

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	24/01124/FUL	<b>Item</b>	03
<b>Date Valid</b>	14.10.2024	<b>Ward</b>	PLYMPTON ST MARY
<b>Site Address</b>	Land At Newnham Road (inc. The Curtilage Of No.53 Newnham Road) Plymouth PL7 4AW		
<b>Proposal</b>	Erection of 3no. detached dwellings with formation of vehicular accesses and new garage (part retrospective)		
<b>Applicant</b>	Mr Neal Hiscocks		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	09.12.2024	<b>Committee Date</b>	27.02.2025
<b>Extended Target Date</b>	28.02.2025		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Macauley Potter		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to the Planning Committee by Councillors Patrick and Sally Nicholson.

### **1. Description of Site**

The application site comprises of a parcel of land immediately north of the now demolished 53 Newnham Road in the Plympton St Mary ward of Plymouth. The site can be accessed from Newnham Road adjacent to the footprint of 53 Newnham Road or from the north east off Clifton Avenue. The site slopes steeply from the west down towards the south and east boundaries. The trees along the southern boundary of the site are protected (00/00498/TPO).

### **2. Proposal Description**

Erection of 3no. detached dwellings with formation of vehicular accesses and new garage (part retrospective).

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

22/00761/MOR - Pre-application for the erection of two new dwellings (x2 dwellings). Officers had reviewed the information provided with this pre-application enquiry and considered the principle of developing two dwellings on the site to be acceptable subject to proposed plans being in accordance with Local and National adopted policy.

Notwithstanding the principle, officers had significant concerns regarding the protected trees along the south boundary of the site. The layout of the site may be significantly impacted by the RPAs of the protected trees. Any forthcoming application would need to demonstrate that there would be no damage to the protected trees through submission of a Tree survey and an Arboricultural Impact Assessment (AIA).

Adequate off-street parking and outdoor amenity space can be provided with each new dwelling, however the layout of both dwellings should be carefully considered as to not create any adverse amenity impacts.

### **4. Relevant Planning History**

23/01125/FUL - Erection of 2no. detached dwellings with formation of vehicular accesses and renovation of existing dwelling to include additional storey and new renovated garage (re-submission of 22/01836/FUL) - grant subject to Section 106 Obligation.

22/01836/FUL - Erection of 2no. detached dwellings with formation of vehicular accesses and renovation of existing dwelling to include additional storey and new renovated garage - refused - appeal dismissed.

20/01321/TPO - 3x Lime (606-608) - reduce height by 4m and crown raise over house, garden and road to give between 4m-5m clearance above ground level and varying degrees of crown reduction as detailed in covering letter/report by Aspect Tree Consultancy dated 2/9/20 - grant conditionally.

### **5. Consultation Responses**

Local Highway Authority - no objection subject to recommended conditions.

Lead Local Flood Authority - no objection subject to compliance with recommended conditions.

Public Protection Service - No objection subject to compliance condition on the reporting of unexpected contamination.

Plympton St Mary Neighbourhood Forum - Objects to the application.

Natural Infrastructure - objects to the application on the ground of pruning pressure.

South West Water - standard response on asset protection and the drainage hierarchy.

Environment Agency - no comments received.

Housing Delivery Team (HDT) - Did not consult on this application as consulted on previously. However, during the pre-application HDT supported the delivery of policy compliant housing in sustainable locations and notes that the applicant is proposing to meet one of the identified local needs, i.e. larger family housing (comments from previous application: 22/01836/FUL).

### **6. Representations**

26 letters of objection were received in total, 3 letters were received during the original 21-day advertisement period and 23 letters were received outside of the public consultation.

The letters highlighted the following:

- Plot 3 would be situated in too small of an area.
- Buildings overshadow houses in Clifton Avenue, Mayhew Gardens and Newnham Road.
- Application results in significant loss of habitat / ecological value.
- Application turns the site into an environmental wasteland / overdevelopment of garden space contrary to local plan.
- Colebrook Lane is of significant historic interest and application now proposes a hard retaining wall.
- Net biodiversity gains should be secured on site.
- Non-compliance with conditions 10 (LEMP) and 15 (Tree Protection) of previous application: 23/01125/FUL.
- Demolition of dwelling on-site may have damaged protected tree roots.
- The applicant has claimed that the demolished dwelling has been used partly for residential purposes.
- Clearance works were carried out on site following a previous planning refusal.
- Remaining biodiversity on site must be significantly less than at the time of the planning inspectorate's decision.
- Plot 3 should not be re-built at all due to encroachment of roots.
- Protected trees require Local Planning Authority consent in terms of pruning / cutting etc - application should be conditioned to account for this.
- Wall poses a safety risk as it starts near ground level and quickly becomes a drop in excess of 10 feet due to topography (ledge is wide enough for a child to walk along as completely unguarded).
- Plot 2 does not fit in area and ridge height is higher than previously approved plans.
- Application has resulted in a loss of natural outlook.
- Traffic safety concerns raised / proximity of development to junction.
- Any off-site mitigation should be provided at the Newnham Nature Reserve and not at Ham Woods.
- Small Sites Metric is incorrect.

## **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the 2004 Planning and Compensation Act sets out that the determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly 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). The Plymouth & South West Devon Supplementary Planning Document provides amplification of the policies of the Joint Local Plan.

