

PLANNING APPLICATION OFFICERS REPORT



Application Number	24/00371/FUL	Item	I
Date Valid	25.03.2024	Ward	HONICKNOWLE
Site Address	Land Adj. To Wilmot Gardens Plymouth PL5 3TP		
Proposal	Construction of 5no. affordable dwellings with associated parking.		
Applicant	Mr Darren Wills		
Application Type	Full Application		
Target Date	20.05.2024	Committee Date	24.07.2025
Extended Target Date	28.10.2024		
Decision Category	Service Director of SPI		
Case Officer	Mr Macauley Potter		
Recommendation	Grant Conditionally		



This application has been referred to the Planning Committee by the Service Director of Strategic Planning and Infrastructure due to public interest reasons and issues of probity (see Section 10 for details).

1. Description of Site

The application site comprises of a parcel of non-designated open green space on the border of Cowley Road, Ruskin Crescent and Wilmot Gardens. Established native Ash and Oak trees are situated on the western boundary and provide a buffer between the green space and Wilmot Gardens. The application site, which lies in the Honicknowle Ward of the city, is predominately residential in character.

2. Proposal Description

Construction of 5no. affordable dwellings with associated parking.

3. Pre-application Enquiry

23/00678/MOR - 5no. affordable dwellings - revised/reduced design was considered acceptable in principle from a planning perspective with more community open space incorporated into the layout. Minimal tree information was submitted at pre-application with Natural Infrastructure (NI) response stating that mitigation hierarchy should be followed, and all tree removal should be fully justified.

4. Relevant Planning History

Planning history for the site began with application: 21/01972/FUL, which was submitted on the 1st November 2021 for 7no. affordable dwellings and was later withdrawn due to several issues. In 2023, a pre application was submitted (ref: 23/00678/MOR), which proposed a reduction from 7no. to 5no. affordable dwellings along with other layout improvements. Whilst different layouts were considered, the impact to the 5no. trees along the west boundary could not be overcome, therefore officers were of the view that appropriate tree mitigation would be required for the site.

The current application (ref: 24/00371/FUL) is therefore based upon the preferred layout as presented at pre-application stage, including the proposed removal of the same 5no. trees detailed on planning application: 21/01972/FUL (7 dwellings).

This application (ref: 24/00371/FUL) was reported to planning committee on the 29th August 2024 and was deferred for the following four reasons:

- 1) A response or report from a qualified arboriculturist on the impact on the root system and a request for their attendance at committee.
- 2) A request to investigate the possibility of a resurfacing and reconfiguration of the car park pertaining to disability requirements and resurfacing.
- 3) Further confirmation of the application for a Tree Preservation Order, whether remaining trees would be subject to TPO.
- 4) Clarity on the site's categorisation as "surplus to requirement", including information on community use through submission of an Open Space Assessment.

This application was brought back to committee on 24th October 2024 and responses to these matters were provided, as explained in the analysis section below. Clarification is provided regarding the previously reported green space measurements, and the Biodiversity Net Gain section provides further clarification in terms of compliance with policy DEV26. The resolution at the October 2024 planning committee was that the application should be granted conditionally.

Following this resolution and the issuing of the decision, Plymouth City Council received a Judicial Review (JR) Pre-action Protocol Letter dated 12th November 2024. A Pre-action Protocol Letter is the first stage of a Judicial Review process in which the grounds for challenge are set out. The intent of the challenge was to quash the planning decision of the Council. There were two grounds of challenge as follows:

Ground 1 – Failure to properly address the affordable housing balance. The claim being that the Council had not given reasons for departure from the officer's recommendation in relation to affordable housing, or alternatively the planning application did not reflect through conditional consent, the affordable housing requirement.

Ground 2 – There were significant and material inaccuracies in the Officer's Report that had the effect of misleading the planning committee about a material matter, namely the extent of biodiversity loss that would be caused by the proposed scheme.

Based on legal advice the decision was made that Plymouth City Council would make a request to the High Court to quash the decision. The courts have now confirmed that the decision has been quashed and therefore the application as submitted needs to be determined again.

The proposal therefore returns as presented at the planning committee of 24th October 2024, but with an affordable housing condition added and the report updated on this matter. Further updates are also made to the report, particularly in relation to biodiversity net gain information and the National Planning Policy Framework (NPPF) updates, including changes to housing land supply.

5. Consultation Responses

Local Highway Authority - no objection subject to conditions.

Designing Out Crime Officer - no objections from a designing out crime perspective.

Lead Local Flood Authority - no objection following the submission of further details and pre-commencement condition.

Waste Residential (Street Services) - no objection.

Public Protection Service - No objection subject to condition.

Natural Infrastructure - Objection to the removal of 5no. trees and concerns raised about loss of the greenspace.

South West Water - standard response on asset protection.

Housing Delivery Team (HDT) - Supports this development and recommends condition.

6. Representations

49 letters of objection have been received which outline the following concerns:

- Loss of trees
- Loss of greenspace used extensively by the local community for a variety of uses, particularly during the Covid-lockdown
- No Biodiversity Net Gain (BNG) information provided
- Loss of ecology / wildlife
- Conflicts with Policies DEV26 and DEV27 of the Joint Local Plan
- Proximity of next nearest greenspace / only greenspace in the area
- Increased traffic and strain on parking
- Site not suitable for housing
- Loss of light
- Loss of privacy
- Overlooking
- Noise resulting from construction work

Please note that duplicate or multiple representations from the same person have been counted as one representation.

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 of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park). 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 2.53 year 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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- The Plymouth and South West Devon Supplementary Planning Document (SPD) (2020).
- National Design Guide: Planning practice guidance for beautiful, enduring and successful places (2019)
- Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure (2021).

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), SPT3 (Provision for new homes), SPT9 (Strategic principles for transport planning and strategy), SPT10 (Balanced transport strategy for growth and healthy and sustainable communities) and SPT12 (Strategic approach to the natural environment). Strategic Objective: SO11 (Delivering high quality development); 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), DEV27 (Green and play spaces) 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).

2 The material considerations for this application are:

- Principle of Development
- Need for Housing Development
- Affordable Housing
- Accessible and Adaptable Homes
- Delivering High Quality Housing
- Design and Visual Impact
- Sustainable Linked Neighbourhoods
- Amenity
- Flood Risk Considerations
- Highway Considerations
- Contaminated Land
- Refuse Disposal
- Natural Infrastructure Considerations
- Climate Emergency
- Other Matters

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, as described below.

4 SPT3 - Provision for new homes- this policy is now seen as out-of-date (i.e. overtaken by events 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.

Principle of Development

5 All the DEV policies are included in the Joint Local Plan to help deliver the Plan's Strategic Objective SO11. This sets out the aim to deliver development which is sustainable and of the right type for its location. That includes providing high quality places which create a positive legacy for future generations (point 4) and responding positively to the challenges of climate change (point 6).

6 Additionally, delivering sustainable development is the fundamental baseline principle within strategic policies SPT1 and SPT2 of the Joint Local Plan.

7 The land is currently owned by Plymouth City Council and is a site which has come forward under the Plan-For-Homes programme. Plan-For-Homes sets out an ambition to deliver a minimum of 5,000 new homes in the city over the next five years. A Site Planning Statement promoting the land for residential development has been publicly available since December 2019.

