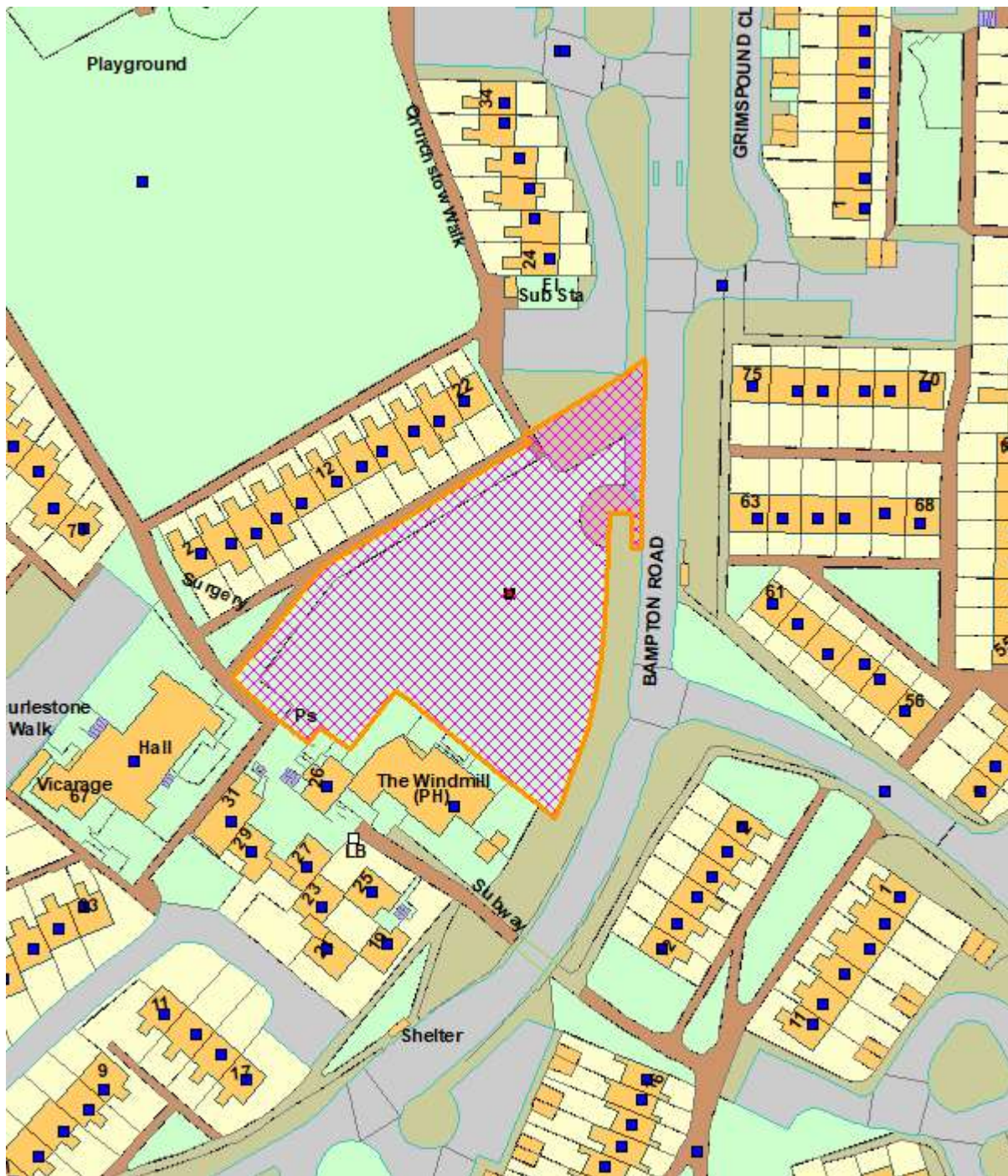


PLANNING APPLICATION OFFICERS REPORT



Application Number	23/00886/FUL	Item	01
Date Valid	15.06.2023	Ward	MOORVIEW
Site Address	Land To The West Of Bampton Road Leigham Plymouth PL6 8QB		
Proposal	Erection of 7no affordable dwellings and associated works to the car park (including, but not limited to white lining)		
Applicant	Mrs Nicola Daniel		
Application Type	Full Application		
Target Date	10.08.2023	Committee Date	19.09.2024
Extended Target Date	26.09.2024		
Decision Category	Councillor Referral		
Case Officer	Mr Daniel Thorning		
Recommendation	Grant Conditionally		



The application has been referred to Planning Committee by Councillor Lindsay Gilmour.

I. Description of Site

The site is an existing surface level public car park that is located to the north of the Leigham Local Centre, which provides a range of local amenities including a public house, newsagent, hot food takeaway, hairdresser/beauty salon, general grocery shop and community hall. The 0.35 hectare site is roughly triangular in shape with the Local Centre abutting the site's southwest boundary. The site is bounded by Bampton Road to the east and by a terrace of 11 existing dwellinghouses to the northwest. Approximately 30 metres to the north of the site lies Leigham Park, which is locally designated as Neighbourhood Green Space and which contains a playing field and children's play equipment.

The Leigham neighbourhood is located on an elevated plateau that provides the site with distant views to the east and northeast without being overly prominent in the wider landscape. The

topography of the site is generally level with a small north to south fall, and with Bampton Road set at an elevated level to the east.

Vehicle access is from Bampton Road in the site's northeast corner. The site is generally open to pedestrians on all sides although there are existing footpaths to the north, south and west. The existing car park is finished with tarmac with grass verges on the periphery of the site. The parking spaces are non-demarcated and therefore parking appears to be informally arranged. There are two Plymouth City Council owned bottle banks and a privately owned clothes bank located on the site. The surrounding area is predominantly residential in character other than the Local Centre's commercial uses that serve the local residential population.

2. Proposal Description

Plymouth Community Homes has applied to erect seven affordable dwellings with associated works to the car park (including, but not limited to white lining). The proposal can be broken down into two main components comprising an affordable housing development and a retained public car park. The housing component proposes to construct seven affordable homes comprising two 1-bedroom bungalows, three 2-bedroom houses and two 3-bedroom houses and on the eastern part of the site. The houses would be served by seven car parking spaces allocated for residents' use. The housing development occupies approximately 0.12 hectares, which is equivalent to 34% of the overall site area.

The remaining 0.23 hectares of the site (66% of the site area) is proposed to be retained for public car parking. The retained car park will be white lined to formalise 66 car parking spaces for ongoing public use. The footprint of the car park would be extended into the grass verge to the north/northwest of the site to widen the access road to accommodate servicing and delivery vehicles. The existing bottle and clothes banks are proposed to be removed from the site.

3. Pre-application Enquiry

22/00824/MOR - the principle of development was generally supported subject to the application demonstrating that sufficient car parking would be retained to serve the Local Centre and the 11 existing dwellinghouses that abut the site. The orientation of the dwellings away from Bampton Road was considered contrary to best practice urban design principles but the layout was considered by the case officer to be acceptable and in keeping with the local development context. The proposal to discharge surface water from the retained car park into the sewers at an uncontrolled rate as per the existing arrangement was considered to be acceptable in principle subject to agreeing a full drainage strategy for the site. Further information was requested to enable a full assessment of the proposal.