The relevant policies and/or provisions of the following documents will also have the potential to be material to the consideration of the application: National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the Plymouth and South West Devon Climate Emergency Planning Statement (CEPS) 2022, and the Joint Local Plan Five Year Review Report, 2024.

Following adoption of the Joint Local Plan, 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 Five Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 12th December 2024 the Ministry of Housing, Communities and Local Government published the HDT 2023 measurement. This confirmed the Plymouth, South Hams and West Devon's joint measurement as 113% and there are no policy consequences.

A 5% buffer is required to be applied for the purposes of calculating a five-year housing land supply at the whole plan level. As a result of the new standard method set out in national planning practice guidance, and the housing provisions of the NPPF, the combined authorities are only able to demonstrate a 2.53year housing land supply. This means that the presumption in favour of sustainable development set out in paragraph 11d applies for decision-making purposes, and that planning permission should be granted unless the specific circumstances set out in sub-points (i) or (ii) in paragraph 11d are satisfied.

## **8. Analysis**

1. An application of this type will be considered under the adopted Joint Local Plan and its Strategic Policies: SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods and sustainable rural communities) and SPT12 (Strategic approach to the natural environment); Development Management Policies: 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), DEV28 (Trees, woodlands and hedgerows), DEV29 (Specific provisions relating to transport), DEV32 (Delivering low carbon development), DEV35 (Managing flood risk and water quality impacts).

2. Other documents include the National Planning Policy Framework (2024), the National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2019) and the Joint Local Plan: Supplementary Planning Document (Adopted July 2020). The material considerations for this application are:

- Site History and Principle of Development
- Design and Visual Impact
- Sustainable Linked Neighbourhoods
- Affordable Housing
- Accessibility
- Need for Housing Development
- Nationally Described Space Standards
- Amenity
- Flood Risk Consideration
- Highway Considerations
- Environmental Health
- Refuse Disposal
- Natural Infrastructure Considerations
- Climate Emergency
- Planning Balance
- Unauthorised Development

3. The most important development plan policies which are relevant to the determination of this application are set out in the analysis below. Following publication of the NPPF, some policies may be considered out of date or partially out of date.

4. SPT3 - Provision for new homes- this policy is now seen as out-of-date (i.e. overtaken by matters that have happened since it was adopted, either on the ground or in some change in national policy, or some other reason). This is because the supply of housing proposed to be delivered within the plan period as set out in SPT3 is now significantly lower than what would be required under the new standard methodology, as set out above.

#### Site History and Principle of Development

5. The history of the proposed development began back in April 2022 when a pre application (ref: 22/00761/MOR) was submitted for 2no. proposed dwellings. At the time officers advised the applicant that the principle of the development was considered acceptable however there were significant concerns regarding the protected trees along the southern boundary and that any forthcoming application would need to demonstrate that there would be no damage to the protected trees.

6. In November, 2022 an application was submitted (ref: 22/01836/FUL) for the erection of 2no. detached dwellings with formation of vehicular accesses and renovation of existing dwelling to include additional storey and new renovated garage. The application was refused as it was considered that there would be a significant loss of habitat / ecological value. The application was appealed (ref: APP/N1160/W/23/3321016) and dismissed by the Planning Inspectorate who concluded that the proposal would be in conflict with Policy DEV26 and SPT12 of the Joint Local Plan. The Inspectorate raised no other concerns with the rest of the development proposal.

7. In August, 2023 an application was submitted (ref: 23/01125/FUL) for the same proposal, this time however the applicant demonstrated that ecological mitigation could not be secured on site and that an off-site contribution would be required. Officers secured a financial contribution to be put towards an active PCC project at Ham Woods. A Section 106 agreement was finalised - thereby overcoming the previous refusal reason.

8. There were unfortunately complications once construction commenced on site. Firstly, the reinstated hedgerow on the northern boundary could not be delivered due to a proximity issue involving the position of the approved dwellings and the edge of the site boundary. In short, whilst a wall could be constructed, a hedgerow is typically much wider and would have conflicted with the geometry of the approved layout, leading to loss of light to ground floor windows as well as maintenance issues for occupants. Secondly, the existing bungalow (no. 53) was demolished contrary to the previous application description and should have gone through the Prior Approval (demolition) process.

9. The current application therefore is an attempt to regularise these 2no. deviations under one application. It is important to note that the principle of the residential development on site has already been established through the previous permission, and is a material consideration, which must be given significant weight in the consideration of this application. Therefore this application will primarily focus on the impacts of the deviations and whether they introduce new material planning concerns.

10. In practical terms plot 3 (formally no. 53) has already been approved - it is rather the construction process which is the issue, therefore, the officer considerations on design, visual impact, loss of light, outlook and privacy remain consistent with the previous approval.