8 The site is un-designated green space, however Policy DEV27 (Green and play spaces) is still a material consideration. Officers acknowledge that the proposed scheme would not be compliant with DEV27 as there would be a significant loss to the existing open space. Pursuant to the Joint Local Plan Policies Map, officers have had to consider the site's status as non-designated greenspace in conjunction with the Plan-For-Homes scheme which has promoted the site for residential development. In consideration of these two factors, officers acknowledge that any number of residential units on the land would conflict with DEV27 due to the varied but significant degrees of impact to the function and characteristics of the greenspace. If the same is to be developed, the scope for retaining an open space on the site is highly constrained and the resultant creation of a smaller open space on Ruskin Crescent does not demonstrate equivalent or better provision. However, the case officer considers the current proposal to be an improvement over the previous

layout (ref: 21/01972/FUL) and does go some way to retain the limited character of the previous use whilst delivering an affordable housing scheme that will help to contribute towards housing delivery targets. Please refer to paragraphs 64-92 which go into more detail on considering the proposal against policy DEV27.

9 In considering the current application, officers note that the trees are not protected under a Tree Preservation Order (TPO) and no applications for TPO status were made/considered between the withdrawn 21/01972/FUL application in January 2022 and March 2024 (the month of submission of the current application). A request for the making of a TPO was however received in the month of April 2024 and is under consideration with Street Services pending the outcome of the JR and subsequent planning committee (2025) decision. It is important to note that regardless of the decision on the TPO application (i.e. whether all trees are designated TPO) it would not alter the officer recommendation, as the quality of the trees have already been assessed as set out in paragraphs 50-62 of this report.

10 Overall, and for the reasons to be discussed below, the case officer considers the principle of residential development (5-dwellings) in this location to be acceptable.

Need for housing development

11 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.

12 The new standard method, however, identifies a housing need for the Plan Area of 2,643 dwellings per annum. The Local Planning Authority (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 and carries only limited weight.

13 The extent of the shortfall is such that significant weight needs to be given to the need for housing in the planning balance.

Affordable Housing

14 The proposal is for 100% affordable housing. However, the development is significantly below the threshold set for requiring affordable housing as set out in Policy DEV7. Notwithstanding this, since it is the applicant's intention to deliver affordable housing, they have agreed for this to be secured by condition. The delivery of 5 affordable housing units is therefore a material consideration in the assessment of this application. The Council's Housing Delivery Team (HDT) strongly support this proposal as it would make an important contribution to the City's urgent need for affordable housing.

15 Paragraph 11 (d) and Footnotes 8 and 9 of the NPPF 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 (HD Test) indicates that the delivery of housing was substantially below the housing requirement over the previous three years) planning permission should be granted unless 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Footnote 9 identifies the specific parts of the NPPF that the reference to key policies relates to.

16 The need for housing and particularly affordable housing is therefore given significant weight.

Accessible and Adaptable Homes

17 The HDT note that DEV9 requires 20% of dwellings on schemes of 5 or more to meet national accessibility and adaptability standard M4(2). The proposal currently provides one unit (Flat one) with the M4(2) standard. Due to the site topography affecting the required maximum gradients between the parking bay locations, the applicant has instead provided a drop-off bay outside the entrance of Flats 1 and 2, which is considered an acceptable compromise by the HDT. HDT note, however that the bin collection arrangement for the accessible plot would involve long walking distances around the back of the Plot 2 garden and the open space. The applicant states that this has been done to maximise green space. Officers note that the second bin collection point is located adjacent to the Plot 2 garden and therefore is much closer than the collection point for Plots 3, 4 and 5, therefore, and on balance, this layout configuration is considered acceptable. In line with the HDT response, the M4(2) accessibility requirements and proof of compliance post completion is proposed to be conditioned.

18 Any Accessible and Adaptable provision is nevertheless encouraged by the Local Planning Authority as there is a chronic shortage of accessible affordable housing as set out in Plan for Homes 4 (2024-2029). Overall, officers have considered Plot 1 in terms of M4(2) and conclude that the unit, on balance, does not conflict with Policy DEV9 of the Joint Local Plan.

Delivering High Quality Housing

19 Point 2 of policy DEV10 states that development proposals should look for opportunities to design out crime and the fear of crime in the layout of the development. The widened natural spaces incorporated into the scheme would retain the open character of the existing footpath along the rear of Ruskin Crescent which in turn would maintain a good degree of natural surveillance. Moreover, the Council's Designing Out Crime Officer has been consulted on the layout and has raised no objections or concerns from a police perspective.

20 Point 3 states that affordable housing should be indistinguishable from other homes on the site, reflecting the type of housing on the development as a whole. The scheme would provide 100% affordable housing. Externally the units are uniform in appearance and would be finished with good quality materials (see paragraph 24). Point 5 states that: new dwellings (including conversions of existing properties into flats) should be of sufficient size and layout to provide good quality accommodation to meet the needs of their occupants, with developers required to meet Nationally Described Space Standards (NDSS). Officers have considered the development against the NDSS and confirm that the plots would meet the minimum internal standards (Plots 1 and 2 would be 59sqm, Plots 3 and 5 would be 93sqm and Plot 4 would be 80sqm). Moreover, the plots are also considered to meet the minimum outdoor space requirements as set out in the Joint Local Plan SPD (50sqm per Plot).

21 Overall, the case officer considers that the development would accord with Policy DEV10 of the Joint Local Plan.

Design and Visual Impact

22 In relation to the impact of the development on the character of the area, Policy DEV20 is of relevance. This policy requires development to contribute positively to both townscape and landscape and protect and improve the quality of the built environment.

23 Paragraph 4.142 of the SPD states that: '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.'

24 The application proposes 5no. terraced affordable dwellings on open land adjacent to Wilmot Gardens, Cowley Road and Ruskin Crescent. The proposed dwellings are contemporary in design and massing with a total ridge height of 8 metres with an eaves height of 5 metres. Each dwelling would be finished in good quality materials (the roof would consist of Quin roof tiles and the walls would be finished in painted render).

25 Taking account of the intended site layout, due regard has been given to the character of Ruskin Crescent and Wilmot Gardens, noting that the proposed development continues the character of the surrounding street scene which provides ample grass verge buffers between the property curtilage and the pavement edge. The 5no. dwellings would be set back from the pavement edge in order to appear more subordinate and in-keeping with the surrounding area. Moreover, the dwellings would be bordered by a natural boundary treatment to the north and west (via a replanting scheme) which would provide adequate screening and would demonstrate good urban design as required in the National Design Guide.

26 It is concluded that from a visual impact perspective, the dwellings are good quality in appearance and in-keeping with the residential character of the area. On this basis, the development is in accordance with policy DEV20 of the Joint Local Plan.

Sustainable linked neighbourhoods

27 Policy SPT1 sets out the overall sustainable development objectives of the Plan. Point 3i promotes the efficient use of land through optimising the reuse of previously developed sites and thereby reducing the need for greenfield development. The policy however does not exclude the possibility of greenfield development, and it should be noted that since 2014 76% of homes built in the Plymouth Policy Area have been on previously developed land, suggesting that this policy is being delivered effectively at local plan-level. In this case, the site is undeveloped land but not on Designated Green Space. There have been previous development proposals on the site however the principle of housing development on the subject land has not been previously established.

28 Policy SPT2 sets 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:

- (1) 'Have reasonable access to a vibrant mixed use centre...'
- (4) 'Have a good balance of housing types and tenures to support a range of household sizes, ages and incomes to meet identified housing needs'.
- (5) 'Promote resilience to future change by ensuring a well-balanced demographic profile with equal access to housing and services'.
- (6) 'Are well served by public transport, walking and cycling opportunities'.
- (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.'
- (11) 'Explore opportunities for the use of renewable energy, including community energy schemes where appropriate, and reduce the use of energy through design and energy efficiency.'