4. Relevant Planning History

There is no relevant planning history for the site. A Site Planning Statement (SPS) was produced by the Local Planning Authority in November 2018 to provide guidance to assist development proposals. The SPS contains a residential concept plan that suggests the site may be suitable for seven houses or bungalows. The SPS sets out design principles including providing active frontages, pedestrian links and parking re-provision amongst other objectives. This document does not establish policy but assists the development process by bringing together key planning and design issues. The SPS was produced prior to adoption of the Plymouth and Southwest Devon Joint Local Plan 2014-34 (the JLP).

5. Consultation Responses

Housing Delivery Team - supports the development.

Lead Local Flood Authority - no objection subject to applying a condition.

Local Highway Authority - initial objection withdrawn subject to applying conditions.

Natural Infrastructure Team - no objection subject to applying conditions.

Police Designing Out Crime - raised concerns regarding residential development in a well-used public car park, the quality of life for future residents and the risk of overspill parking causing upset amongst the local community. Conditions are recommended.

Public Protection Service - no objection subject to applying a condition.

Street Services (Waste) - supportive of removing the on-site recycling facilities.

South West Water - does not support discharge to the combined sewerage network in the absence of clear evidence to demonstrate why the preferred methods in the run-off destination hierarchy have been discounted.

Urban Design - objects to the design and layout.

6. Representations

The Local Planning Authority (LPA) received 80 letters of objection to the initial plans that were submitted in June 2023. Revised plans were advertised in March 2024 and these generated 17 letters of objection. Further revised plans were advertised in May 2024 and these generated 4 letters of objection. Overall the LPA has received 101 letters of objection from 91 individuals with no letters of support. The main reason for objecting is the loss of public car parking and the impacts that this will have on local businesses and the amenity of local residents who could be affected by overspill parking on nearby residential streets. Several objections reference the potential to impact upon older and disabled users of the Local Centre. Removal of the existing recycling facilities also featured in a significant number of objections. Other reasons for objecting include impacts on:

- o Emergency services access to the Local Centre
- o Servicing of units in the Local Centre
- o Other community uses such as for school proms, school drop-offs/collections (Park and Stride) and parking for Leigham Park
- o Noise pollution from the proposed dwellings
- o Noise associated with use of the public house affecting the proposed dwellings
- o Absence of EV charging facilities for public users of the car park
- o Increased traffic and associated impacts on wildlife, pedestrian safety and climate change
- o Visibility onto Bampton Road affected
- o Additional foul sewage generated by the proposed dwellings
- o Proposed dwellings not in keeping with the character of the area
- o There may be other more suitable sites including but not limited to sites within the Leigham neighbourhood
- o Construction debris/dust could affect the health of elderly and disabled persons living close to the site.

7. Relevant Policy Framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the Planning and Compensation Act 2004 requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 26 March 2019, the Plymouth and South West Devon Joint Local Plan 2014-2034 (hereinafter referred to as the JLP) 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 JLP 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 19 December 2023 the Department for Levelling Up, Housing and Communities published the HDT 2022 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 121% and the policy consequences are none.

Therefore no buffer is required to be applied for the purposes of calculating a 5 year housing land supply at the whole plan level. The combined authorities can demonstrate a 5-year housing land supply of 5.84 years at end of March 2023 (the 2023 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2023 (published on 26 February 2024).

Other material considerations include the policies and guidance contained in the National Planning Policy Framework (2023) (NPPF), Planning Practice Guidance (PPG), National Design Guide (2021), the Plymouth and Southwest Devon Joint Local Plan 2014-2034 Supplementary Planning Document (2020) (SPD) and the Climate Emergency Planning Statement (2022) (CEPS).

8. Analysis

I. The primary considerations are the principle of development, housing delivery, design/layout, amenity, highway safety, local centre impacts, natural infrastructure, drainage, energy/sustainability, land quality and waste management. The following JLP policies are considered relevant to the determination of this application:

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT6 Spatial provision of retail and main town centre uses
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
DEV18 Protecting local shops and services
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and water quality impacts

Principle of Development

I. The application is to develop brownfield land that is not allocated in the JLP and therefore can be considered a windfall site. Paragraph 70 of the NPPF highlights the important contribution that windfall sites make towards delivering housing, and it applies significant weight to the benefit of using suitable windfall sites within existing settlements. Paragraph 124 of the NPPF gives substantial

weight to the value of using suitable brownfield land within settlements for housing. The effective re-use of brownfield land is also supported in Policy SPT1 of the JLP.

2. Policy SPT2 seeks to guide development to create sustainable linked neighbourhoods and communities. The proposed development is broadly consistent with the provisions of Policy SPT2, and the site's location, which is within walking distance of local amenities such as a convenience store, green spaces and a primary school, meets the measures of sustainable neighbourhoods and communities as identified in Figure 3.2 of the policy's supporting text. The use of brownfield land in a well-connected residential area is considered to be highly sustainable, and the principle of development is accepted. The site currently provides car parking to serve the adjacent Leigham Local Centre and it is necessary to ensure that sufficient car parking is retained to protect the vitality and viability of the shops and services in accordance with Policy DEV18 of the JLP. Car parking and retail impacts will be addressed in their respective sections of this report.

3. Public objections suggest that there are other more suitable sites in the city including sites within the Leigham neighbourhood. As noted above, the NPPF highlights the important contribution that windfall sites make towards delivering housing. The LPA is required to determine the current planning application, and the suitability of other sites is not a material consideration.

Housing Delivery

4. In March 2024 the Council's Cabinet approved the Plan for Homes 4 (PFH4), which sets out an ambition to deliver a minimum of 5,000 new homes in the city over the next five years. The PFH4 is the Council's housing strategy. While it does not form planning policy, it does provide useful context on the current need for affordable housing. The Cabinet Report states that affordable housing delivery has reduced to record low levels in recent years due to macroeconomic and local challenges affecting housebuilding. At the same time Plymouth's housing needs are increasing as a result of challenges including the Covid-19 pandemic, the war in Ukraine, rising inflation, the cost of living crisis and the lack of affordable housing options across all tenures. These challenges have significantly impacted on the housing market and people's ability to meet their housing needs, resulting in a significant increase in both homelessness and the use of temporary accommodation in Plymouth. August 2024 housing need figures show that 7,441 households are registered on Devon Home Choice of which 1,229 are in high band priority need. There are currently 391 households in temporary accommodation and 217 households in B&B, many of which are families. There are also 1,320 households on Devon Home Choice in need of step-free, max three step or wheelchair accessible homes. The Cabinet Report indicates that Plymouth is in the midst of an unprecedented housing crisis and more homes are needed to meet identified housing need.

5. The local context is consistent with the national picture, with the Written Ministerial Statement made by the Deputy Prime Minister on 30 July 2024 stating that "we are in the middle of the most acute housing crisis in living memory." The Written Ministerial Statement, which could be considered a material planning consideration as per the provisions of NPPF paragraph 6, places even greater emphasis on brownfield development.

6. The application proposes to provide a mix of two 1-bedroom Part M4(2) compliant bungalows, three 2-bedroom houses and two 3-bedroom houses. All seven homes would be available at social rent levels despite the proposal being below the Policy DEV7 threshold for affordable housing delivery, which is more than 10 dwellings. The two Part M4(2) compliant bungalows meet the requirements of Policy DEV9 and will help to meet accessible housing need in the city. The bungalows may also present an opportunity to encourage downsizing to free up larger family accommodation as under-occupation is a significant issue in Plymouth (as well as at a national level), with a disproportionate amount occurring in older age groups.

