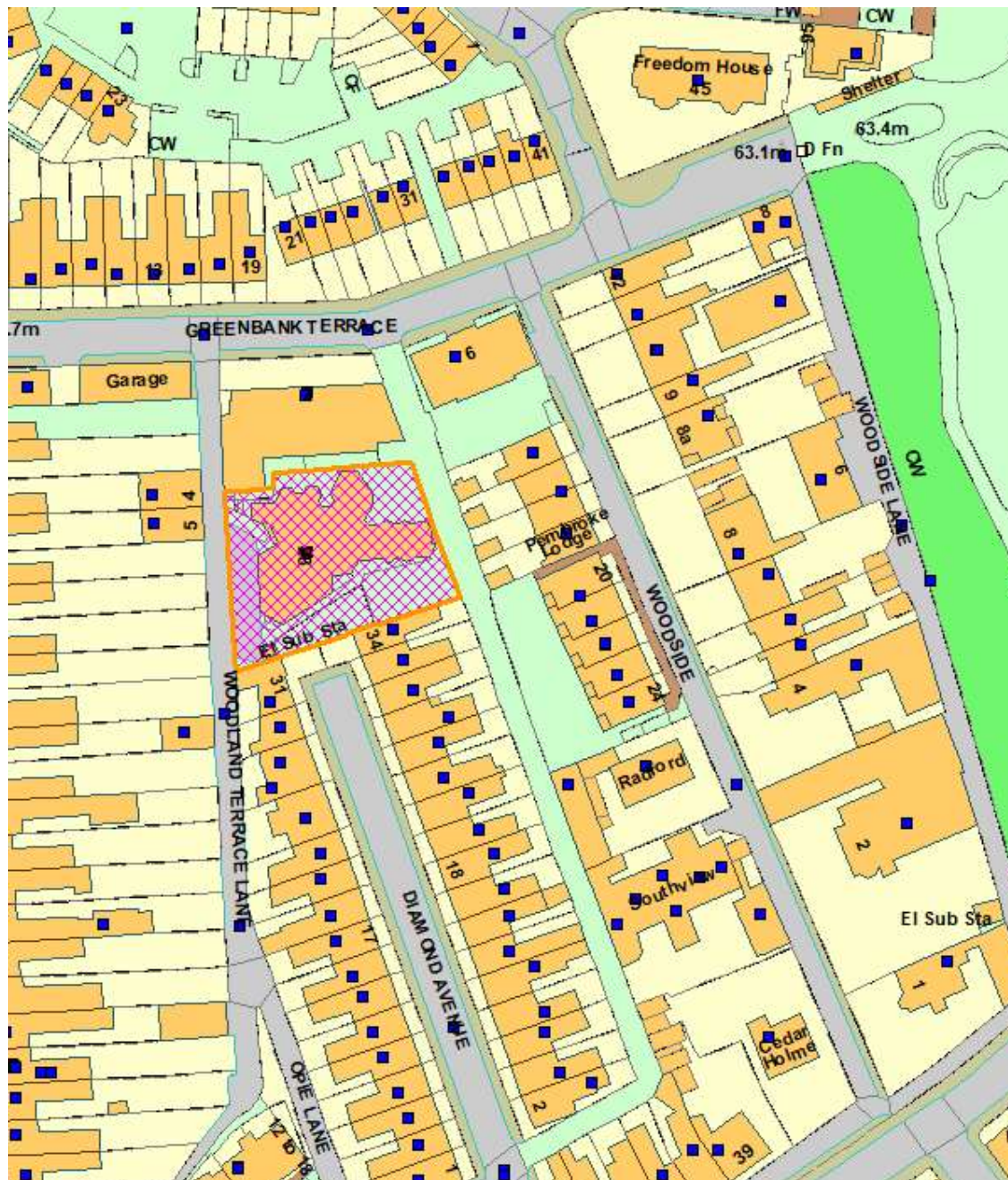


PLANNING APPLICATION OFFICERS REPORT



Application Number	25/00371/FUL	Item	02
Date Valid	07.04.2025	Ward	DRAKE
Site Address	28 Woodland Terrace Lane Plymouth PL4 8QL		
Proposal	Demolition of existing language school, erection of 6no dwellings (Class C3) and associated works		
Applicant	Mr Essy Kamaie		
Application Type	Full Application		
Target Date	02.06.2025	Committee Date	18.12.2025
Extended Target Date	30.11.2025		
Decision Category	Councillor Referral		
Case Officer	Miss Emily Godwin		
Recommendation	Grant Conditionally		