11. The deviation from reinstating the hedgerow to constructing a boundary wall on the northern boundary must be considered in terms of ecology (see Natural Infrastructure Section) and visual impact. Following negotiations with the applicant, a variety of options were considered including purchasing additional land along Colebrook Lane to allow sufficient space to reinstate a hedgerow. This would have required a Section 247 application to the Department for Transport as well as a

change of use planning application. There were however severe limitations with this proposal due to the proximity of South West Water sewer assets and an objection from the Local Highway Authority due to the reduced width of the lane. The applicant therefore revised the internal layout of the site to include wider hedgerows within the site, this has had some impact on the outdoor amenity spaces of plots 2 and 3. In summary the following 4no. changes are the key differences from the previously approved plans:

- 1) Revised northern boundary design (paras 22-23)
- 2) The demolition and rebuild of plot 3 (paras 64, 69-71)
- 3) Minor height increase of plot 2 (para 19)
- 4) Reductions to the garden sizes of plots 2 and 3 (paras 34-36)

12. Overall and having considered the above 4no. matters, officers maintain that the principle of residential development within the site is acceptable and consistent with the previous recommendation of approval under application: 23/01125/FUL

#### Design and Visual Impact

13. In relation to the impact of the development on the character of the area, Policies DEV10 and DEV20 are also of relevance. This policy requires development to contribute positively to both townscape and landscape, and protect and improve the quality of the built environment.

14. Para 4.142 of the SPD states that: 'Gardens are not defined as being previously developed land within built up areas and a higher test of suitability will be taken when considering applications of new housing in gardens. Local Planning Authorities (LPAs) will carefully consider new development proposals of this type to ensure it only takes place on appropriate sites in residential areas and where it does not harm the character of the area.'

15. The application proposes 3no. new detached, executive dwellings on land at the junction of Clifton Avenue and Newnham Road. The proposed dwellings are contemporary in design and finished in high quality materials, which continue an established design aesthetic observed in the new Mayhew Gardens development immediately to the west of the site.

16. Whilst taking account of the intended site layout, due regard has been given to the character of this plot of land, which for many years comprised of dense, tree coverage and overgrown vegetation as well as 3no. protected large trees which border the southern section of the site. The southern access point (adjacent to the now demolished lodge) previously provided access to Colebrook Manor (also demolished). The boundary treatment plan details the reinstatement of the original rendered gate posts which will be done upon completion of plot 3. Officers consider that reinstatement would go some way to retaining the original character of the plot. Internally, the site has since been cleared and opened up with poor quality weeds, plants and various foliage remaining. Under the proposals, the 3no. dwellings would be positioned within the site to appear more subordinate and set back from both Clifton Avenue and Newnham Road. The 3no. TPOs would provide a good level of screening to the low-density housing development and would retain the natural character on the southern boundary which has been enjoyed for many decades.

17. At the time of writing this report, plots 1, 2 and the detached garage have been built following the previous planning approval. The construction of plot 3 has been halted pending the outcome of this planning application.

#### *Plot 1*

18. Plot 1 is a 4-bedroom detached property with a total internal floor space of 172sqm. All living space is contained on 2no. floors. The external walls are finished in grey brick, sand/cement render,

natural stone and natural timber cladding. The roof is finished in smooth grey slate (all materials specifications are detailed on plan).

#### *Plot 2*

19. Plot 2 is a 4-bedroom detached property with a total internal floor space of 139sqm. All living space is contained on 2no. floors. The external walls are finished in grey brick, sand/cement render, natural stone and natural timber cladding. The roof is finished in smooth grey slate (all materials specifications are detailed on plan). The installation of roof insulation has resulted in a minor height increase of 130mm of which officers are of the opinion that there would be no measurable change in terms of the visual appearance of plot 2 nor its impact on the wider street scene.

#### *Plot 3*

20. Plot 3 would replace a 1930s bungalow which would occupy the original footprint and would include the construction of an additional storey. Plot 3 would be a 2-bedroom detached property with a total internal floor space of 89.7sqm. The external walls would be finished in grey brick, sand/cement render, natural stone and natural timber cladding. The roof would be finished in smooth grey slate (all materials specifications are detailed on plan).

#### *Garage*

21. The scheme includes a new detached single garage of 30sqm which serves Plot 1. The new garage is situated on an existing concrete platform which previously served an old garage/outbuilding of identical dimensions. Similarly, to the design palette of the 3no. dwellings, the external walls will be finished in grey brick and sand/cement render. Moreover, the roof is finished in smooth grey slate (all materials specifications are detailed on plan).

#### *Revised Northern Boundary*

22. As previously noted, plans to re-instate the hedgerow on the northern boundary could not be delivered due to a proximity issue involving the position of the approved dwellings and the edge of the site boundary.

23. Given it is not viable to use part of the public footpath to deliver the hedgerow, the applicant proposed a redesign to include a white rendered wall on part of the northern boundary with a re-instated hedgerow to the north of plot 1 and various hedgerow reconfigurations in the centre of the site. A white rendered wall was initially proposed to include a low-level wooden fence on top of the structure. This design was considered a harsh feature adjacent to Colebrook Lane and was resisted. The applicant then proposed a natural stone boundary wall of the same height with the same fence design. The applicant then proposed a final design which maintained the natural stone appearance but removed the wooden fence line. This wall has already been erected and the top of the wall is now proposed to be replaced with planting with hardy species such as Hawthorn. The latest revision is considered acceptable and softer in appearance over the original design. Officers acknowledge that the planting will take some time to establish and currently the lowest point at the top of the path could make it susceptible to being climbed on. Deterrent options were discussed with the applicant including the possible installation of a 100x100mm 'birdsmouth' timber strapped to the coping stones. However, given the extensive negotiations on the northern boundary, officers are of the view that it would have an overall negative impact on the aesthetics of the wall with no guarantee that it would be completely effective in providing a suitable deterrent. Moreover, the installation would have to be removed once the planting becomes established, and a judgement would need to be made on when this removal would take place. Officers have recommended the removal of permitted development rights to ensure that there are no alterations to the approved boundary treatment.