7. The application therefore complies with Policy DEV9 and exceeds the requirements of Policy DEV7, and the development would make an important contribution to meeting housing need in the context of the housing crisis. For major applications, affordable housing is usually secured via a Section 106 agreement. However, paragraph 65 of the NPPF and paragraph 12.26 of the SPD indicate that affordable housing should not be sought on applications for minor development. As affordable housing cannot be strictly required for this minor application, it is considered appropriate to secure it via a planning condition. The condition would be enforceable should the development be delivered other than for affordable housing, and a new application would be required to vary the tenure.

8. A planning condition does not offer the same security as an obligation secured by a Section 106 agreement, but an obligation is not necessary in planning terms, nor is it fairly and reasonably related in scale to the development, thus it would fail the statutory tests. Nevertheless officers take comfort in the fact that the applicant is a Registered Provider with a strong track record of affordable housing delivery in Plymouth. The applicant has also confirmed that the development is a long way from what would normally be considered viable, even with significant public subsidy from Homes England. The applicant has indicated that it is pursuing the development due to its commitment to delivering affordable housing in the city. Whilst viability details have not been provided (nor requested), officers consider, on the balance of probability, that the development is unlikely to be attractive as a commercial investment.

Design and Layout

9. The housing development comprises a terrace of five 2-storey houses and two semi-detached bungalows that front into the car park, with rear boundaries presenting onto Bampton Road. Each dwelling benefits from a private, grassed rear garden, with planters provided to the front of the houses to provide small areas of landscaping and defensible space. The bungalows are proposed to be finished with facing bricks whilst the terraced houses would be finished with facing bricks at ground floor level with white render on the upper floor. Doors and windows are proposed to be uPVC and finished in a foil grey colour. Ground floor windows are proposed on gable/side elevations. The roofs are hipped and finished with concrete tiles.

10. Boundary treatments were initially proposed to be 1.8 metre timber fencing but following negotiations between the applicant and case officer, the plans have been amended to show a 1.8 metre brick wall along the Bampton Road frontage. Timber fencing has been retained to the side of Plot 3 due to constrained viability. Officers consider this should be a brick wall to match the Bampton Road boundary and to provide a robust treatment to this public facing part of the development. Final details of the materials should be agreed through a surfacing materials condition.

11. A private lane provides access to the rear gardens of plots 2-7. This enables residents to store bins in rear gardens and present them to the street on collection days. A 'bin presentation point' is provided adjacent to the side boundary of Plot 3. There is an irregular area of land at the end of the lane that has been left open to provide access to the drainage pump chamber. This is considered acceptable given that it is in a private area of the development, accessible only to plots 2-7.

12. The remainder of the site would be retained as a public car park. The car park and its access road are proposed to be extended into the grass verge by approximately 2 metres along the northern border and by around 9 metres to create spaces 60, 61 and 69. This is necessary to accommodate servicing and delivery vehicles and to maximise parking. Parking spaces would be formalised with white painted lines.

13. The Urban Design Team raised concerns during the pre-application regarding the orientation of the dwellings, with their rear boundaries presenting onto Bampton Road. This is generally

considered contrary to best practice urban design principles. For example, 'characteristic B2' of the National Design Guide (2021) states that successful streets are characterised by buildings facing the street to provide interest, overlooking and active frontages at ground level; and the 'well defined streets and spaces' consideration of the Building for a Healthy Life (2020) design toolkit encourages streets with active frontages. Active frontages on public streets are also supported in Table 12 of the SPD. The Urban Design Team also advised that a footpath should be provided along the Bampton Road boundary of the site to enhance the pedestrian connections in the area.

14. The applicant was not prepared to reorientate the dwellings towards Bampton Road during the pre-application enquiry and the layout has followed through to the full planning application. The applicant has given the following reasons to justify the proposed orientation and the omission of a footpath:

- o Bampton Road is raised above the application site and therefore dwellings fronting onto Bampton Road would have to be set down from the road, cut in or facing a raised bank or retaining wall. Alternatively the dwellings would have to be set up by raising ground levels. Both options would require awkward ramps and steps to provide access plus a retaining wall, and the cost would be prohibitive.
- o A pedestrian path to the front of the dwellings on Bampton Road would be disjointed and isolated as there are no formal paths either side of the site. As above, a path would require engineering works.
- o The applicant's resident feedback surveys indicate that tenants want a close relationship between parking and their front door. Increasing the distance between parking spaces and front doors compromises an inclusive approach to design.
- o The proposed orientation provides an active frontage and natural surveillance over the car park, which would improve this space.

15. Subsequently the Urban Design Team has objected to the development on the grounds that the layout remains contrary to best practice urban design principles. The Urban Design Team raised no objection to the building materials but suggested that if the LPA is minded to approve the application, additional windows should be installed on the first floor of the gable/side elevation of plot 7 to add interest to the Bampton Road elevation.

16. The site is challenging from an urban design perspective due to the car park setting, the elevated position of Bampton Road to the east, and the desirability of providing residential frontages on all three sides of the housing development. Officers have carefully considered the proposed development, the Urban Design Team's consultation advice and the local development context. Leigham is a 1970s housing estate that comprises the main Bampton Road thoroughfare with numerous residential cul-de-sacs/interconnected 'walks' designed to separate vehicles from residents and pedestrians. Terraced dwellings front onto the cul-de-sacs/walks or are arranged perpendicular to the residential streets with gable walls fronting the roads. There are no dwellings that front directly onto Bampton Road as these are located on the adjacent residential streets and/or they are set back behind generous grass verges. As a result, there is no established building line and there is a mix of dwellings, rear gardens and gable ends fronting onto Bampton Road. For example, the nearest dwellings on Bideford Walk have rear gardens with boundaries displaying a mix of timber, render and painted blockwork fronting onto Bampton Road. The bungalows between Grimspod Close and Babbacombe Close have blank side/gable elevations fronting onto Bampton Road.

17. Therefore whilst the layout may not align with current best practice, officers consider the proposed layout to be consistent with the established local development context and no more harmful than other/existing dwellings backing onto Bampton Road. The applicant has provided a justification as to why it is not possible to achieve active frontages on this site, which would require engineering works that could be cost prohibitive. The Urban Design Team's comments are

acknowledged but officers consider that little benefit would derive from reorientating dwellings towards Bampton Road, and this could render the affordable housing scheme unviable. The suggested footpath is also considered to provide limited value given the lack of connections outside of the site boundary.

18. The applicant was encouraged to add gable windows to the first floor of Plot 7 but this was dismissed due to development viability and the effect this would have on the functionality of the bedrooms. Officers also recommended that trees are planted to the rear of the dwellings along Bampton Road. However, the applicant advised that this is not feasible due to the location of a South West Water (SWW) surface water sewer under this part of the site.

19. It is recommended that full details of the materials including boundary treatments should be agreed through a surfacing materials conditions. A condition requiring the submission of a render maintenance schedule is also recommended to ensure that any staining/discolouration of the render is promptly rectified. A condition has also been recommended to ensure the gate to the private lane is lockable with access restricted to residents and housing management.