29 To refer to the above points and their numbering, in conjunction with the measures of sustainable neighbourhoods and communities (as set out in Figure 3.2 of the Joint Local Plan), the development would provide a range of 1-bed, 2-bed, 3-bed flats and dwellings (4 and 5), would be within 100 metres of the nearest bus stop (6) would conform to the layout character of the wider estate (10) and would propose on site climate mitigation (11). The site location is however more than 800m from the nearest primary school (1,170m) and more than 400m from the Transit Way District Centre (600m), therefore would not meet all the measures as set out in Figure 3.2.

30 Furthermore, when calculating the walking distance proximity of nearby green / natural spaces, the nearest green / natural spaces are: Manadon Sports & Community Hub (240m), Bladder Meadow (250m), Dingwall Avenue Play Area (600m), playing fields adjacent to Sonnet Close (680m), Woodland Woods (650m) and neighbourhood green space at Shakespeare Road/Byron Avenue (710m). It is important to note that there may be slight variances in the presented figures depending on where the measurement is taken within the Wilmot Gardens Site and the aforementioned green / park spaces. Specifically, places such as Bladder Meadow are measured at a distance of 250 metres, but this is the distance between the edge of Wilmot Gardens to the entrance of the Bladder Meadow footpath. If measuring the entire walking distance, it would be approximately 680 metres to the nearest children's play park.

31 As set out in paragraph 3.17, the measures in Figure 3.2 are aspirational. They are not intended to be applied through an inflexible 'tick box' exercise to determine the acceptability or otherwise of development, given that such an approach could restrict development that is fundamentally sustainable and makes a significant positive contribution to delivering the vision and strategy of the plan. However, the measures do contribute to the overall planning judgement, including the need for appropriate mitigation. In accounting for these measures and for the reasons described throughout this report, it is considered that there is no overall conflict with the principles set out in SPT2.

Amenity

32 In terms of the distance between Plot 5 and the rear elevations of properties along Ruskin Crescent, the current layout plan demonstrates 15 metres (compared to 12 metres under the withdrawn application). The open space along the eastern section has been widened and coupled with an existing footpath provides a sufficient buffer between the plots.

33 Moreover, a 45-degree assessment has been carried out in accordance with paras 13.31-13.34 of the SPD and it is concluded that the layout would not conflict with the 45-degree line and there are no identified impacts in terms of window-to-window overlooking due to north/south arrangement of the property line. Furthermore, the case officer considers there to be no conflict with sun position at various points in the day (noting the retained trees including the large Oak to south-west).

34 Overall, the case officer has considered all 5 no. plots against guidance on natural light, privacy and outlook and conclude that the proposals do not conflict with Policy DEVI of the Joint Local Plan.

Flood Risk Considerations

35 The Lead Local Flood Authority (LLFA) were consulted and note that the site is in Flood Zone 1, which the Environment Agency (EA) defines as being at a low risk of fluvial or tidal flooding. Surface water flood risk mapping provided by the EA indicates the site is at low risk of surface water flooding from a 1% AEP (1 in 100 year return period) flood event. Moreover, the site is in a Critical Drainage Area (CDA) defined by the (EA) as an area where the existing drainage is at or close to its maximum capacity – it is highlighted that a significant portion of Plymouth falls within this designation. Public sewer records indicate there is a 150mm diameter SWW surface water sewer located in the parking area off Ruskin Crescent.

36 The LLFA note that a drainage strategy has been submitted that proposes to discharge surface water to an existing SWW surface water sewer at an attenuated rate of 1.5l/s. The 1 in 10 year green field run off rate for this development is calculated to be 0.55l/s. A ground investigation report has been submitted that concludes that soakaways are not suitable for the site due to poor soakaway test results.

37 As set out on the proposed drainage plan, attenuation storage is provided using underground crates beneath the parking area measuring 5m x 9m x 1m deep providing 45m³ of storage. An exceedance flow plan has also been submitted, along with a maintenance plan for the proposed drainage strategy.

38 Further details were submitted including modelling results that support a 1 in 100 year return period design standard with a 50% allowance for climate change. Modelling results indicate the surface water drainage system is surcharged but no flooding is shown. A Construction Traffic and Environment Management Plan (CTEMP) has been submitted that contains information regarding the potential contamination of oil in watercourses. The CTEMP has been updated to contain information about how surface water is managed on site to prevent contaminated surface water run-off, how the new drainage system is protected from contamination during construction and how it is brought into commission. These details along with the updated drainage plan, design calculations and SWW approval letter have been reviewed by the LLFA and are considered acceptable.

39 Having reviewed the submitted information and updated LLFA response, the case officer considers there to be no in-principle concerns and therefore the development would not conflict with Policy DEV35 of the Joint Local Plan. Submitted drainage details have been conditioned.

Highway Considerations

40 The Local Highway Authority (LHA) were consulted and raised no in-principle objection. The LHA note that the site was the subject of a previous planning application (21/01972/FUL) for 7 new affordable dwellings to which no in-principle objections were raised from a highway viewpoint.

41 The site will be accessed by a new direct access into the communal parking area off Cowley Road, via a dropped kerb vehicle footway crossing. It is considered inter and forward visibility at the vehicle exit would be satisfactory. Moreover, given the minor scale of development, low levels of vehicular traffic typically associated with the wider residential estate and absence of a through road the case officer considers that the increase in traffic movements linked to the development would be acceptable. Further to this point, officers have recommended a preservation of sight lines condition (condition 17) to ensure that line of sight is not obstructed when entering and leaving the site.

42 The application proposes 5 new dwellings; 2 flats with 1 bedroom and 3 dwellings with 2 bedrooms. In line with the Joint Local Plan SPD, the car parking demand associated with the proposed development is 8 off-street car parking spaces; 2 for the 2 bedroom dwellings and 1 for the 1 bed flats. The application proposes 8 car parking spaces including 2 designated disabled bays which is considered acceptable.

43 As illustrated on the proposed Site Plan, the application would need to provide provision for 10 cycle storage spaces (1 per bedspace), car parking (8 spaces), electrical vehicle charging (1 per property) and bin storage to be provided in accordance with Council policy. These details will be conditioned to ensure that provision is made available prior to first occupation of the units. Overall, the case officer considers that the proposals would be acceptable and in accordance with Policy DEV29 of the Joint Local Plan.

44 At the request of the Planning Committee in 2024, Officers had liaised with the applicant to establish the viability of installing a grasscrete solution to the parking area. The applicant noted that grasscrete is normally designed for permeable ground conditions as part of the Sustainable Drainage Systems (SUDs) strategy whereas the ground conditions on this site have very little percolation which is why the drainage system considered acceptable by the LLFA is an attenuated system with the discharge of surface water into the adopted SWW drainage system. A grasscrete installation with the previously accepted drainage arrangement would likely lead to frequent saturation of the grasscrete, soil displacement and pooling of surface water because of the land gradient. Moreover,

officers have considered that the uneven surface of the grasscrete would be unsuitable in terms of the disabled bay and mobility access across the parking area.

45 The disabled bay has been located to the north-east of the site as the gradient here is gentler than those which are closer to the dwelling. Whilst the walking distance from this bay to the M4(2) compliant dwelling is approximately 20 metres, this distance falls well within the 'recommended walking distances without a rest', as described in Figure 3.4 of the Inclusive Mobility Guide (Department for Transport, 2021). Moreover, having taken account of national guidelines, the LHA consider the placement of this bay to be acceptable and as such officers would not consider it expedient to refuse the application on this ground alone.