This application has been brought before committee as it has been referred by Councillor Ricketts

1. Description of Site

The application site is a vacant single-storey building located between two single-track lanes, Woodland Terrace Lane and Thomas Lane. The site was most recently used as a language school. The site is located within the Drake ward of the city.

2. Proposal Description

The proposal is for the demolition of the existing language school, erection of 6no. dwellings (Class C3) and associated works.

3. Pre-application Enquiry

There was no pre-application enquiry.

4. Relevant Planning History

05/01245/FUL - Alterations/provision of external facilities to improve access for disabled persons, car parking space and internal alterations to provide for disabled persons (Granted Conditionally)

21/01162/MJR - Pre-application for erection of 12no. self-contained apartments.

22/00307/FUL - Demolition of existing building and construction of 7 townhouses (Refused).

25/00260/TPO - T1 Beech - Remove. (Granted Conditionally)

5. Consultation Responses

Local Highway Authority - Raise no in-principle objections to the proposal subject to various recommended conditions.

Public Protection Service - Recommend approval subject to conditions

Urban Design - Generally consider the principle of the scheme is acceptable, specific concern raised to more detailed elements of the scheme

Economic Development - Have reviewed the marketing activity and have no specific requests

Natural Infrastructure - Object to the application on the basis of insufficient information.

South West Water - Advise that the applicant should contact South West Water should they be unable to comply with requirements regarding the surface water run-off hierarchy.

Environment Agency - No comments received.

Natural England - Advise that a HRA assessment should be undertaken to determine the impacts on designated sites.

Residential Waste Team - Once properties are occupied will be required to present bins at kerbside, such an arrangement may present access and egress issues.

Designing Out Crime Officer - Raise no objections

Lead Local Flood Authority - Object to the proposal on the basis of insufficient drainage information

Natural England SSSI IRZ - Standing advice received.

6. Representations

Representations were received objecting to the proposed development. The following material planning considerations were raised:

- Over-development and over-population
- Parking is constrained
- Additional traffic and disruption along Woodland Terrace Lane and Thomas Lane
- Noise and disruption
- Increase in waste and litter where there are existing waste issues
- Amenity impacts from increased refuse
- Removal of a valuable community resource
- The property could be used as an early years or care facility

- Proposal should be assessed against the need for childcare
- The site is not large enough to accommodate the development
- Design is not in-keeping with the surrounding area
- No visitor parking spaces have been allocated
- Proposal will result in overspill parking onto the lanes
- Garage access would be restricted
- Disruption from construction traffic and deliveries
- Loss of privacy and increased overlooking into neighbouring gardens and windows
- Loss of daylight
- Increased crime along the lanes
- Measures in the transport statement will not mitigate disturbance during construction
- Pressure on and degradation to the environment
- Increased pressure on services
- Questions over whether the tree should be felled and whether replacement planting is appropriate
- Lanes are in a poor state of repair
- Impact on listed properties along Woodside
- Access to the properties is only via service lanes
- Questions over any rental interest in the property

The following non-material concerns have been raised

- The proposed tenure of the properties and associated impacts on the community
- Concerns regarding previous developments in the surrounding area

The above concerns are non-material in the context of the planning process and therefore have no bearing on this recommendation.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the 2004 Planning and Compensation Act sets out that the determination of any matter under the planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. For the purposes of decision making, as on March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is 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 2020 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, Southwest Marine Plan 2021 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. The new standard method set out in national planning practice guidance, and the housing provisions of the NPPF, have a clear aim of increasing housing delivery nationally. As a result of the new standard method the combined authorities are therefore only able to demonstrate a 2.33 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.