### Concluding Comments

24. Consistent with the previous 2no. applications on this site, it is concluded that from a visual impact perspective, the dwellings are high quality in appearance and in-keeping with the residential character of the area as well as the materials used on existing dwellings. On this basis, the development does not conflict with policy DEV20 in this regard.

### Sustainable linked neighbourhoods

25. In relation to the requirement of Policy DEV10 for the proposal to contribute positively to the creation of sustainable linked communities, the provisions of strategic JLP policies SPT1 and SPT2 are of relevance.

26. Policy SPT1 sets out the overall sustainable development objectives of the Plan. Point 3i, seeks to reduce the need for green field development and protect natural assets by optimising the re-use of previously developed sites. The proposed development is on land comprising of curtilage belonging to 53 Newnham Road as well as land which previously was associated with Colebrook House (the latter of which was demolished to make way for the 14-home Mayhew Gardens development). It is considered that the development would accord with the strategic objectives of SPT1 subject to addressing the biodiversity considerations below.

27. Policy SPT2 set out a series of principles that aim to ensure that development contributes to the delivery of sustainable linked neighbourhoods. Of particular significance to the current proposal are points:

- (7) 'Have a safe, accessible, healthy and wildlife-rich local environment ...',
- (10) 'Provide a positive sense of place and identity, including through the recognition of good quality design, unique character, the role of culture, and the protection and enhancement of the natural and historic environment.'

28. Whilst paragraph 7 is subject to addressing the biodiversity considerations below, it is considered that the development is in broad accordance with paragraph 10 in terms of place, identity and good quality design. As mentioned, the plots would be on a prominent residential corner, side-by-side with existing historic trees and therefore would contribute positively to a key landmark feature within the area.

### Affordable Housing

29. Officers note that the scheme is significantly below the affordable housing threshold as set out in Policy DEV7. Therefore, it is concluded that the development would not conflict with this policy nor the wider aims of the Development Plan.

### Accessibility

30. Officers note that policy DEV9 requires 20% of dwellings on schemes of 5 or more to meet national accessibility and adaptability standard M4(2). The proposal falls below this threshold and is therefore not required to provide any units to M4(2) standard. Therefore, it is concluded that the development would not conflict with this policy nor the wider aims of the Development Plan.

### Need for housing development

31. The publication of the updated NPPF on 12th December 2024, alongside new guidance, sets out a new standard method to calculate local housing need with the clear aim of increasing housing delivery nationally. Policy SPT3 (Provision for new homes) of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) (JLP) sets an overall housing requirement for the JLP Plan Area of 26,700 dwellings (net), which is 1,335 per annum for the Plan Period between 2014 and 2034.

32. The new standard method, however, identifies a housing need for the Plan Area of 2,643 dwellings per annum. The LPA therefore accepts that, given the provisions of NPPG (Paragraph: 062, Reference ID: 61-062-20190315, Revision Date: 15/03/2019) and paragraph 34 of the NPPF, that SPT3 is now out of date.

33. The extent of the shortfall in relation to the 5YHLS is such that significant weight needs to be given to it in the planning balance.

#### Nationally Described Space Standards NDSS

34. Officers have considered the development against the NDSS and consider each plot to meet the minimum internal standards. Given the layout changes within the site and the partial reconfiguration of hedgerows (to address ecology matters) plot 2 has seen a reduction in outdoor amenity space from 100sqm to 85sqm. This is due to the reconfiguration of a retaining wall in the north-west corner of the site. Officers note that the far corner of plot 2 would still be within the curtilage however it is not considered 'useable space' as outlined in the Joint Local Plan SPD due to its steep topography and dense vegetation / small trees. Moreover, plot 3 has seen a reduction in outdoor amenity space from 100sqm to 82sqm due to an expanded hedgerow. The curtilage of plot 1 maintains an outdoor space standard of 265sqm which meets and exceeds the minimum space standards for the Joint Local Plan SPD.

35. Whilst not ideal, officers do not consider the reduced garden spaces of plots 1 and 3 a sufficient reason to warrant refusal of the overall application, particularly in light of the recent NPPF updates which gives significant weight to delivering housing. It is also worth noting that Peacock Meadows is approximately 230 metres away which provides a large open public parkspace. On this basis, officers have recommended the removal of permitted development rights for plots 2 and 3 given their limited garden spaces.

36. The development therefore, on-balance, accords with Policy DEV10 of the Joint Local Plan in this specific regard.

#### Amenity

37. In terms of Plot 2, the plans and the supporting site section drawing demonstrate a 17-19 metre elevation-to-elevation separation distance (variance due to Plot 2 being slightly angled toward no. 1 Mayhew Gardens). Moreover, and as evident on site, the ground levels slope down from 1 and 2 Mayhew Gardens (see section drawing). Further to this, the rear elevation of Plot 2 does not have any window openings at first and second floor levels and therefore there would be no new vantage points from these levels. Whilst there would likely be no substantial harm from such openings, in the event of approval, officers would recommend a restrictive condition for window openings on the rear elevation as the distance would be within the 21 metre separation guidance as outlined in paragraphs 13.19 of the Joint Local Plan SPD.