Amenity

20. The bungalows are approximately 24 metres from the nearest existing house to the north of the site, and the development is not expected to result in unacceptable daylight, sunlight, outlook and privacy impacts to existing dwellings/residents in accordance with Policy DEVI of the JLP. The development would bring the car park up to approximately 2 metres closer to the rear boundaries of the existing dwellings that abut the site. However, the rear gardens of these dwellings are located at a higher level and the encroachment into the grass verge is not expected to result in significant amenity impacts.

21. Some of the public objections state that the housing development will cause noise disturbances to neighbouring properties, whilst other objections suggest that the proposed dwellings will be adversely affected by noise disturbances from use of the public house (including taxi drop-offs/collections). It is recommended that a Construction Environment Management Plan and Construction Traffic Management Plan are required through conditions to protect residential amenity and minimise disturbances during the construction phase. Taxi vehicle movements are expected to be no more harmful than other vehicle movements in the car park.

22. The pub is located approximately 22 metres from the proposed dwellings although it is noted that the northern part of the pub (i.e. the part that is nearest to the site) contains the kitchen, toilets, restaurant area and the service yard. The pub's outdoor seating area and the main bar area are located on its southern side, which is approximately 7 metres from the nearest existing residential apartments. Therefore there are existing dwellings in the area that will continue to be more affected by the pub than the proposed dwellings. Nevertheless there is potential for noise associated with the pub to give rise to adverse effects on future occupiers and therefore the 'agent of change' principle contained in paragraph 193 of the NPPF applies. This requires the applicant (or 'agent of change') to provide suitable mitigation before the development has been completed to safeguard the ongoing operation of the pub from additional licensing restrictions caused by the introduction of housing. The Council would be unable to require a reduction in noise levels from nearby licensed or commercial businesses in existence before the development is completed. The Council's Public Protection Service raised no objection to the development but advised that a noise condition and an agent for change informative should be applied to ensure the new dwellings are adequately insulated from external noise.

23. The application confirms that all of the dwellings comply with the Nationally Described Space Standards (NDSS). Plots 2 is provided with 48.5 square metres of outdoor amenity space, which is slightly below the 50 square metre minimum requirement for terraced and end-terrace dwellings set

out in the SPD. However, it is acknowledged that Plot 2 is a 1-bedroom bungalow aimed at single persons/couples, older persons and/or people with accessibility requirements as opposed to households with children, and it is located approximately 50 metres to the south of Leigham Park which provides access to greenspace. All other plots meet the SPD minimum standards for outdoor amenity space. The undersized outdoor amenity space for Plot 2 is therefore considered to be acceptable on this occasion.

24. Policy DEV10 requires dwellings to be of a high quality and to provide good living standards for future occupiers. There is concern regarding the location of the development within an existing car park and the standard of living this will afford to future occupiers. The Police Designing Out Crime Officer has also expressed reservations about providing housing in a well-used car park and the potential for this to cause conflict between existing residents, users of the Local Centre and future occupiers of the proposed dwellings.

25. Officers consider that the site may provide sub-optimal conditions for housing development. However, each dwelling will comply with the NDSS and have private rear gardens, and the site is sustainably located close to local amenities and public transport connections. These concerns are considered to be outweighed by the delivery of affordable housing on the site.

Highway Safety

26. The original submission proposed to retain 58 parking spaces for public use with a further 12 spaces allocated to residents of the housing development. The submitted Transport Statement contains a 48 hour parking 'beat survey' that took place from 06:00 on Friday 30 September 2022 to 06:00 on Sunday 2 October 2022. This survey showed a peak demand of 54 parked cars at 20:00 on the Saturday evening and therefore less than the number of spaces proposed. The Local Highway Authority (LHA) undertook multiple site visits including on two occasions where the number of parked cars exceeded the 58 spaces proposed (i.e. there were 63 cars at 12:00 on Saturday 8 July 2023 and 59 cars at 14:00 on the same date). Furthermore, the Google Earth satellite image shows around 68 cars parked on the site on Saturday 5 March 2022. These findings led to the LHA objecting to the application on the grounds that the development did not provide sufficient car parking to meet the existing demand, and this could lead to overspill parking that could prejudice public safety and the free flow of traffic on the highway. The LHA suggested that 78 spaces should be provided based on the indicative parking standards set out in tables 30 and 31 of the SPD (after reductions are applied for the site's accessibility rating).

27. Revised plans were submitted in March 2024 which increased the number of public spaces from 58 to 61 whilst still providing 12 allocated spaces for the affordable housing units. This increase was achieved by reducing the width of the access road and footpaths, and by removing landscape features. However, the LHA maintained an objection as the alterations reduced the width of the access road and turning head adjacent to the pub's servicing area to the extent that they would be rendered impractical for any business use. The LHA advised that larger servicing vehicles would be unable to turn, leading to long reversing manoeuvres through the car park and a potential conflict with parking spaces 21 and 22 (as numbered on drawing 2229-P017-100-100 Rev P017 received 28 March 2024). The alterations would also reduce the reversing space for bays 1 and 2 to an unacceptable level, and thus the LHA advised that the number of parking spaces should be reduced by four, leaving 57 usable spaces.

28. Following further negotiations a solution was found that increased parking levels whilst providing a functional layout. Revised plans were submitted in May 2024 that show 66 public car parking spaces. The increase has been achieved by reducing the number of allocated spaces that serve the affordable housing units from 12 spaces to 7, which creates an additional 5 unallocated spaces available for shared use between residents and users of the car park. This arrangement is supported in paragraph 8.3.11 of the Manual for Streets (2007) and it would help to avoid the

scenario whereby the car park could be full yet there are residential spaces not in use. Additional parking has also been created by removing the space that was previously reserved to accommodate the recycling facilities, which are considered redundant for reasons explained in the waste management section of this report.

29. The revised proposal for 66 spaces exceeds the peak demand that has been observed by the case officer, the LHA and the applicant's transport consultant across multiple visits to the site, and the number is just two spaces short of the number of parked vehicles shown on the aforementioned Google Earth satellite image. During the LHA's most recent site visit, 64 vehicles were parked in the car park during a time in which a function was being held at the Community Hall. The LHA has therefore advised that the retention of 66 parking spaces could satisfy the parking demand from the existing residential uses and the uses within the Local Centre, and that any overspill parking would likely be minimal. This level of provision is below the indicative levels suggested in the SPD but the LPA agrees with the applicant that the indicative levels should be given less weight than actual observed demand, and it would be overly robust to require parking levels that exceed the observed demand.

30. It has become apparent from multiple site visits that the car park is currently being used for unauthorised vehicle storage by motorhomes and vehicles advertised for sale, in breach of the restrictions currently placed upon the car park which prohibit trading and the storage of vehicles. These restrictions are not currently enforced and therefore act only as a deterrent. The unauthorised parking has the effect of inflating the observed parking demand and there is potential for large vehicles to occupy more than one parking space if the proposal is developed.

31. Officers have liaised with the Council's Street Services (Parking) team to find an enforceable solution to prevent unauthorised parking. Street Services advised that the most effective solution would be to implement a Traffic Regulation Order (TRO) to introduce restrictions that would require vehicles to park within the confines of the parking spaces, to deter larger vehicles. This suggestion was dismissed by the applicant as it would not own or manage the car park, which would be retained by the Council. The position was upheld by the Council (as the landowner), which responded: "It is not possible to pre-empt future usage of the car park following development. Therefore as landowner, PCC does not consider that the request for a TRO is necessary at this time. Should the planning application be approved, PCC would monitor the use of the car park and will review and update the management strategy as required. Management tools such as Traffic Regulation Orders, in addition to other measures, form part of the long term car park management options that would be considered." The applicant added that applying for a TRO would be a costly process that may not be approved, to alleviate a concern that has not been raised by the LHA.