The LPA therefore accepts that, given the provisions of NPPG (Paragraph: 062, Reference ID: 61-062-20190315, Revision Date: 15/03/2019) and paragraph 34 of the NPPF, that SPT3 is now out of date.

The most relevant Policies of the JLP in relation to the development proposed are:

SPT1 Delivering sustainable development
SPT2 Sustainable Linked Neighbourhood
SPT3 Provision for new homes
SPT14 European sites - mitigation of recreational impacts from development
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
DEV14 Maintaining a flexible mix of employment sites
DEV18 Protecting local shops and services
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and water quality impacts

8. Analysis

This application has been considered in the context of the development plan, the Framework and other material considerations as set out in Section 7.

Need for Housing Development

1. The publication of the updated NPPF on 12th December 2024, alongside new guidance, set out a new standard method to calculate local housing needs with the clear aim of increasing housing delivery nationally. Policy SPT3 (Provision for new homes) of the Plymouth and 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.

2. The new standard method, however, identifies a housing need for the Plan Area of 2,633 dwellings per annum. The LPA therefore accepts that, given the provisions of NPPG (Paragraph: 062, Reference ID: 61-062-20190315, Revision Date: 15/03/2019) and paragraph 34 of the NPPF, that SPT3 is now out of date. The extent of the shortfall in relation to the 5YHLS is such that significant weight needs to be given to it in the planning balance.

Principle of the proposed development

3. The current use of the site is a language school (Class F1). Policies DEV14 and DEV18 of the JLP seek to protect existing community and employment uses. The redevelopment of the site would result in a loss of employment space and officers are aware that letters of representation raise concerns regarding the loss of a community asset.

Loss of employment space

4. DEV14 provides some policy protection for existing employment sites, including vacant sites whose lawful use is for employment purposes, and requires proposals for change of use to meet certain requirements. In respect of this site, DEV14 (1) (iii) requires that there is no reasonable prospect of the site being used for employment use in the future. The SPD paras 5.11-5.13 set out that the applicant must provide evidence that the site has been marketed proportionate to the nature of the proposal.

5. Evidence has been submitted which states that instruction for Stratton Creber Commercial to market the premises was received on 4th September 2023. Correspondence from Stratton Creber dated 27th February 2025 outlines that levels of interest to date have been poor, with most enquiries relating to the redevelopment of the site instead for residential/ student purposes.

6. The evidence submitted has been considered by the Council's Economic Development Team and they find that overall, there is enough evidence to suggest that the site has been marketed for employment use, and consider that the requirements of DEV14 and the SPD have been satisfied to justify the loss of employment space.

Loss of community facility

7. Policies SPT1 and SPT2 state that development will be carried out to ensure a sustainable society is provided where communities have a mix of local services which meet the needs of local people. SPT2 in particular aims to ensure that services and facilities meet identified educational, employment, cultural and community needs. Policy DEV18 refers to protecting local shops and services, with DEV18.6 referring specifically to the change of use to other uses of facilities of community importance. Letters of representation have raised concerns that the proposed development would have a negative impact upon social cohesion. The LPA will only support such changes of use where there is no significant harm to the level of service locally and where there is no reasonable prospect of the business or community use continuing.

8. Whilst no further information of the impact of the proposal on the level of service locally was submitted by the applicant, the submitted marketing report sets out, as detailed above, that there is no reasonable prospect of the business continuing. Furthermore, the planning statement details that the occupiers vacated the site in February 2025, since this time officers understand that the language school has been relocated to a premises in Stonehouse. Officers understand the previous use did not provide a facility purely to serve residents of the immediate locality but of the city as a whole.

9. It is noted that the letters of representation received suggest the building may be suitable to use for other educational services, a nursery, or adult care facility, calling for the scheme to be assessed in line with the Council's Childcare Sufficiency Assessment. Whilst the site may be suitable for the uses set out within representations, the marketing evidence supplied suggests there is no interest in bringing forward a development of this nature. Officers also recognise the site is situated within a denser, older part of the city near a full range of services in and around North Hill and Mutley Plain, which can adequately serve the needs of the community.

10. In assessing the marketing information, and on the basis that the premises is now vacant and operating elsewhere in the city, officers do not consider that the loss of the language school would be contrary to policies SPT1 and SPT2 and DEV18.