38. It is important to note that there are window openings and bi-fold doors on the ground floor level, however these would be set into the hillside and would therefore have no clear line of sight into Mayhew Gardens due to the topography of the land and boundary treatments.

39. Overall, officers have considered the development regarding natural light, privacy and outlook and conclude that the plans do not conflict with Policy DEVI of the Joint Local Plan.

#### Flood Risk Considerations

40. The Lead Local Flood Authority (LLFA) were consulted and note that the site is located in Flood Zone I, which the Environment Agency (EA) defines as being at a low risk of fluvial or tidal flooding.

41. Surface water flood risk mapping provided by the Environment Agency indicates the site is at low risk of surface water flooding from a 1% AEP (1 in 100 year return period) flood event. Unmanaged surface water run-off from this site has the potential to increase the risk of flooding to the south east of the site.

42. The site is located in a Critical Drainage Area (CDA) where the EA considers the existing drainage to be at or close to capacity.

43. The LLFA note that a drainage strategy has been submitted for the proposed development. Infiltration tests have been completed at two locations that provided adequate rates, however further investigations concluded that infiltration drainage is not viable due to the slope of the site and constrained area due to site layout and tree root protection areas.

44. Moreover, the applicant has proposed to discharge surface water at an attenuated rate of 1 l/s to an existing SWW surface water sewer.

45. Attenuation storage is provided with an underground tank measuring 3m x 11m x 0.5m deep. This system drains all three properties and appears to be located in the curtilage of Plot 1.

46. Written correspondence from South West Water (SWW) has been submitted (received 7th October, 2022) that approves the proposed connection and discharge rate.

47. A plan has been submitted identifying exceedance flows and a bund has been proposed to contain excess surface water flows.

48. An easement has been proposed to allow access and maintenance to the surface water drainage and attenuation tank.

49. A Construction Environment Management Plan has been submitted that includes details about how the new surface water drainage system and wider environment is to be protected from surface water run off during construction.

50. Having reviewed the submitted information and updated LLFA response, officers consider there to be no in-principle concerns and therefore the development would not conflict with Policy DEV35 in this regard. Submitted details have been conditioned.

#### Highway Considerations

51. The Local Highway Authority (LHA) were consulted and raise no in-principle objection to the proposed development.

52. The LHA notes that the site is served by two established points of access/egress, the principal one in Newnham Road which would continue to serve both the existing Lodge (Plot 3) and Plot 2, with the second access in Colebrook Lane serving Plot 1. Forward and inter-visibility would need to be established and preserved at both exit points in accordance with the application details shown on drawing titled and numbered: - Boundary Treatment Plan - 2054-4DAS-DR-A-100-004 REV P07.

53. Parking and turning would be provided at each plot for 2 - 3 cars to the Council's standards - Plot 1 would be served by a garage and three driveway parking spaces, Plot 2 would have a double Carport and driveway/turning - and Plot 3, a double hardstanding off the driveway with a fronting margin. Parking spaces would be constructed using a no dig method to allow spaces to be provided within the root protection area of the trees. Plot 3 would use a raised platform for root protection whilst also addressing the difference in the ground levels.

54. There is sufficient space at all three plots for the provision of cycle storage, and Electric Vehicle Charging connections. To ensure the driveways would provide safe and practical access for all users the driveways and parking areas on this sloping application site must not have or exceed a gradient of 1:10 at any point.

55. Following the submission of a Construction Traffic Management Plan (CTMP), a condition has been recommended to ensure the works are carried out in accordance with the submitted CTMP.

56. Subject to compliance with recommended conditions, officers consider that the proposals would be acceptable and in accordance with Policy DEV29 of the Joint Local Plan.

#### Environmental Health

57. A Preliminary Investigation Report (PIR) was submitted with the application and reviewed by the Public Protection Service (PPS). PPS have reviewed the application and are satisfied with the conclusions of the PIR, including the carrying out of a Phase 2 intrusive investigation. A Remediation Strategy was submitted on the 15th January, 2024 under application 23/01 125/FUL and identified elevated arsenic and lead within the Made Ground and elevated arsenic within the Topsoil across the site. The report concluded that excavation and capping should be the adopted method for the remediation work which is accepted by PPS. A document detailing the implementation of the remediation scheme was submitted to the Council for written approval of which was considered acceptable by PPS. Moreover, a separate condition has been recommended in terms of the reporting of unexpected contamination.

58. Subject to compliance with the recommended condition, officers consider that the proposals would be acceptable and in accordance with Policies DEV1 and DEV2 of the Joint Local Plan.

#### Refuse Disposal

59. The proposed site layout plan shows details of bin storage locations which are acceptable and would not conflict with Policies DEV1, DEV2 and DEV20 of the Joint Local Plan.

#### Natural Infrastructure Considerations

60. Given the nature of the site, the Council's Natural Infrastructure (NI) Team have been consulted on this application (see below).

#### *Tree Preservation Order TPO*

61. The site is surrounded by two TPO patches (TPO No. 498) and has a strip of trees along the Newnham Road frontage also under the same TPO.

62. The NI Team originally considered that the scheme adversely affects existing and protected trees, and that the harm would be unacceptable due to infringement upon root protection areas (RPAs). Following further clarification and information from the applicant's ecologist, the NI team state that there are no concerns regarding the Plot 1 house impact on tree T3. The plans include the application of a specialist suspended construction for Plot 3 and no dig construction for Plot 1. The NI Team note that Cellweb or similar should only be used as a last resort as development should not take place within the RPA of a tree in the first place. Cellweb is also only useful on particular types of soil and dependent on traffic.