32. The unauthorised vehicle parking has been accounted for in the applicant and the LPA's parking surveys. Formal demarcation of the car park may also help to discourage unauthorised parking to create additional capacity. Officers therefore consider that it would be unreasonable to impose a requirement for a TRO or a condition requiring ongoing monitoring of the parking capacity. However, an informative that requires the landowner to monitor the ongoing use of the car park is recommended, and a TRO could form part of the long term management strategy if required following completion of the development.

33. In respect of disabled parking provision, the SPD expects a minimum of 10% of the overall number of parking spaces to be provided for disabled motorists which would equate to seven spaces, although the Department for Transport's updated guidance on 'Inclusive Mobility' (2022) recommends that a minimum provision of one space per each employee of a shopping area which is disabled, plus 6% of the total capacity for visiting motorists is required. The number of disabled persons employed by the Local Centre units is not known to the LPA but the four disabled spaces that are proposed equate to 6% of the overall provision. This could be considered to be in excess of

6% if spaces are deducted from the overall number of public spaces to take into account parking for the 11 existing dwellings that make use of the car park (i.e. four disabled bays would amount to 9% provision if 22 public spaces were allocated to the existing dwellings). The LHA has advised that the proposal for disabled parking is acceptable although it suggested that the LPA could require spaces 28, 29 and/or 30 (as numbered on drawing ref. 2229-100-100 Rev P018 received 13 May 2024) to be allocated for disabled users if deemed necessary. Officers are mindful that overprovision of disabled spaces could affect the demand for the remaining standard spaces, and disabled users would not be prohibited from parking in spaces 28-30 or any other standard specification space. The level of disabled parking provision is therefore considered to be acceptable.

34. In terms of servicing, the LHA has advised that the turning head adjacent to the pub's service area remains constrained, but it meets the minimum requirements set out in the Devon Design Guide for residential developments, which is considered appropriate for the development. The proposed layout retains the existing access arrangements for emergency services vehicles to the Local Centre. Some of the objections refer to the lack of servicing provision for the other local centre uses such as the newsagents. These buildings are under the ownership of the applicant, and they do not have specified rights of access over the Council-owned car park. Space is not currently laid out for servicing within the car park, and a service area is available to the west of the Local Centre off Thurlestone Walk. The applicant has also reiterated that it owns the Local Centre units, and it would not be in its commercial interest to remove servicing facilities that would undermine the viability of the retail units.

35. Secure and covered cycle storage is proposed for each dwelling and this shall be secured by condition. The two bungalows which benefit from private driveways will be provided with electric vehicle charging points in accordance with Table 33 of the SPD. The remaining five allocated parking spaces will be served with passive wiring to allow future charging point connection. The SPD expects at least 25 per cent of residential parking bays to be provided with charging points with 50% of all other spaces to be served with passive wiring. The application therefore proposes a shortfall of one charging point but an oversupply of three parking spaces with passive wiring. The EV provision is considered, on balance, to be acceptable.

36. Public objections refer to lack of electric vehicle charging facilities for public use. Table 33 of the SPD expects applications for developments with high turnover car parking to be provided with "some provision for rapid charging points and cabling." However, officers consider that it would be unreasonable to require the applicant to provide charging points, which would require intrusive groundworks, given the limited scope of works proposed to be carried out to the car park. The public car park will remain outside of the applicant's ownership and it has only been included within the red line of the application as formal demarcation of the parking spaces is considered necessary to make the development acceptable.

37. A number of objections refer to impacts on other informal community uses of the car park such as for school drop-offs/collections (known as 'Park and Stride'), school prom collections and parking for Leigham Park. The 'Park and Stride' initiative would attract demand before and after school use. Demand for the public house does not occur during the morning school hours and the other local centre uses would generate limited demand so capacity is likely to be unaffected. The applicant's Transport Statement, which observed a peak demand of 54 spaces, would have accounted for use of the site during the morning drop-off and afternoon collection on Friday 30 September 2022 as well as use of Leigham Park over the surveyed weekend. Infrequent events such as school prom collections may take place on the car park due its current availability and convenience. Such infrequent uses could be displaced but this would not represent grounds for refusal.

38. Public objections also suggest that visibility onto Bampton Road will be affected. The LHA has confirmed that the development provides adequate visibility at the junction of Bampton Road.

39. The initial submissions attracted a significant number of public objections with just four objections received in response to the current/revised plans. The majority of the 91 objections relate to the loss of car parking and associated impacts on the local community and businesses. Officers have carefully considered the objections, the advice provided by the LHA and the applicant's transport submissions. Policy SPT6 and Table 3.2 of the JLP designate 37 local centres in Plymouth. Officers have reviewed the availability of car parking for the other local centres and found that some of the larger centres that provide a wider range of amenities and/or attract tourism, such as the Barbican, Chaddlewood, Crownhill, Marlborough Street, Southway, Stoke Village and Whitleigh Green, are served by public car parks. However, the majority of the local centres, particularly the smaller centres with limited commercial offerings, have no public car park. Therefore there is no precedent or legal/policy requirement that mandates public car parking for local centres, and the existing parking could be seen as disproportionate to the scale and offering of the Leigham Local Centre.

40. Empirical evidence confirms that the car park currently operates well within the proposed capacity for most of the week even with the car park being used for unauthorised vehicle storage. As noted above, the LPA has undertaken multiple visits to the site and counted the number of parked vehicles. The peak observed demand is 64 parked vehicles, or 68 shown on a Google Earth satellite image. This higher level of peak parking would result in an undersupply of two parking spaces although officers accept there may be occasions when the undersupply is greater. There is an expectation that formalising the car park will reduce the unauthorised vehicle storage which should create additional parking capacity. It could also be argued that reducing the convenience of unrestricted parking could encourage local residents to use sustainable methods of transport, particularly given the role of a local centre is to provide local/neighbourhood services and it is reasonable to assume the majority of journeys could be made on foot or bicycle. Beryl Bike docks have recently been installed adjacent to the site to further encourage sustainable transport.

41. Paragraph 115 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy DEV29 of the JLP states that development proposals should provide safe and satisfactory traffic movement and ensure sufficient provision of car parking to protect the amenity of surrounding residential areas and ensure safety of the highway network.

42. The evidence submitted and empirical evidence collected by the LPA confirm that the existing demand should be met most of the time. There may be occasions when the car park reaches full capacity, however, the evidence suggests that any overspill parking on the surrounding residential streets would be minimal. Officers consider that a risk of minimal overspill parking would not amount to a significant and unacceptable impact on highway safety or local amenity. The application is therefore considered compliant with Policy DEV29 of the JLP and Section 9 of the NPPF.

Impacts on the Local Centre

43. Policy DEV18 requires development to maintain the vitality and viability of local centres to ensure they retain their role in the retail hierarchy, meeting the needs of the area they serve. The applicant has advised that traffic lights will likely be required to control access for periods during construction but the area of retained car park shall remain open. There will be some short term disruption to allow the white lines to be painted upon completion of the housing development but thereafter 66 public car parking spaces will be retained to meet the needs of the Local Centre.