46 Overall, the case officer considers that there would be no conflict with policy DEV29 of the Joint Local Plan for the reasons outlined above.

Contaminated Land

47 A Preliminary Investigation Report (PIR) was submitted with the application and has been reviewed by the Public Protection Service (PPS). PPS are satisfied with the conclusions of the PIR and recommend a condition that in the event of any unexpected contaminated discovered during development, that work is stopped, and an investigation carried out. Subject to compliance with the recommended condition, the case officer considers that the proposals would be acceptable and in accordance with Policies DEVI and DEV2 of the Joint Local Plan.

Refuse Disposal

48 As set out in the Design and Access Statement, each plot is provided with bin storage provision (see site plan) with paved access to a roadside collection point. These details are considered acceptable by Waste Management (Street Services) and would not conflict with Policies DEVI, DEV2, DEV20 and DEV31 of the Joint Local Plan.

Natural Infrastructure Considerations

49 The Council's Natural Infrastructure (NI) officers have been consulted on this application (see below).

Trees

50 The proposed layout would involve the removal of 5no. trees (3no. Ash and 2no. Oaks) on the west boundary. The submitted Arboricultural Impact Assessment (AIA) highlights several points of encroachment into the Root Protection Area (RPA) relating to these 5no. trees. Furthermore, 5no. trees (4no. Oaks and 1no. Hawthorn) adjacent to the 'Community Garden' would be retained within the site.

51 Policy DEV28 states that: 'Development should be designed to avoid the loss or deterioration of woodlands, trees or hedgerows. If the loss of trees, woodlands or hedgerows, cannot be avoided, new native and locally appropriate trees and hedgerows will be secured as mitigation to ensure they contribute to a 'net gain'. Mitigation should be delivered on site, but if this is not achievable, offsite compensation will be required to provide a net gain in canopy cover in line with local standards.'

52 At the request of the planning committee an independent, qualified arborist was consulted to assess whether any of the trees proposed for removal could be retained within the scheme. In summary, the arborist is of the opinion that the trees are unlikely to survive with the current layout due to Root Protection Area (RPA) incursions. Concerns related to shading, maintenance and the presence of ash die back have also been highlighted.

53 The report sets out that the RPA is the specified minimum rooting volume that the tree needs to survive. The most important roots are the smaller diameter fibrous roots which are

responsible for the uptake of water and nutrients (food) which form a large portion of the RPA within the site. Trees like T1 have large portions of their RPA impacted by proposed construction (estimated at 45%), making their survival challenging despite protective measures techniques or other mitigations. This issue is further compounded by restrictions to root growth on the western side of the site, which has extensive hard surfacing. Consequently, the trees will favour the grassed open space, where they can access a more suitable rooting environment with ample nutrients, oxygen, and water. The long-term viability of these trees in relation to what is proposed is therefore limited due to the physical incursions.

54 The report also highlights that ash trees T1, T5, and T6 are showing symptoms of ash dieback, in the form of a fungal disease that severely reduces vitality and life expectancy. The survival rate of ash trees infected with ash dieback is generally low, with mortality rates varying significantly depending on environmental factors and the tree's individual health. Infected ash trees in plantations have a mortality rate as high as 85%, while in more natural woodland environment, mortality rates are estimated to be around 70%. Younger trees can die within a few years, while mature trees may survive up to 10-15 years, depending on stage of infection and environmental stressors.

55 In the opinion of the arborist, the infection in T1 is well established therefore limiting long term viability of the site overall (5 years).

56 The arborist notes that T5 and T6 are not showing as high a level of infection and would suggest a gradual decline over the next 10-15 years. An inspection of T6 also confirmed the presence of a bark wound at the base and a large portion of sapwood is exposed at a structurally load bearing point. In structural terms this will degrade over time leading to remedial works to mitigate against large primary branch failure.

57 In terms of retaining any of the trees proposed for removal, the arborist considers this will not be feasible, especially for ash susceptible to disease (T1) or where the proposed development will significantly impact on the RPA.

58 Shading is a key consideration in the case of T4 (Oak), T5 (Ash) and T6 (Ash) which would have significant canopy overhang into areas such as gardens. Large mature trees can create substantial shade, which would affect the usability and desirability of the proposed gardens and dwellings. The arborist adds that this would likely lead to future requests from occupants to reduce the canopy and/or remove trees. In this context, trees like T4, which are dominant, would create shading concerns for residents (especially in the afternoons and evenings), reducing direct and natural light to gardens and habitable rooms (please also note paragraph 33 of this report). Moreover, the proximity of trees to new dwellings can lead to concerns from residents regarding safety, particularly in strong winds. Issues such as falling branches or the potential for whole-tree failure, could lead to ongoing requests for removal or reduction of these trees. Furthermore, the presence of deciduous trees like ash and oak will inevitably lead to seasonal leaf fall, which can cause maintenance concerns. Leaves can block gutters, create slippery surfaces and add to property maintenance. Given these factors, retaining any of the trees currently proposed for removal will be challenging in the opinion of the arborist.

59 The Council's NI officers maintain an objection to the proposed removals due to the high amenity value of the trees on the western boundary and would seek for these to be retained, particularly the Category A Oak tree. Whilst NI officers appreciate that Ash are susceptible to ash dieback disease, they did not agree that their potential to be infected is a reason for them to be removed. NI officers would instead argue that uninfected trees should be retained wherever possible to preserve the number of ash trees in the city.

60 The case officer acknowledges that whilst the removal of the 5no. trees along the western boundary is regrettable, a solution to their safeguarding during and post construction unfortunately could not be found when considering the pre-application layout options (for 5 dwellings) due to the constrained geometry within the site. Specifically, no presented layout option avoided the root zones of the western boundary trees in totality.

61 Coupling the layout constraints with the non-protected status of the 5no. trees at the time of the submission, officers therefore considered that the proposed replanting strategy which demonstrates full compliance with the Joint Local Plan SPD was therefore the favoured option. The replanting strategy would comprise of 29 trees (as detailed in Table 4 of the Arboricultural Impact Assessment), therefore addressing the second part of policy DEV28. 12 trees would be planted on-site and 17 would be planted off-site at locations approved by Plymouth City Council. The full specification of the soft landscaping works would be secured through a pre commencement soft and hard landscaping condition.

62 On this basis given the very specific constraints of the site geometry, the essential need for housing and the additional benefit of delivering a 100% affordable housing scheme, the case officer is of the opinion that on balance these collective factors therefore clearly outweigh the loss of these trees. Accordingly, there is no conflict with DEV28 in light of the benefits of the scheme and as mitigation has been secured in full compliance with the Joint Local Plan SPD.

Ecology and Landscape

63 An Ecological Impact Assessment (EclA) has been completed by an appropriately qualified and experienced ecologist. The report concludes that assuming that works are timed appropriately and recommended mitigation is completed, the development is unlikely to have a significant adverse effect on ecological receptors. Compensation for loss of roosting and foraging habitat is proposed in the form of 5 bat boxes to be installed on adjacent trees and 5 boxes on new dwellings post construction, and planting of replacement trees with enhancement measures proposed through wildflower underplanting of the traditional orchard. The Council's NI officers are of the opinion that the EclA is acceptable, and the conclusions drawn are supported by the survey findings. There are no further objections by NI officers on ecological grounds. The measures set out in the EclA are secured through a compliance condition and a pre commencement Construction Environment Management Plan (CEMP) and pre-damp proof course Landscape Ecology Management Plan (LEMP) conditions. Subject to the submission of the above details, officers would not consider there to be any conflict with Policies DEV26 and DEV28 of the Joint Local Plan.