Sustainable Residential Development

11. Policy SPT2 further sets out that sustainable linked neighbourhoods should have reasonable access to a vibrant mixed-use centre, community services and facilities and be well served by public transport, walking and cycling opportunities.

12. Letters of representation have raised concerns that the scheme would lead to over-development. Officers consider that the site sits within a well-established residential area. The proposal comprises of the construction of six semi-detached three-bedroom properties in a locality which is characterised by a range of housing types, styles and sizes. The proposed dwellings would not be of a massing which would exceed the height of dwellings in the immediate vicinity. Therefore, officers raise minimal concerns with the proposed density of the development in the context of the character of the surrounding area, and do not consider that the development would be out of keeping with the local area.

13. The site is well located in terms of sustainability, with a number of supporting community facilities in close proximity. Whilst objections have stated that the proposal would result in pressure on services, officers do not consider that the scale of development proposed would result in a significant increase in the demand for local services and amenities.

14. In terms of location, officers find this to be acceptable and within reasonable access to services, amenities and a range of transport linages. To this end, officers raise no in-principle objections to the residential development of the site, subject to current national and local planning policy as set out below.

Design

15. Policy DEV10 of the JLP states that housing developments should be designed to be integrated with the adjacent developments and not appear to be an unrelated addition to the rest of the town, village and neighbourhood. Whilst representations have raised concerns that the design is not in-keeping with the surrounding properties, the area comprises of a range of housing styles including both older properties alongside dwellings of a more modern design. The proposed contemporary design of the properties is therefore not considered to be out of keeping with the varied streetscene.

16. The dwellings are proposed to be three-storey, semi-detached properties. The principal elevations would comprise of a three-storey protruding brickwork element with a flat roof and would include large windows and Juliette balconies at the second floor level. A small flat roof canopy is proposed over the front door of the properties. At the rear elevation, properties would slightly extend to the rear at the ground floor level. The material palette is proposed to comprise of limestone cladding to the ground floor and white render above this. The front and rear extensions would be faced with brickwork and the roofs of the dwellings are proposed to be slate. Windows and rooflights are proposed to be dark grey UPVC.

17. Policy DEV20 of the JLP requires development proposals to meet good standards of design, contributing positively to both townscape and landscape and protect and improve the quality of the built environment, having proper regard for the local pattern of development in terms of siting, layout, orientation, visual impact, views, scale, massing height and density.

18. Representations have raised specific concerns that the site is too small for the density and layout proposed, and that the three-storey height of the proposed dwellings would be out-of-keeping

with the nearby properties. Officers do not raise concerns with the three-storey design, considering that the local pattern of development is characterised by a densely developed streetscene, with building heights ranging between two and three storeys. Furthermore, all the dwellings proposed are considered to be of an adequate size with sufficient garden spaces which is characteristic of other modern developments within the area.

19. The Urban Design (UD) Team have been consulted on the application, overall considering the proposal to be acceptable, demonstrating a height and massing which is in-keeping with the surrounding area. Officers are therefore of the view that the proposal comprises of six dwellinghouses that are of an appropriate size and scale.

20. Minor changes in the design have been made following initial comments from UD which outlined that they did not support the inclusion of gates from a pedestrian permeability perspective, and requested that granite sett rumble strips were added to the entrance and exit points. These changes have been incorporated into the design and are supported by UD.

21. The proposed materials are generally considered to be acceptable, UD in particular support the proposed use of limestone, noting its links to local character and geology. UD do however raise concerns with the proposed use of white render and UPVC. It is regrettable that a different render colour could not be secured during negotiations. However, given that the proposed silicone-based system can reduce staining and algae growth, in addition to the proposed amount of render and its lack of visibility from key areas of streetscene, officers do not raise significant visual impact concerns. In addition, officers note that UPVC is prevalent throughout the surrounding area and would not result in detrimental visual harm.

22. Officers are minded that to ensure the proposal material palette is acceptable, further details on the specification and colour of materials is required, which officers recommend to secure via condition.