44. As noted in the Highway Safety section above, the proposal makes acceptable provision for servicing the Local Centre. The new dwellings could generate additional spending in the retail units. The applicant has also reiterated that it would not be in its commercial interest to undermine the

viability of the retail units. For the reasons outlined above, officers consider that the development is unlikely to have an unacceptable effect on the vitality or viability of the Leigham Local Centre in accordance with Policy DEV18.

Natural Infrastructure

45. The application was submitted prior to the new statutory biodiversity net gain (BNG) framework coming into effect and therefore it has therefore been assessed against Policy DEV26 of the JLP supported by the SPD and adaptation measure A6 of the CEPS, which require a proportionate approach to enhancements for minor applications.

46. The applicant's Ecology Report states that the site is not located within or adjacent to any statutory nature conservation site. The site is located within a Great Crested Newt Consultation Zone but the site consists wholly of hardstanding and species-poor, maintained amenity grassland with no water bodies. The Report therefore concludes that the site has negligible ecological value. It is likely that birds such as house sparrows occasionally forage over the amenity grassland but there are no nesting opportunities, and no other species are likely to use the site due to the lack of habitat.

47. The application proposes to achieve a 17.52% net gain in biodiversity habitat units through native tree planting and the creation of additional grassland including in rear gardens. Bird nesting opportunities will also be provided through the provision of nesting boxes on or within each dwelling. The location is deemed unsuitable for bat boxes.

48. The Natural Infrastructure Team supports the findings of the Ecology Report, advising that the impact of the development would be negligible and insignificant. There are no trees within the application site, with a single tree located on raised ground to the east of the site abutting Bampton Road. Nevertheless the Natural Infrastructure Team anticipates no impact on trees. Further details of the proposed landscaping scheme to include plant species, size, and management provisions remain outstanding and should be agreed via planning conditions. Subject to imposing these conditions, officers are satisfied that the proposal complies with policies DEV26 and DEV28 of the JLP.

Habitat Regulations Assessment

49. The Natural Infrastructure Team has undertaken an appropriate assessment for the purpose of the Habitat Regulations 2017 and advised that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuaries Management Plan and the Yealm Estuary Environmental Management Plan. Therefore providing the mitigation agreed in said plans is implemented, it can be concluded that there will be no adverse effect on the integrity of the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special Protection Area.

Drainage

50. The application site is located in the Environment Agency's Flood Zone 1 and is considered to be at a low risk from fluvial or tidal flooding. Surface water flood risk mapping indicates the site is generally at a low risk of flooding from a 1 in 100 year return period event. There is an isolated area of surface water ponding close to Bampton Road.

51. Public sewer records indicate there is a 225 millimetre diameter SWW surface water sewer within the site extent near the eastern boundary of the site. There is also a 225 millimetre diameter SWW surface water sewer on the east side of Bampton Road. These sewers ultimately discharge to the Leigham Stream.

52. A drainage strategy has been submitted that proposes to discharge surface water from the housing development to the SWW surface water sewer using a new connection at an attenuated rate of 5 litres per second. Attenuation storage is provided with an underground tank under the rear gardens. The levels of the site/tank require that a pump is used to discharge surface water to the sewer. Two pumps have been proposed, running alternately to mitigate the risk of pump failure. Surface water drainage from the retained car park area of the site is to remain as existing i.e. directly to the SWW surface water sewer.

53. Modelling results have been submitted that support the design standard of 1 in 100 year return period with a 50% allowance for climate change. Written confirmation of approval from SWW of the proposed connection and discharge rate has been submitted. A maintenance plan has been submitted stating that the surface water drainage for the new surface will remain under private ownership and the responsibility of PCH.

54. The Lead Local Flood Authority (LLFA) was consulted on the application and raised no objection subject to imposing a condition that requires submission of a Construction Environment Management Plan. The Environment Agency confirmed that it is not statutory consultee for this application, and it did not wish to comment.

55. SWW's consultation response suggests that the proposal is to discharge to the combined sewerage network, which is incorrect. Officers are satisfied that the Run-off Destination Hierarchy has been followed for the housing area of the site. It is considered unreasonable to require the applicant to improve surface water drainage on the retained public car park given the limited extent of the works. The replacement of hardstanding with gardens and landscaping will result in a net reduction in the impermeable surface that currently drains directly to the SWW surface water sewer at an uncontrolled rate.

56. One of the objectors raised concerns regarding the increase in sewage that would be created by the development. However, SWW has approved the proposed foul water connection, which indicates that the increase can be accommodated by the local sewer network.

57. To summarise, the LPA considers that the proposed development and drainage strategy provide betterment to the receiving surface water sewer network, and the application is considered consistent with Policy DEV35 of the JLP.

Energy and Sustainability

58. The application is supported by a Sustainability Statement and Climate Emergency Compliance Form that set out the applicant's approach to reducing carbon emissions. The energy demand and thermal efficiency standards are not known at this stage as the detailed design will be informed by the applicant's design and build tender process. However, the application proposes to provide each dwelling with solar photovoltaic panels and an air source heat pump to provide onsite renewable energy generation and low carbon space and water heating systems. The Sustainability Statement also confirms that all dwellings will be designed to provide high insulation values and air tightness, and compliant with Part L (Conservation of fuel and power) and Part O (Overheating) of the Building Regulations.

59. The proposal is expected to achieve the 20% carbon emission savings required by mitigation measure M1 of the CEPS although full details of the energy scheme including carbon savings shall be submitted prior to the commencement of development. The application is considered to be consistent with Policy DEV32 of the JLP.

Land Quality

60. A Main Investigation Report (MIR) containing the results of intrusive ground investigations has been submitted. The MIR confirms that the underlying geology comprises Made Ground overlying weathered Upper Devonian Slates. No elevated concentrations of contaminants were found in the Made Ground but elevated levels of arsenic were identified in one of the underlying bedrock samples. The MIR recommends further sampling and assessment to establish whether the elevated arsenic sample is significant, and to inform a remediation strategy that safeguards against potential health risks.

61. The Council's Public Protection Service agrees with the recommendations set out in the MIR and advises that a land quality condition is applied that requires the submission of a detailed remediation scheme prior to the commencement of development to ensure construction workers and users of the site are protected from harmful health effects. This condition has been agreed by the applicant, and the proposal is considered to be compliant with Policy DEV2 of the JLP.

Waste Management

62. The proposed development would result in the removal of the existing recycling facilities from the site, which include two Council owned bottle banks and a privately owned clothes bank. The initial plans laid out space to allow the recycling facilities to be relocated on the site should the Council and the owner of the clothes bank wish to maintain these facilities. However, this space has been removed from the current plans to maximise car parking for the Local Centre.

63. Officers sought advice from the Council's Street Services (Waste) team, which is fully supportive of removing these facilities from the site. Street Services advised that the bottle bank is little used by members of the public as glass is collected as part of the Council's household recycling service. The Council also provides facilities for glass and clothes recycling at Chelson Meadow. The recycling facilities are therefore considered redundant, and their removal is unlikely to affect public access to recycling facilities or conflict with local sustainability policies. The LHA has advised that a commercial waste vehicle could navigate the car park to access the pub's service yard for commercial waste collections/recycling. The removal of the recycling facilities is therefore supported.