Greenspace

64 Policy DEV27 is an in-principle consideration and is discussed in paragraph 8 earlier in the report and weighed up in the Conclusion and Reasons for Decision section at the end of this report. Officers have carefully considered the implications of DEV27 in conjunction with other policy areas of compliance that the scheme demonstrates.

65 DEV27 states that 'Existing open spaces, which also includes designated City Green Spaces and Neighbourhood Green Spaces, should not be built on unless it is demonstrated that the "open space is surplus to requirements; or the loss will be replaced by equivalent or better provision in a suitable location; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss". 'Policy DEV27 relates to sites with a specific designation and also to undesignated green spaces within the Plan Area'. DEV27 is broadly compliant with NPPF (2024), in particular paragraphs 103-104. Paragraph 103 requires the relevant green space assessment to "clearly" show that the open space is surplus to requirements.

66 The Council's NI officers consider that the un-designated status of the Wilmot Gardens open space should not be taken as an indication that it is not important. As explained in the Plymouth

Policy Area Open Space Assessment (PPAOSA), sites were primarily drawn from previous assessments (Greenspace Assessment (2000 and 2008 update) and Greenspace Strategy), and while others have been added, it is still possible that some eligible spaces were missed, hence the provision to consider such sites under policy DEV27. The methodology section of the PPAOSA (3.11) states that the minimum threshold for audit was 0.2ha (although some smaller spaces were included “due to their typology”). It should be noted that this site is smaller than this threshold at 0.1365ha, so may have been omitted from the study on that basis.

Test: Alternative sports and recreation provision.

67 In considering this first test the proposal is not for alternative sports or recreation provision and therefore the proposal must demonstrate that the green space is either surplus to requirements, or that better or equal provision is provided in a suitable location. If this is not the case, the proposed development will not comply with DEV27 and the Council must consider in the usual way the nature and extent of that breach, together with any others, means the development plan as a whole is not complied with, and if so, whether the benefits of the development outweigh that non-compliance.

Test: Better or equal provision.

68 In considering the second test, the proposal does retain a relatively small area of the site as a community garden. This retention does go some way to retain access to local open space for residents who, for mobility or other reasons, might find it difficult to access alternative spaces further away. However, the proposed space is small with limited facilities and therefore cannot be said to provide “better or equal provision”. The relevant test must therefore be whether the remainder of the space (to be developed) is clearly shown to be surplus to requirements.

Test: Surplus to requirements.

69 In considering the third test, the Joint Local Plan SPD provides guidance on applying the tests of DEV 27.2. The title of this section is “DEV27.2 – Open spaces, including designated City Green Space and Neighbourhood Green Space”. A further subtitle “City and Neighbourhood Green Space” may imply that the guidance immediately following (7.119-7.121, and by association the tests at 7.122-7.135) may only apply to these designated spaces, and not to undesignated spaces such as the subject site.

70 However, this is not explicitly stated and it is clear that Policy DEV27 applies to all open space. Indeed, the policy’s supporting text states that “Policy DEV27 relates both to sites with a specific designation and also to undesignated green spaces within the Plan Area”. This would suggest that a similar approach should be taken to all green spaces where possible, and in the absence of separate guidance for undesignated spaces, it is reasonable to use the guidance within the SPD to assess the loss of undesignated spaces.

71 However, this presents a challenge because undesignated green spaces are not mapped in the local plan; their contribution to deficiency has not been calculated; and they do not have existing Open Space Assessments (OSA). The LPA must therefore apply a bespoke approach.

72 Paragraph 7.122.a. of the SPD, and DEV27(2) itself, requires that account is taken of the value of the green space (type and size). The space has not been designated, nor characterised (given a type or label). The land is predominantly covered by a sloping, mown grassed area. The topography would prevent more formal activities (such as ball games), but the size and regular shape would allow informal gatherings, picnics, dog walking etc. Therefore, for the purposes of this assessment, and following the classifications provided in table 6.1 of the PPAOSA, NI officers would categorise this space as “Amenity Green Space”, which provides “Opportunities for informal activities close to home or work”. In line with the further subcategories in the OSA (paragraph 1.11) and SPD, this is further characterised as “small” (under 2 ha).

73 NI officers further assume the meaning of “value” aligns with the PPAOSA, where “value” has a specific meaning relating to the criteria in the OSA audit forms. There is no further guidance on how “value” should be taken account of in deciding if the site is surplus to requirements (the purpose of the score in the PPAOSA appears to be an aspirational “ideal score scenario” for an open space of good quality -see 1.16-1.17). It plays no clear part in the development of policy DEV27. For the purposes of this assessment, NI officers therefore assume that less valuable spaces are more likely to be surplus to requirements in areas where other provision exists. However, in areas where there is an overall deficiency of spaces, this would not be the case.

74 The Natural Infrastructure Team conducted an OSA for the site, which confirms that both the “Value” and “quality” scores are low. Figure 8.4 of the PPAOSA shows that while there are equivalent or higher value Amenity Green Spaces in the area, convoluted street layouts and restricted access points mean that removal of this space would likely decrease access to equivalent value spaces for a number of properties in the immediate vicinity of the space (circa 111 properties within a 150m radius of the space). This is mitigated slightly by the presence of a number of smaller grassed areas, but these are unlikely to offer the same level of amenity.

75 Note: An OSA was requested by planning committee and is not a requirement of policy, nor the SPD. As above, this did aid in establishing a quantifiable value and quality score for the greenspace. The OSA process includes value and quality consideration of community involvement. “Value” for community involvement is based on the presence of Friends groups, a programme of activities and certified quality awards (e.g. Green Flag, Green Heritage or Green Pennant Awards). None exist. “Quality” for community involvement is based on the presence of permanent or temporary public notice boards with up-to-date content. No notice boards are present. On both assessments the score for community involvement score was therefore 0. However, 49 letters of representation to the planning application do provide some indication of a level of use of the space by the local community and the value that they place on it.

76 The space is therefore assessed, on balance, to have a moderate impact on access to green space of an equivalent value and therefore limited weight is given to the loss in this respect.

77 Paragraph 7.122.b of the SPD requires account is taken of “The potential to increase the value or quality of the open space to fulfil more functions, fulfil its function better, or mitigate any deficiencies. The applicable OSA and any ‘made’ Neighbourhood Plans will also be taken into account.” There is no neighbourhood plan and the OSA validated by the NI team demonstrates low existing value. While there are doubtless opportunities for improvement, especially when considering the shape and size of this space, the Local Planning Authority are not aware of any plans or funding currently committed to improve the space. However, the SPD is clear in 7.123 that “The existing low quality nature of a green space will not form a consideration in whether the site is surplus to requirements”.

78 Regarding “deficiencies” in open space having regard to the Plymouth Policy Area Open Space Assessment (PPAOSA):

* Firstly, the city as a whole has a deficiency of Amenity Green Space (1.13ha/100 population against a target of 1.44ha). While the loss of this space would not change this assessment (because the space was not included in the original numbers) retention and designation in the future could improve this overall score.

* Secondly, the local area does not have a deficiency (1.76ha/100 people). So, the loss will not contribute to local deficiencies.

79 Therefore, under this sub test, the space could be judged to mitigate the city-wide deficiency. However, given that the function of “amenity green space” is to provide informal activity space close to home or work, NI officers would consider the second bullet point test a more important measure of local deficiency (especially as the sub area boundaries are fairly arbitrary when considering access across them is often unimpeded).