63. Given the nature of this current application, which now considers the rebuild rather than the renovation of plot 3, the NI team refer to standard: BS5837 which states that 'structures should therefore be designed or located with due consideration for a trees growth so as to reduce the need for frequent remedial pruning or other maintenance'. The NI team acknowledge that there was previously a dwelling in this position, but must assess this application as it stands and currently there is no dwelling under these trees. Moreover, the NI team also raise concerns regarding pruning

pressure at plot 3. Furthermore, the applicant has provided clarity on the number of replacement trees on site which can be viewed on page 21 of the Arboricultural Method Statement (dated 17th Dec) of which is considered acceptable remediation by the NI team.

64. Having taken account of the revised NI response, officers note that whilst the unauthorised demolition of plot 3 is highly undesirable and disappointing, particularly given the previous approval, it is emphasised that the issue lies with the methodology of construction / demolition activity on site rather than the finished proposal / layout itself. Specifically, in terms of pruning pressure raised by the NI team officers recognise that this was an existing factor over many decades with the previous 1930s lodge and its associated residential use. On this basis, whilst there may be a slight increase in pruning pressure, it is not considered to result in any demonstrable harm when considering the long-established residential use of this part of the site. Moreover, the design of plot 3 is inset at first floor level and includes new protection measures such as gutter guards which is considered a positive design feature in terms of minimising pruning pressure. Having taken account of the aforementioned considerations of pruning pressure, officers have recommended the removal of permitted development rights to ensure that there are no alterations to the roof space of plot 3 unless agreed in writing.

65. Finally, in terms of the position of the dwelling itself, the updated tree constraints plan clearly sets out the limits by which the applicant can relay the foundations for plot 3. Coupling this with confirmation that no roots were present inside the footprint of the original Lodge, officers conclude that on-balance the construction of plot 3 is acceptable on this occasion when weighed against other policy considerations (see planning balance section).

#### *Ecology*

66. While not a designated wildlife site, from the habitats known to be present, and from the limited results of the species surveys submitted with the application, the site is capable of supporting a diverse range of flora and fauna - some of which are protected by law e.g. bats, breeding birds and reptiles. These features support its allocation as a stepping stone feature in the City's Biodiversity Network.

67. Previously the NI Team requested the submission of a Landscape Ecology Management Plan (LEMP) and Construction Environment Management Plan (submitted 20th November, 2023 and 10th January, 2024 respectively). The LEMP and CEMP had been reviewed by the NI Team and considered to be comprehensive, acceptable and therefore would not conflict with Policies DEV26 and DEV28 of the Joint Local Plan.

#### *Biodiversity Net Gain*

68. Since the last application mandatory biodiversity net gain (BNG) has been introduced for minor development. Notwithstanding this, given the development is partially retrospective it is not possible to apply the standard pre-commencement requirement for a biodiversity net gain plan. The application is therefore assessed against policy DEV26. The Small Sites Metric (SSM) submitted shows a -27.06% loss in habitat. The NI team note that most of the proposed site will be made up of privately owned properties and gardens and so there is little opportunity for onsite gains to be secured in the long-term. The applicant has therefore agreed to a financial contribution that can be put towards providing off-site enhancement, which shall be secured through a Section 106 agreement (see section 11 - Planning Obligations).

#### Climate Emergency

69. A Climate Emergency Compliance Form (CECF) was submitted with the application along with an Energy Statement. The submitted details have been reviewed and, on balance, are considered to be acceptable. Demolition would not normally be supported where re-build is possible due to the carbon off-setting. However, citing the Climate Emergency Planning Statement:

70. Justification for demolition will only be considered acceptable under the following circumstances;

1. The building is structurally unsafe and is in a condition that cannot be safely remediated as part of a comprehensive retrofit; or,
2. The demolition and rebuild will result in significant social and environmental benefits, such as large-scale regeneration, and affordable-housing led development proposals

71. The applicant asserts that justification for demolishing the building and replacing it is in line with point 1 of the above, adding that the existing structure would not have been able to support the additional storey that was consented. Furthermore, officers have given significant weight to the fact that all 3no. dwellings provide good on-site mitigation. Specifically, the plans detail provision of solar PV and battery storage which will be conditioned along with the Energy Statement. Therefore, and on-balance, there would not be a broad conflict with Policy DEV32 of the Joint Local Plan.

#### Planning balance

72. Paragraph 11 d) and Footnote 8 of the Framework state that, where the policies which are most important for determining the application are out-of-date (including where the Local Planning Authority cannot demonstrate a five-year supply of housing land, or where the Housing Delivery Test ("HDT") indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless at least one of two exceptions set out in sub paras (i) and (ii) are met. Given the significant shortfall in the JLP's 5YHLS assessment, it is considered that the most important policies are out-of-date and therefore, unless either of the exceptions apply, the NPPF says that planning permission should be granted.

73. Exception (i) relates to whether the application of NPPF policies that protect a pre-specified list of assets of particular importance provide a strong reason for refusal. These are set out in footnote 7 of the NPPF.

74. Exception (ii) relates to whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Footnote 9 sets out the NPPF policies that this particularly relates to.