64. Policy DEV31 of the JLP requires new developments to be provided with integrated facilities for the storage of recycling and non-recyclable waste. Each dwelling has a private rear garden in which waste can be stored. The plans show a 'bin presentation point' where bins can be stored on collection days before being returned to rear gardens. An informative has been applied to discourage future occupiers from storing bins at the presentation point except for during collections as they would appear unsightly and could contribute to crime, for example if used as climbing aids.

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 LPA 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. The application is for minor development with the number of dwellings falling below the threshold for affordable housing delivery. As such, officers consider that a planning obligation to secure the affordable housing is not necessary and not fairly or reasonably related in scale to the development. No other planning obligations are required.

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 the application does not cause discrimination on the grounds of gender, race and disability. The development would provide two Part M4(2) accessible dwellings to help to meet the needs of persons with accessibility requirements in accordance with Policy DEV9 of the JLP.

13. Conclusions and Reasons for Decision

The application proposes to utilise brownfield land in an existing residential neighbourhood to provide much-needed affordable and accessible housing, which would be let to eligible households at social rent levels. The LPA has received public objections relating to the reduction in car parking. However, the peak parking demand observed by the LPA is for 64 parking spaces, although Google Earth images show 68 vehicles parked on the site. The application proposes to retain and formalise 66 parking spaces for public use. Therefore officers consider that any overspill parking would likely be insignificant.

Consultees have raised concerns regarding the layout and location of the development. However, the city is experiencing an unprecedented housing crisis and the delivery of seven affordable homes on a brownfield site is considered to outweigh the limited adverse impacts of the development on housing and visual quality. Therefore having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for conditional approval.

14. Recommendation

In respect of the application dated 15.06.2023 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Location Plan 2229-100-000 Rev P05 received 15/06/23
Existing Site Plan With Topo 2229-100-001 Rev P05 received 15/06/23
Proposed Roof Plan 2229-100-101 Rev P08 received 15/06/23
Proposed Bungalow 2229-100-150 Rev P02 received 15/06/23
Proposed Terrace 2229-100-155 Rev P03 received 15/06/23
Proposed Site Plan 2229-100-100 Rev P018 received 13/05/24

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: LAND QUALITY

PRE-COMMENCEMENT

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until sections 1 to 3 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1: Submission of Detailed Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Section 2: Implementation of Approved Detailed Remediation Scheme

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

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

Section 3: Land Quality - Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified; it must be reported in writing immediately to the Local Planning Authority. Development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

An investigation and risk assessment shall be undertaken in accordance with the requirements of Section 1, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of Section 2 above, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Section 3 above.

Reason (common to all): To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEVI and DEV2 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (2019).

Justification:

Necessary to protect the environment and human health.

4 CONDITION: DRAINAGE CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

PRE-COMMENCEMENT

The development shall not commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include method statements to demonstrate how the water environment, the new drainage system, habitats and protected species will be protected from surface water pollution during the demolition and construction phases.

It is recommended that the 'Yellow Fish' scheme is used for surface water gullies and drainage features as outlined in the 'Yellow Fish Guidance Manual'. This is required to supplement and not replace any proposed pollution prevention devices proposed for the surface water drainage system.

The development shall be carried out in strict accordance with the approved CEMP.

Reason:

To minimise the risk of pollution of surface water by ensuring the provision of satisfactory surface water management during development to ensure compliance with policies DEV2, DEV26 and DEV35 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2023).

Justification:

Necessary to ensure surface water drainage impacts do not lead to adverse impacts to wider drainage infrastructure, the water environment and to habitats and protected species during demolition and construction.

5 CONDITION: LANDSCAPE DETAILS AND BIODIVERSITY NET GAIN

PRE-COMMENCEMENT

No development shall take place 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 submitted Biodiversity Metric 4.0 that is hereby approved. The landscape works shall include:

- a. Full soft landscape specification; plant species and size (to HTA standards), soil/, planting spec and establishment care.
- b. The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference.

c. Planting details (1:20 scale or as appropriate) including (but not limited to) tree pits,

All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development. Any dead or defective planting shall be replaced with a period of 5 years.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with policies DEV20, DEV23 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2023).

Justification:

To ensure that landscaping scheme and biodiversity net gain measures are deliverable prior to the commencement of the construction phase of the development

6 **CONDITION: ENERGY**

PRE-COMMENCEMENT

No development shall commence until an energy strategy to include details of onsite renewable energy production and carbon emission savings has been submitted to and approved in writing by the Local Planning Authority. The onsite renewable energy production methods shall be provided in accordance with the approved details prior to the first occupation of the development and retained and used for energy supply thereafter.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment or other measures to off-set predicted carbon emissions for the development in accordance with Policy DEV32 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (2019), the Climate Emergency Planning Statement (2022) and the National Planning Policy Framework (2023).

Justification:

To ensure the development is designed to achieve 20% carbon emission savings.

7 **CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

PRE-COMMENCEMENT

No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles; and contractors parking arrangements. The highway works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the 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).

Justification:

Necessary to ensure provisions are put in place to safeguard the safe operation of the highway network during construction of the development.

8 CONDITION: HIGHWAY DILAPIDATION SURVEY

PRE-COMMENCEMENT

No development shall commence until a highway dilapidation survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall assess the existing condition of all highway infrastructure which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic.

Reason:

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019).

Justification:

Necessary to ensure provisions are put in place to safeguard the safe operation of the highway network during construction of the development.

9 CONDITION: STREET LIGHTING DETAILS

PRE-DAMP PROOF COURSE

No development shall proceed past damp proof course level until details of the external lighting scheme to serve the housing development have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall ensure that gates, shared spaces and front entrance doors are well illuminated. The approved lighting scheme shall be fully implemented before the first dwelling is occupied and henceforth permanently maintained for the occupiers of the site. For the avoidance of doubt, this condition applies to the 1,196sqm area of land that is shown to be in the applicant's ownership on the Proposed Site Plan (drawing no. 229-100-100 Rev P018 (received 13 May 2024)).

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site and to reduce opportunities for crime and disorder and the fear of crime in accordance with policies DEV10 and DEV20 of the and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2023).

10 CONDITION: SURFACING MATERIALS

PRE-DAMP PROOF COURSE

No development shall proceed past DPC level until of the outstanding surfacing materials have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this includes but is not limited to ground coverings, footpath edging, render, facing brickwork, canopies, roof tiles, fascias, soffits, downpipes, gates and boundary treatments. There is an expectation that the render will be a high quality silicone based render that is resistant to staining and discolouration. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials are suitable for intended use and are in keeping with the character of the area 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 (2023).

11 CONDITION: PROVISION OF PARKING AREA

PRE-OCCUPATION

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles. For the avoidance of doubt, this condition applies to the 12 parking spaces (numbered 1-7 and 62-66) that are situated within the 1,196sqm area of land that is shown to be in the applicant's ownership on the Proposed Site Plan (drawing no. 229-100-100 Rev P018 (received 13 May 2024)).

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 (2023).

12 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 14 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 (2023).

13 CONDITION: ELECTRICAL VEHICLE CHARGING PROVISION

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plans for the provision of EV charging points. The electrical vehicle charging points 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 transport in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2023).

14 CONDITION: WHITE LINING AND CONSTRUCTION OF FOOTWAY/FOOTPATH

PRE-OCCUPATION

1) No dwelling shall be occupied until the footway on the southern side of the bell mouth of the junction with Bampton Road and the footpath connecting through to Bampton Road on the northern side have been constructed in accordance with the approved plans.