80 Sub test 7.122.c requires that the LPA takes account of the site’s accessibility and potential neighbourhood catchment as identified within the JLP (as set out in figure 3.2) and the relevant OSA.

81 In terms of the standards set out in figure 3.2 of the JLP, this space meets the definition of local playable space set out in the Plymouth Play Assessment (PPA) (JLP evidence base), which defers to Play England’s “Design for Play” document, where a playable space is defined as “A place where children can play that is not specifically designated for play, and which does not have play as its principal or only function”.

82 From the buffer analysis in the Plymouth Play Assessment, the loss of this space (though not mapped) would result in a small number of properties currently within 400m of a playable space no longer being so.

83 Regarding the relevant OSA, Figure 8.4 of the PPAOSA shows that the area is generally well covered by access to amenity green spaces, but that this space might currently be filling a small gap in access (as it is undesignated, this is not mapped, but the space clearly sits close to an area not within the buffer of another space).

84 The loss of this space would therefore reduce access to playable areas and amenity green spaces for some residents. The retained space would not be considered to provide suitable alternatives.

85 NI officers identified a number of smaller undesignated grassed areas in the vicinity. These areas offer some limited opportunities for activities such as dog walking, sitting, and exercise etc. However, their irregular shape and smaller size would pose significant limitations, and they do not offer the same level of amenity as the space being lost.

86 The final set of tests to be taken into account, are set out in paragraph 7.122d of the JLP SPD. They relate to the amount of green space in the area and provide that if the loss, or part loss of the site, will result in the below then the site shall not be surplus to requirement:

- A) The local area not meeting its quantity or accessibility standard as set out in the JLP Figure 3.2;
- B) Increasing an already existing deficiency; and/or,
- C) Reducing opportunities for the area to address its existing deficiencies.

87 ‘A’ There is no impact on the quantity standards due to the site not being designated. However, loss of the site would prevent the city-wide standard being improved. Given the local use of these spaces, more local assessment is considered to be more important. While the sub area is not deficient in amenity green spaces, the loss of the space would decrease access (within 400m walk) for a number for properties.

88 ‘B’ An existing deficiency will not be increased (as the space is not included in the current calculations).

89 ‘C’ The space could be used to address other deficiencies, but there are no known plans, nor funding identified to do this.

90 In summary, the space is therefore determined not to be surplus to requirements. It is a moderately sized space that could be improved and currently serves properties that are not sufficiently served by other spaces of the same nature and function. The loss of the space should therefore be resisted unless there are sufficient public benefits or material planning reasons which are afforded significant weight. For the reasons set out above, it is concluded that the proposed development conflicts with policy DEV27 of the Joint Local Plan.

91 NI officers along with the case officer acknowledge that the loss of the space must be viewed in the context of the critical shortage of housing sites within the city. In order to aid the application of the planning balance, NI officers would therefore emphasise that loss in accessibility will be limited to a small number of properties and that other, larger, alternative open spaces are located in close proximity to the site: There is designated greenspace to the south (113m straight line to nearest point) and to the north (185m straight line to the nearest point). It should also be noted that these are quite different in function to the informal recreational function that the Wilmot Gardens site provides. The greenspace to the south is formal sports facility and the greenspace to the north is woodland.

92 It is also noted that the disposal of the site followed a formal Loss of Public Open Space process in accordance with Section 123(2A) of the Local Government Act 1972 in 2019/20, which included public notification in the local press and consideration of public objections (one was submitted). The disposal of the public open space land at Wilmot Gardens for the purposes of supporting housing development was confirmed by Council Executive Decision Ref F101 20/21 dated 18.11.2020.

Biodiversity Net Gain

93 This application was received prior to the mandatory requirement for a 10% net gain in biodiversity. Therefore, the development must be assessed against DEV26, which requires developments to demonstrate “enhancements for wildlife” for non-major applications such as this.

94 However, the applicant submitted a Small Sites Metric (SSM), which showed a loss in habitat units. Originally this did include some errors which have since been corrected and verified by the NI officers to establish an on-site reduction of 47.38% (equating to 1.7801 biodiversity units). The applicant has accepted these corrections and resubmitted a metric showing the corrected results.

95 The SSM includes several assumptions and weightings in order to ensure net gain in every scenario. However, this can provide a pessimistic view. In discussion with the Council’s ecological consultants, NI officers have confirmed that the metric:

* Prioritises the immediate impacts of development and does not value future biodiversity at a full equivalent value. This is achieved through applying a “temporal and risk multiplier” to account for time taken for habitats to establish. This is explained on page 22 of the SMS guidance: (https://assets.publishing.service.gov.uk/media/669e46e0ab418ab055592a25/The_Small_Sites_Metric_-_Statutory_Biodiversity_Metric_-_User_Guide__23.07.2024_.pdf). For illustration, the removal of 5 small trees, must be replaced with 15 equivalent trees in order to achieve no net loss of biodiversity in the metric.

* Does not account for the likelihood that the 3no. Ash trees onsite (recorded as a loss) will likely be lost to ash dieback in the next 10-15 years.

* The way that proxy is applied to the score of the grassland over-values the biodiversity value of the habitat on this site.

96 Despite the metric showing a loss, the SPD only encourages its use, and then only “where suitable”. For the reasons stated above, it is not considered a suitable method of determining

compliance with DEV26 in this case. It is the opinion of NI officers and the opinion of the independent ecologist that, in the longer term and due to the number of trees that the applicant is planting (29 planted verses 5 lost); the fact that some trees on site are likely to be lost to ash dieback in the relative near future regardless of the development; and the installation of bat and bird boxes, the development does show enhancements for wildlife and is therefore compliant with DEV26.

97 A number of concerns relating to biodiversity were raised through a Pre-Action Protocol (PAP) Letter, received on 12th November 2024 (ref: HAR00001). The letter appears to proceed on the basis that the SSM is considered a suitable method to determine compliance with DEV 27 in this case. But, as set out above, the Council does not agree. The SPD clearly states that use of the SSM ahead of national requirement will only be required “where suitable”. The letter repeatedly makes reference to the results, workings, rules and assumptions of the SSM, when is these attributes that have led to the SSM not being considered suitable.

98 Some more specific concerns are summarised below, with the Council’s response immediately following:

* PAP para 32, (i): The council’s assertion that the SSM considered the immediate impact of the development is incorrect.

99 The reduction in value of future habitat is acknowledged in the official SSM guidance and can be easily demonstrated by examining the temporal and risk modifier within the SSM (see para 95 for link).

* PAP para 32, (ii): The council wrongly minimised the baseline three ash trees on site on the basis that they were likely to be lost to ash dieback in the next 10-15 years. They form part of the baseline calculation in the SSM.

100 They do form part of the baseline calculation in the SSM and this has contributed to the Council’s position is that use of the SSM is not appropriate in this case. It is entirely logical to take account of the likely future survival of the existing trees. The SSM may not allow this, but professional assessment (and DEV27) does.

* PAP para 32, (iii): The council’s statement that the BNG value of the grassland is overvalued in the SSM is incorrect. The baseline grassland is identified as ‘Modified grassland’ that holds the lowest distinctiveness score available.

101 It is this blanket approach that contributes to the SSM not being suitable in this case. An independent ecologist has reviewed the grassland on this site and established that its biodiversity value is less in the long term than the package of measures proposed by the applicant.