23. A landscaping plan has been submitted alongside the application. Officers are generally supportive of the intention to include soft landscaping within shared spaces at the site. Various considerations for the landscaping scheme have been included with UD comments. Final landscaping details, including boundary treatments have been secured via condition.

Designing out Crime

24. An increase in crime within Woodland Terrace Lane and Thomas Lane has been cited as a concern in representations. The Designing Out Crime Officer provides advice on applications to reduce opportunities for crime and fear of crime in line with DEV20. Upon assessment of the submitted details the Designing Out Crime Officer raises no objections to the proposal. In this case, officers consider that Woodland Terrace Lane and Thomas Lane are served by street lighting and experience a level of natural and passive surveillance from existing residents which will increase further with future occupiers of the dwellings.

Impact on the Historic Environment

25. Public comments have raised that there would be an impact on listed properties along Woodside. Given that the proposed dwellings would be screened by properties along the west side of Woodside, and that there are other examples of modern residential development closer to these designated heritage assets, officers do not raise concerns that the proposal would result in harm to the setting of nearby listed buildings.

26. Subject to conditions, officers consider the proposal is in compliance with Policy DEV20 and DEV21.

Occupant Amenity

Daylight and Outlook

27. Officers have assessed the proposed floor plans and note that all bedrooms and habitable rooms will be served by windows providing sufficient access to natural light. Generally, all windows also appear to provide an acceptable level of outlook for future occupiers, however officers note that windows on the principal elevations of dwellings 5 and 6 would be within approximately 7.5m of the blank wall elevation of no.34 Diamond Avenue. Whilst this falls below 15m as set out in the SPD, officers consider that the rest of the windows serving the dwelling would provide enough outlook overall for the property to provide acceptable levels of occupant amenity. Officers also note that given the dense pattern of development, similar relationships between properties are not uncommon within the surrounding street layout.

Privacy

28. Officers note the proximity of neighbouring habitable windows from the mews development to the west of the site, considering this may result in some overlooking to the gardens of dwellings 1 and 2. Whilst it is possible that a level of overlooking may be created, by virtue of the dense pattern of development, officers do not raise concerns that future occupants would experience a detrimental lack of privacy.

Space Standards

29. The Nationally Described Space Standards (NDSS) set out the minimum internal floor areas for new dwellings. The dwellings comprise of six three-bedroom dwellings containing three double bedrooms. The minimum internal floor space for a 3-bedroom 6-person three-storey dwelling is 108 square metres which is met and exceeded by the proposed dwellings.

30. Officers note that each dwelling is also proposed to be served by an office room. Whilst the office rooms would meet the space standards for a single bedroom, the total internal floor areas of the dwellings are not large enough to support a fourth bedroom. The application has been assessed on the basis of providing a three-bedroom dwelling and as such officers have conditioned to restrict the bedrooms to only those as shown on the approved plans.

Outdoor Amenity Space

31. Table 11 of the SPD states that semi-detached dwellings should be served by a minimum of 75 square metres of outdoor amenity space. The rear gardens of the proposed dwellings vary between approximately 45 square metres and 95 square metres. Whilst this means that some dwellings, in particular dwellings 1 and 2, would have gardens below the minimum recommended size, officers consider that many properties in the surrounding area are served by small gardens. Furthermore, officers note that the application site is located within 5 minutes' walking distance to Freedom Fields. As such, there is good quality outdoor space located an acceptable distance from the application site, justifying the lack of on-site provision.

32. Overall, the proposal is considered to provide an adequate level of amenity for occupants, in line with DEV10 of the JLP.

Neighbouring Amenity

Daylight

33. Letters of representation suggest that the proposal would result in a loss of daylight. Officers have assessed the impact of the proposed works on daylight to neighbouring properties. Given the relationship between the application site and neighbouring properties, officers consider that paragraph 13.34 of the SPD is an appropriate means of assessment, which requires development to not encroach upon a 25 degree line drawn from neighbouring habitable windows.

34. During the application, additional section plans were submitted of the streetscene, these sections illustrated the relationship between the massing of the proposed dwellings and flats located to the north of the application site as well as properties located to the east, as both have windows which would face the proposed dwellings. The sections illustrate a 25-degree line drawn from neighbouring windows, the proposed development is shown to fall below this line, indicating that there would not be an unacceptable loss of daylight to neighbouring properties.