75. Exception (i) is not applicable in this instance as the site is not considered an area or asset of particular importance in relation to footnote 7. With regard to point (ii) it is not considered that the adverse impacts would significantly outweigh the benefits when assessed against the framework as a whole.

76. It is acknowledged that the LPA do not currently have a five-year housing land supply, however, in this instance no conflict has been identified against the development plan. The proposal is considered sustainable development, providing three new dwellings in an accessible location, close to services and facilities, providing a good standard of accommodation whilst not prejudicing the amenity of existing residents or the wider area. Officers have discussed at length the new considerations under this application, specifically the demolition of plot 3 rather than its renovation and the reduction of the garden spaces of plots 1 and 3 as a result of the reconfiguration of hedgerows. However, if these elements were proposed from the outset officers are of the view that the recommendation would be the same. The application is therefore considered acceptable for the reasons discussed and is being recommended for conditional approval.

#### Unauthorised Development

77. Since August 2015 national planning policy requires consideration to be given as to whether intentional unauthorised development has been carried out. The new policy applies to all relevant planning decisions made by Local Planning Authorities and Planning Inspectors. The policy has been

introduced largely as a result of Government concerns about the harm caused by unauthorised developments in the Greenbelt, but applies equally elsewhere. The policy does not indicate exactly how much weight should be afforded to this in relation to the weight to be given to other material planning considerations. Neither does the policy clarify exactly what evidence is required to demonstrate the unauthorised development has been carried out intentionally.

78. It is clearly highly undesirable for any development to take place before planning permission has been properly sought, and obtained, in any circumstances. However, it should be noted that this new policy only applies where unauthorised development has taken place with the full knowledge of the person(s) undertaking the work that it lacks the necessary consent. In reality, given the difficulties in interpreting these points, it is considered that little or no weight can be given to this aspect, unless the Council has clearly indicated to the applicant that unauthorised development is being carried out, and that works have then continued beyond that point, or where there is some other compelling evidence that such work has intentionally been carried out.

79. Officers are mindful that unauthorised development has occurred on this site in the past which has resulted in the Council pursuing enforcement action, the applicant is therefore likely to have understood that works should have been carried out strictly in accordance with the approved plans. Subsequently the applicant has complied with the advice of officers and not commenced works on the construction of Plot 3 pending the outcome of this application.

Therefore, whilst some weight can be attributed to the intentional unauthorised development, on balance the proposals are considered to be acceptable by officers.

### **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.

In this case the LPA has secured £35,640 through Section 106 to go towards ecological enhancement at Newnham Nature Reserve in the City of Plymouth. A management fee of £1,077 has also been secured within the Section 106 agreement.

In the event that no project at Newnham Meadows is practical in the opinion of the Local Planning Authority, the contribution shall be put towards ecological enhancement in Ham Woods in the City of Plymouth.

## **12. Equalities and Diversities**

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

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

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the erection of 3no. detached dwellings with formation of vehicular accesses and new garage (part retrospective) accords with policy and national guidance. The proposal is therefore recommended for conditional approval.

## **14. Recommendation**

In respect of the application dated 14.10.2024 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 Sections As Proposed 2054-4DAS-A-005 Rev P04 received 09/09/24  
Plot 3 Parking Bay Specifications 2054-4DAS-DR-A-010 Rev P03 received 09/09/24  
Proposed Sight Lines 2054-4DAS-DR-A-011 Rev P01 received 09/09/24  
Proposed Refuse Strategy 2054-4DAS-DR-A-008 Rev P03 received 09/09/24  
Plot 3 Floor Plans & Elevations As Proposed 2054-4DAS-DR-A-031 Rev P05 received 09/09/24  
Location Plan and Site Plan as Existing 2054-4DAS-DR-A-100-001 Rev P01 received 09/09/24  
Garage - Plot 1 - Floor Plan and Elevations 2054-4DAS-DR-A-041 Rev P02 received 09/09/24  
Plot 1 Floor Plans & Elevations As Proposed 2054-4DAS-DR-A-040 Rev P04 received 09/09/24  
Boundary Treatment Plan 2054-4DAS-DR-A-100-004 Rev P09 received 14/02/25  
Plot 2 Floor Plans and Elevations as Proposed 2054-4DAS-DR-A-020 Rev P09 received 14/10/24  
Biodiversity Enhancements 2054-4DAS-DR-A-100-005 Rev P05 received 27/01/25  
Detailed Site Plan As Proposed 2054-4DAS-DR-A-100-002 Rev P05 received 27/01/25  
Street Elevations 2054-4DAS-DR-A-100-006 Rev P03 received 27/01/25

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: CYCLE PROVISION****

#### **PRE-OCCUPATION**

No dwelling shall be occupied until space has been provided at each of the three dwellings either within the dwelling, garage, shed or cycle locker, for cycle storage provision of a minimum of one (1) per bedroom for bicycles to be securely parked and stored, in accordance with the detailed site plan as proposed (ref: 2054-4DAS-DR-A-100-002 REV P05). The secure area for storing bicycles 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 and Section 9 of the National Planning Policy Framework.