* PAP para 32, (iv): The officer in his report has conflated the two separate issues of biodiversity net gain (measured by reference to the provision of habitat for multiple species to inhabit) and enhancements for wildlife (ecological provision for individual species). These are two separate requirements. Ecological enhancements form no part of BNG assessments.

102 This is not the case. Clearly an increase in actual biodiversity in the professional assessment of an ecologist (as opposed to the proxies, risk modifiers, trading rules etc. applied in the metric) also results in enhancements for wildlife. This is the requirement of DEV 27 and the key local plan measure applicable to this case. In discussion with the council’s consultant ecologists, the council believe that enhancements for wildlife are achieved.

* PAP para 32, (v): While the officer identified that the replacement habitat was of a different type, he failed to calculate and/or identify the effect of 'breach of trading rules' set out in the headline results' tab.

103 The Council has explicitly acknowledged that the proposals do not satisfy the rules within the SSM. However, as the Council is not using the SSM to determine compliance with DEV 27 in this case, the trading rules are not applicable. The Council is satisfied that an overall increase in biodiversity is achieved, even if through the provision of a different broad habitat type. In any case, 5 trees are being replaced with 29 overall, so there will be no loss of medium distinctiveness habitat in the longer term.

Climate Emergency

104 A Climate Emergency Compliance Form (CECF) was submitted with the application along with an Energy Statement. The Council's Low Carbon Team have reviewed the submitted details and consider them to be acceptable. The proposals for this project are specified to achieve the 20% carbon savings above Part L to meet planning policy and requirements, through the installation of air source heat pumps (ASHPs) and increased thermal values for the project. In addition, there is the proposed inclusion of electric vehicle (EV) charging points. The application therefore would not conflict with Policy DEV32 of the Joint Local Plan.

Other Matters

105 Condition 19 sets out the removal of specific permitted development rights for the open areas within the site post completion of development. This is to ensure the retention of the remaining open spaces which are fundamental to the recommended approval of this application. Specifically Condition 19 has addressed the following:

- Removal of right to enclose land by way of fences under Class A of Part 2 of the GPDO, for the reason it can preclude public access where Plymouth City Council doesn't have another control mechanism in place (such as ownership rights or covenants, or highways HMPE control);
- Removal of temporary uses of land right under Class B of Part 4, for the reason that the land is not curtilage of a residential building
- Removal of temporary use of land as a temporary recreational campsite under Class BC of Part 4, for the same reason as Class B of Part 4.
- Removal of the Use of the land for a caravan for 2 nights a time, for up to 28 nights in a rolling 12 month period, under Class A of Part 5 (to be read in conjunction with schedule 2 of Caravan Sites and Control of Development Act 1960).

106 Officers have considered whether there should be a further consultation before the application is decided. There is no legal obligation to have a further consultation. The decision of the High Court is to quash the decision, not any part of the process which led to the quashing. The basis of the Council's acceptance that the decision should be quashed was that it did not provide a sufficient mechanism to secure the provision of affordable housing. That flaw has been addressed and corrected in the recommendation contained in this report.

107 Nevertheless the Council can still choose whether to consult again as it has power to do so. Officers consider that the power need not be exercised in this case. The Council has ample information to decide the application. Consultees have had one opportunity to provide their comments. The consultation on the application was a regular one which complied with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015. Officers have considered amongst other things the contents of the email from Goodenough Ring Solicitors. Officers do not consider that the matters mentioned in that email are sufficient to require re-consultation. The existing consultation allowed individuals to provide comment on issues relating to biodiversity and housing need. From time to time there may be

occasions where policy developments occur after consultation and before decision. In this case Officers do not consider that the changes identified require a further round of consultation. In reaching this conclusion, regard has been had to Paragraph 026 (Reference ID: 15-026-20190722) of Planning Practice Guidance: Consultation and pre-decision matters.

9. Human Rights

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

10. Local Finance Considerations

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

The proposed scheme will receive a direct financial contribution from the Plan for Homes programme with Plymouth City Council receiving a land receipt for the site from the developer on completion of the land sale contract. The Service Director has considered that this is a probity issue and is therefore in the public interest to be determined by the Planning Committee.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not sought in this case due to the nature and size of proposal.

12. Equalities and Diversities

As set out in paragraph 17, DEV9 requires 20% of dwellings on schemes of 5 or more to meet national accessibility and adaptability standard M4(2). The proposed development would provide one unit (flat one) with the M4(2) standard with provision of the vehicle drop off point immediately outside the property. The Local Planning Authority has also had due regard to the loss of local open space for residents with mobility issues and has secured retention of on-site provision.

This planning application therefore 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

In reaching a conclusion from the above analysis, the presumption in favour of sustainable development set out in paragraph 11 d applies, and therefore planning permission should be granted unless the specific circumstances set out in sub-points (i) or (ii) in paragraph 11 d are satisfied.

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 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.

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 and not relevant to this application.

It is therefore for us to consider exception (ii) which 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.

The report above identifies areas where the proposal does not comply with the Joint Local Plan. The areas of policy non-compliance are summarised below:

- Non-compliance with DEV27 (paragraph 2)

Officers acknowledge that the development would not comply with Paragraph 2 of Policy DEV27 as there will be a significant loss to the existing open space. Officers have had to consider the status of the site as non-designated greenspace, as well as the site being earmarked for residential development since December 2019 under the Plan For Homes scheme (whereby any number of units permitted on the land would result in the same unavoidable conflict with DEV27). Moreover, the scheme is exclusively for much needed affordable housing with 1 no. M4(2) compliant accessible and adaptable unit. Considering the changes to national guidance since this application was last brought to committee, the weight afforded to 5 affordable houses is even greater now. As set out above it is afforded significant weight for present purposes. Improvements will be made to the remaining green spaces within the site through the inclusion of improved open green space along the eastern boundary as well as a 'Community Garden' to the south, which provides some mitigation to the loss of greenspace.

Overall, it is considered that the public benefits that the scheme affords, in particular the significant weight afforded to providing affordable housing, outweigh the one area of non-compliance in respect of DEV27. Further, as it is necessary to apply the 'tilted balance', Officers consider that the adverse impacts of permitting the application would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 25.03.2024 it is recommended to Grant Conditionally.

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Preliminary Levels Strategy C21003 - SKC - 001 Rev E received 22/03/24

Drainage Maintenance Plan C21003_C011 Rev C received 22/03/24

Exceedance Runoff Plan C21003_C012 Rev B received 22/03/24

Arboricultural Impact Assessment Plan EV-4615-AIA (Plan) Rev A received 01/05/24

Proposed Drainage Plan C21003_C010 Rev D received 18/06/24

Site Plan Indicating Landscaping P1023-02 Rev F received 18/06/24

Proposed Dwelling Elevations (Plots 1, 2, 3, 4 and 5) P1023-04 Rev C received 16/08/24

Proposed Floor Plans P1023-03 Rev C received 16/08/24

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: AFFORDABLE HOUSING

PRE-COMMENCEMENT

No development shall take place until a scheme for affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework 2024 or any future guidance that replaces it. The scheme shall include:

- 1) The arrangements for the transfer of affordable housing to an affordable housing provider
- 2) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- 3) The occupancy criteria to be used for determining the identify of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in perpetuity in accordance with the approved scheme.

Reason:

To ensure that the development provides much needed affordable units in compliance with Policy DEV7 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and Section 5 of the National Planning Policy Framework.

Justification:

The delivery of 5 affordable housing units would make an important contribution to the City's urgent need for affordable housing.

4 CONDITION: CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN

PRE-COMMENCEMENT

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. It shall include the following:

- i. Risk assessment of potentially damaging construction activities.