2) The Local Centre car park shall be lined within eight weeks of occupation of the first dwelling. For the avoidance of doubt, this applies to the public car parking spaces numbered 1-61 on the Proposed Site Plan drawing no. 229-100-100 Rev P018 (received 13 May 2024).

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 and to ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019).

15 CONDITION: LANDSCAPE AND ENVIRONMENTAL MANAGEMENT PLAN

PRE-OCCUPATION

Prior to the occupation of any phase of the development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. 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) Prescriptions for management actions to achieve aims and objectives
- e) Preparation of a works schedule (including annual work plan capable of being rolled forward over a 5 year period).
- f) Body or organisation responsible for implementation of the plan.
- g) Detailed monitoring strategy and mechanism to introduce adaptive management where necessary (i.e. contingencies).

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. This should be for a period of at least a 30 years. The plan shall also set out circumstances where adaptive management will be introduced where the results from monitoring show that conservation aims and objectives of the LEMP are not being met. 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 and DEV26 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2023).

16 **CONDITION: RENDER MAINTENANCE SCHEDULE**

PRE-OCCUPATION

No dwelling shall be occupied until details of the Maintenance Schedule for the external render have been submitted to and approved in writing by the Local Planning Authority. The Maintenance Schedule will provide details of how the external render shall be maintained in a good, clean condition and in accordance with any manufacturer guarantee including the frequency of planned maintenance and how any staining/discolouration will be rectified promptly. The approved Maintenance Schedule shall be implemented for the lifetime of the development.

Reason:

To ensure that the development meets good standards of design and that the materials used will endure over the lifetime in accordance with policies DEV20 and DEV23 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019), the National Planning Policy Framework (2023) and the National Design Guide (2021).

17 **CONDITION: GATES**

PRE-OCCUPATION

1) Unless otherwise agreed in writing with the Local Planning Authority, the gate that provides access to the shared rear access lane shall be 1.8 metres in height and lockable from both sides. The gate shall be designed to be difficult to climb, crawl under or removed from hinges.

2) Rear garden gates shall be the same height (1.8 metres) and robust construction as the adjoining boundary treatments and shall be lockable from both sides. The gates and locks shall be provided prior to first occupation of the development and they shall be maintained in good working condition thereafter.

Reason:

To ensure that satisfactory measures are put in place to help 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 (2023).

18 **CONDITION: ACCESSIBLE HOUSING**

PRE-OCCUPATION

A minimum of 2 of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations).

Prior to the occupation of the M4(2) dwellings, an independent verification report shall be provided which confirms that the dwellings have been constructed to the required specification. The report shall also set out the qualifications of the examiner who undertakes the verification. These dwellings shall remain M4(2) compliant in perpetuity.

Reason:

To ensure that the development provides a range of house types to meet accessibility and adaptability needs to comply with Policy DEV9 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019).

19 CONDITION: AFFORDABLE HOUSING

The seven dwellings that are hereby approved shall be let to eligible households at a Social Rent that meets guideline target rents determined through the national rent regime. Rent levels shall not exceed target rent levels recommended for the area and type of accommodation by Homes England or its statutory successor. The initial service charge payable by any occupier of the affordable housing units shall not be more than £265.41 per annum, rising at no greater than the Retail Price Index per annum unless exceptionally otherwise agreed in writing with the Local Planning Authority.

Reason:

To secure public benefits that ensure the development is in accordance with the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019).

20 CONDITION: ECOLOGICAL ENHANCEMENT

Unless otherwise agreed in writing, the development shall be carried out in strict accordance with the Ecology Report (SWE ref. 728 received 15 June 2023) that is hereby approved. For the avoidance of doubt this requires native tree planting, grassland habitat creation and the provision of bird nesting boxes on each dwelling.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policy DEV26 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2023).

21 CONDITION: SURFACE WATER DRAINAGE STRATEGY

The development shall be implemented in accordance with the approved Proposed Residential Development Flood Risk Assessment, Drainage and Maintenance Strategy (report ref. 1753 - C300 - Rev A, received 15 June 2023).

Reason:

To ensure the drainage provisions within the development are adequately provided for and do not cause undue problems to the wider drainage infrastructure, in accordance with Policy DEV35 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework (2023).

22 CONDITION: NOISE

All dwellings shall be constructed in accordance with BS8233:2014 and WHO Guidelines for Community Noise so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB LAeq for living rooms (0700 to 2300 daytime). For bedrooms, externally generated noise must not exceed 30 dB LAeq and 45 dB LAMax, fast (2300 to 0700 night-time), with windows shut and other means of ventilation provided.

Reason:

To protect the residential and general amenity of the area from noise emanating from business and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019).

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/communityinfrastructuralevy>

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

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

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, 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 a recommendation of conditional approval.

3 INFORMATIVE: COUNCIL CODE OF PRACTICE

During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working. Demolition or construction works shall not take place outside: 08:00 hours to 18:00 hours Mondays to Fridays; 08:30 hours to 13:00 hours on Saturdays; nor at any time on Sundays or Bank Holidays. The Code of Practice can be found on the Council's website:

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

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: AGENT FOR CHANGE

The "Agent for Change" principle will apply. The Council is unable to take any action to require a reduction in noise levels from nearby licensed or commercial businesses in existence before the development is finished.

6 INFORMATIVE: SECURE BY DESIGN

All external doors and easily accessible windows shall be sourced from a Secured by Design (SBD) member company. The requirements of SBD are that doors and windows are not only tested to meet PAS 24 (2022) standard by the product manufacturer, but independent third-party certification from a UKAS accredited independent third-party certification authority is also in place, thus exceeding the requirements of Approved Document Q and reducing much time and effort in establishing provenance of non SBD approved products.

Additionally, the developer's housing management provisions shall stipulate that once emptied, refuse/recycling bins/boxes shall be returned to rear gardens and not left out at the 'bin presentation point' shown on the approved plans. Such receptacles, wheelie bins in particular, when left out are not only unsightly but can contribute to crime and disorder. They can be used as climbing aids, when left next to rear boundary treatments, or easily removed to be used as a climbing aid elsewhere.

7 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

- Application Form - received 15 June 2023
- Biodiversity Metric 4.0 - received 15 June 2023
- Design and Access Statement - received 15 June 2023
- Drainage Strategy - received 15 June 2023
- Ecology Report - received 15 June 2023
- Preliminary Investigation Report - received 15 June 2023
- Main Investigation Report - received 15 June 2023
- Schedule of Accommodation - received 15 June 2023
- Sustainability Statement - received 15 June 2023
- Transport Statement - received 15 June 2023
- Affordable Housing Statement - received 28 March 2024
- Technical Notice - received 28 March 2024

8 INFORMATIVE: BIODIVERSITY NET GAIN AND MINOR DEVELOPMENT (TRANSITIONAL ARRANGEMENT)

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, minor applications made before 2nd April 2024 are exempt from Biodiversity Net Gain requirements and therefore this application is not subject to the mandatory Biodiversity Gain condition.

9 INFORMATIVE: CAR PARK MANAGEMENT

Use of the retained public car park shall be monitored by the landowner, with the car park management strategy updated as required. Management tools such as Traffic Regulation Orders should be considered as part of the long term car park management options if required.