### **3 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 cars and for cars to turn so that they may enter and leave the site in forward gear.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway and enter and leave the site safely, 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 & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

### **4 CONDITION: ON-SITE MITIGATION**

#### PRE-OCCUPATION

The dwellings hereby approved shall not be occupied until the space for battery storage, ASHPs, EV charging and solar PV panels as shown on the approved plans, have been installed (as per drawings: 2054-4DAS-DR-A-100-002 REV P05 - detailed site plan, 2054-4DAS-DR-A-040 REV P04 - plot 1, 2054-4DAS-DR-A-020 REV P09 - plot 2 and 2054-4DAS-DR-A-031 REV P05 - plot 3). The space for battery storage, ASHPs, EV charging and solar PV panels shall then remain in situ in perpetuity, replacing or repairing them when necessary. Moreover, the development shall be carried out and completed in accordance with the submitted Energy Statement (submitted 9th September, 2024).

Reason:

In order to promote on-site renewable energy systems and ensure a reduction in carbon emissions in line with policies DEV29 and DEV32 of the Plymouth & South West Devon Joint Local Plan 2014-2034, paragraph 7.3 of the Plymouth and South West Devon Climate Emergency Planning Statement (2022) and Sections 2, 9 and 14 of the National Planning Policy Framework.

### **5 CONDITION: FLOOD RISK ASSESSMENT**

#### COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Drainage Design Statement & Flood Risk Assessment (received 9th September, 2024).

Reason:

To safeguard occupant safety and mitigate flood risk in accordance with policies DEV1 and DEV35 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 14 of the National Planning Policy Framework.

## **6      CONDITION: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

### COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Construction Environment Management Plan (CEMP) (received 9th September, 2024).

Reason:

To maintain occupant safety, mitigate flood risk and safeguard protected ecological features in accordance with policies DEV1, DEV26, DEV28 and DEV35 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Sections 14 and 15 of the National Planning Policy Framework.

## **7      CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

### COMPLIANCE

The development hereby approved shall be retained and maintained in strict accordance with the approved Landscape and Ecological Management Plan (LEMP) (received 17th February, 2025).

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest in accordance with Joint Local Plan Policies SPT12, DEV20, DEV23 and DEV26 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

## **8      CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

### COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Construction Traffic Management Plan (CTMP) and the included highway condition (dilapidations) survey for the highway within the vicinity of the development site.

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 adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

## **9      CONDITION: DRIVEWAY GRADIENT**

### COMPLIANCE

The driveways and parking areas serving the dwellings hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable access and off street parking facilities are provided in accordance with Policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

## 10 **CONDITION: PRESERVATION OF SIGHT LINES**

### COMPLIANCE

No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines shown on drawing titled and numbered Proposed Sight Lines - 2054-4DAS-DR-A-011 REV P01 at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 9 of the National Planning Policy Framework.

## 11 **CONDITION: WINDOWS**

### COMPLIANCE

Unless otherwise agreed in writing by the Local Planning Authority, no window openings shall be installed in the north-west (rear) elevation of plot 2 at first and second floor level.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling (Mayhew Gardens) in accordance with Policy DEV1 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 12 of the National Planning Policy Framework.

## 12 **CONDITION: TREE PROTECTION/RETENTION**

### COMPLIANCE

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.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies DEV1, DEV20 and DEV26 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

### **13      **CONDITION: LAND QUALITY - REPORTING OF UNEXPECTED CONTAMINATION****

#### **COMPLIANCE**

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 subject to the approval in writing of the Local Planning Authority, and where remediation is necessary a remediation scheme shall be prepared 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.

#### **Reason:**

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policies DEVI and DEV2 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

### **14      **CONDITION: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS****

#### **COMPLIANCE**

Notwithstanding the provisions of Article 3 and Classes A, AA, B, C, E and F of Part 1 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 shall be carried out to the dwellings on Plots 1 and 3 hereby approved without the express consent in writing of the Local Planning Authority.

Notwithstanding the provisions of Article 3 and Class A of Part 2 to Schedule 2 no alterations to the approved boundary treatment will be allowed on any of the plots without the express consent in writing of the Local Planning Authority.

#### **Reason:**

In order to protect the residential amenity of future residents of the development and the amenity of neighbouring occupiers in accordance with Policy DEVI and to safeguard the amenity of the area in accordance with policy DEV20 of the Plymouth and South West Devon Joint Local Plan 2019 and the National Planning Policy Framework.

### **INFORMATIVES**

#### **I      **INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION****

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local

Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/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](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 and has negotiated amendments to the application to enable the grant of planning permission.

## **3 INFORMATIVE: COUNCIL CODE OF PRACTICE**

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):

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

## **4 INFORMATIVE: PROPERTY RIGHTS**

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

## **5 INFORMATIVE: WILDLIFE PROTECTION**

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

## **6 INFORMATIVE: BIODIVERSITY NET GAIN (RETROSPECTIVE DEVELOPMENT)**

In accordance with The Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, this application is exempt from mandatory BNG as the development is partly retrospective and the regulations specifically exclude development to which section 73A of the TCPA 1990 applies (applications where development has already taken place).

## **7    INFORMATIVE: SUPPORTING DOCUMENTS**

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

- Construction Traffic Management Plan
- Planning Statement
- Arboricultural Assessment
- Drainage Design Statement and Flood Risk Assessment
- Technical Note (transport)
- Ground Investigation Report
- Construction Environment Management Plan
- Landscape Ecological Management Plan
- Remediation Statement
- Energy Statement
- 3D Views as Proposed
- Colebrook Lane Perspectives as Proposed