- ii. Identification of 'biodiversity protection zones'.
- iii. Practical measures (both physical measures and sensitive working practices) to avoid or minimise impacts on biodiversity during construction (may be provided as a set of method statements).
- iv. The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers, warning signs and non-native invasive species protocol.
- v. The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken (including mitigation, compensation and enhancement purposes).
- vi. Responsible persons and lines of communication, including the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person.
- vii. Ongoing monitoring, including compliance checks by competent name person(s) during construction and immediately post-construction.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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 and DEV26 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

Justification: The submission of a CEMP is required as the site contains a variety of ecological features.

5 CONDITION: LANDSCAPE DETAILS

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 (to include specific reference to the 29 replacement trees as set out in table 4 of the Arboricultural Impact Assessment or alternative suitable sites) shall include:

- i. Soft landscape details:
 - a. Full soft landscape specification; plant species and size (to HTA standards), soil details, 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).
 - d. All new trees will require a minimum of 15m³ root zone that is free from compaction and filled with soil conforming to BS3882 (2015). The root zone should be calculated based on 900mm depth of soil only. The applicant will need to specify sufficient underground crating to provide a 15m³ root zone where compaction from vehicles may occur.
- ii. Hard Landscape Details: to provide:
 - a. Drawings identifying the arrangement of proposed hard landscape elements including (but not limited to) paving materials, street furniture and boundary treatment materials (min 1:200 scale).
 - b. Plans should include a specification of the hard landscape materials (e.g. paving materials), street furniture and any boundary treatments.
 - c. Boundary treatment details (1:20 scale or as appropriate) e.g. mesh surrounding car park.

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 JLP policies DEV20, DEV23, DEV26 and DEV28 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

Justification:

Landscaping details are required to ensure that development scheme meets the landscaping standards as outlined in the Joint Local Plan, to ensure the landscaping can be properly incorporated within the development proposals.

6 CONDITION: LANDSCAPE AND ENVIRONMENTAL MANAGEMENT PLAN

PRE-DAMP PROOF COURSE

A Landscape and Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to development above damp proof course. The approved LEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. The content of the LEMP shall include the following:

- i. Description and evaluation of features to be managed, including extent of proposed works shown on appropriate scale maps and plans.
- ii. Ecological trends and constraints on site that might influence management.
- iii. Aims and objectives of management for both the landscape elements and the biodiversity features.
- iv. Set out maintenance operations for the first year following implementation of the scheme and for the ongoing maintenance and management.
- v. Preparation of a work schedule, demonstrating that works are aligned with the proposed phasing of construction.
- vi. Body or organisation responsible for implementation of the plan.
- vii. Monitoring and remedial measures, which should liaise with long-term maintenance initiatives.

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

7 CONDITION: ACCESSIBLE HOUSING

PRE-OCCUPATION

A minimum of 1 no. of the dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations); in accordance with the Accessible Housing Statement that is contained in the Design and Access Statement.

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

8 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for a minimum of 10 bicycles to be securely parked (1 per bedspace). 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.

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.

9 CONDITION: LOW CARBON MITIGATION

PRE-OCCUPATION

The dwellings hereby approved shall not be occupied until the Air Source Heat Pumps (ASHP) and Electric Vehicle Charging Points (EVCP) as shown on the approved plans, have been installed (as per drawing: P1023 - 02 REV F). The ASHPs and EVCPs 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 and Sustainability Assessment Report (submitted 22nd March, 2024).

Reason:

In order to promote on-site renewable energy systems and ensure a reduction in carbon emissions in line with policy 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 and 14 of the National Planning Policy Framework.

10 **CONDITION: ARBORICULTURAL IMPACT PLAN**

COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the approved Arboricultural Impact Assessment (received 22nd March, 2024) and Arboricultural Impact Assessment Plan (ref: EV-4615-AIA (PLAN) REV A) (received 1st May, 2024).

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.

11 **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.

12 **CONDITION: ECOLOGICAL IMPACT ASSESSMENT**

COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the approved Ecological Impact Assessment (received 18th June, 2024).

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.

13 CONDITION: DRAINAGE

COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Proposed Drainage Plan (ref: C21003-C010 REV D) (received 18th June, 2024).

Reason:

To safeguard occupant amenity 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.

14 CONDITION: CONSTRUCTION TRAFFIC AND ENVIRONMENT MANAGEMENT PLAN

COMPLIANCE

The development hereby approved shall be carried out in strict accordance with the submitted Construction Traffic and Environment Management Plan (CTMP) (received 22nd July, 2024).

Reason:

To ensure that the traffic and general construction impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the local road network as well as ecological / watercourse features within and around the site in accordance with Policies DEV1, DEV2, DEV29 and DEV35 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Sections 9 and 14 of the National Planning Policy Framework.

15 CONDITION: HIGHWAY DILAPIDATION SURVEY

COMPLIANCE

The approved scheme shall be carried out in accordance with the submitted Highway Dilapidation Survey Report (received 18th June, 2024).

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

16 CONDITION: CAR PARKING PROVISION

COMPLIANCE

Each parking space shown on the approved plans (ref: P1023 - 02 REV F) shall be constructed, drained, surfaced and shall not be used for any purpose other than the parking of vehicles and for vehicles 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.

17 CONDITION: PRESERVATION OF SIGHT LINES

COMPLIANCE

In accordance with the approved Site Plan drawing (ref: P1023 - 02 REV F), 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 to the site access/egress 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.

18 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 DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 15 of the National Planning Policy Framework.

19 CONDITION: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS

COMPLIANCE

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), the permitted uses and development types set out in Class A of Part 2, Classes B and BC of Part 4 and Class A of Part 5 shall not be carried out without the written consent of the Local Planning Authority.

Reason:

The Local Planning Authority considers that, the use of the open spaces within the site boundary for the purpose specified is appropriate, but that a proposal to use or develop these public open spaces within the site boundary for any other purpose would need to be made the subject of a separate

application to be considered on its merits in accordance with policies DEV1 and DEV20 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Section 4 of the National Planning Policy Framework.

INFORMATIVES

1 INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

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

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

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

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

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

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

2 INFORMATIVE: CONDITIONAL APPROVAL (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 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: COMMERCIAL VEHICLE CROSSING

The applicant should contact the Highway Authority to facilitate the works in the highway by way of a licence and fees in accordance with this authority's procedure for the construction of a Commercial Vehicle Crossing.

5 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.

6 INFORMATIVE: WILDLIFE PROTECTION

The proposed works would involve the removal of trees in order to facilitate the development which may provide 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 are present in the treeline, 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.

7 INFORMATIVE: YELLOW FISH GUIDANCE MANUAL

To protect against contamination of the water environment, 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.
<http://oilcare.org.uk/wp-content/uploads/2018/11/Guidance-Manual-for-Yellow-Fish-ENGLISH.pdf>

8 INFORMATIVE: BIODIVERSITY NET GAIN EXEMPTION

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: SUPPORTING DOCUMENTS

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

- Accessible and Adaptable Dwellings Statement
- Arboricultural Impact Assessment
- BNG Headline Results Table
- Energy and Sustainability Assessment Report
- Preliminary Ecological Appraisal REV 01
- Residential Accommodation Statement
- Phase 2 - Ground Investigation Report
- Construction Traffic and Environmental Management Plan
- Design Calculations
- Ecological Impact Assessment Report
- Environmental Considerations
- Highway Dilapidation Survey Report
- Small Sites Metric