35. As a result of their positioning and the location of habitable room windows, officers do not expect that properties located to the west or south would lose daylight to habitable room windows as a result of the proposed development.

Outlook

36. The SPD sets out that in order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall should be at least 12m, increased to 15m for three storey development. Officers consider that the most visible blank walls created by the proposal would be the gable ends of dwelling 1 and dwelling 6. By virtue of their distance from habitable room windows (in excess of 19m from properties to the east and in excess of 35m from properties to the west), officers are satisfied that the development meets and exceeds the requirements of the SPD therefore suggesting that an acceptable level of outlook will be maintained for adjacent properties.

Privacy

37. Paragraph 13.19 of the SPD states that habitable room windows facing directly opposite one another should be a minimum of 28 metres apart when one or more of the buildings are three storeys in height.

38. The closest neighbouring habitable room windows are located at 2 Greenbank Terrace to the north. Due to the staggered building line of the proposed dwellings, the window-to-window separation distances vary between approximately 11m - 15m. Whilst this falls well below the standards set out in the SPD, paragraph 13.18 of the SPD states that the levels of privacy expected from a residential environment will differ depending on the location. In this case, the application site is situated in a densely developed area where such separation distances cannot always be met by new development. Officers consider that it is not uncommon for new housing development to fall below SPD required separation distances as evidenced by the distances between the residential flats at 1 Woodland Terrace and the properties opposite, as well as some mews developments along Woodland Terrace Lane. Officers also note that some properties along Olivia Court demonstrate similar levels of separation to those along Greenbank Road.

39. Overall, it is therefore acknowledged that the windows would provide a level of overlooking, but due to the established pattern of development and levels of privacy experienced locally, the levels of overlooking are not considered to be demonstrably harmful.

40. To the south of the application site, officers do not consider it is likely for the proposed development to result in a harmful loss of privacy, considering that the new windows proposed would not face directly opposite any neighbouring windows. Although officers note that dwelling no.1 will have windows opposite the side bay window of no.34 Diamond Avenue, any overlooking would be at an oblique angle and so would not provide a direct line of sight into neighbouring private space.

41. Given that no side elevation windows are proposed, officers do not find that any vantage points for overlooking to the east or west would be created by the development. Whilst properties to the east raise concerns that there would be a loss of privacy, officers do not consider that any direct views or overlooking opportunities will be created by the proposal. Officers have restricted

permitted development rights, including window alterations via condition to ensure that no future harmful accretions or additions to the dwellings would take place.

42. Overall, officers have assessed the proposed locations of windows and consider these to be acceptable and would not result in harmful levels of overlooking which would warrant the refusal of this application.

43. Public comments consider that the proposal would result in additional noise and disturbance. Officers do not consider that the construction of six residential dwellings would lead to a significant increase in noise levels which would be out of character for the area. The Council's Public Protection Service (PPS) have been consulted on the application and raise no objections on those grounds. PPS have recommended that the council's code of practice is secured via condition in the interests of protecting residential and neighbouring amenity during the construction of the scheme.

44. As such, the proposal is considered to comply with DEV1 and DEV2 of the JLP.

Highways, Access and Parking

45. Representations have raised concerns that the proposal would result in increased parking demand and pressure on the area which already suffers from constrained parking provision. In particular, that the proposal does not include visitor parking provision and so would result in overspill parking onto adjacent lanes, as well as that the flow of traffic along the lanes would impact on the use of existing garages.

46. A transport statement has been submitted alongside the application which concludes that the peak journeys associated with the proposed residential development would be comparable to those established by the existing use of the site. The Local Highway Authority (LHA) have reviewed the information supplied and accept this statement, considering the impacts associated with the proposed residential development would be neutral.

47. The proposal includes a one-way access route through the site, accessed via Woodland Terrace Lane and exit is via Thomas Lane. Both lanes are cobbled single-width carriage ways where parking is prohibited between 9am-5pm Monday to Friday. Officers note that letters of representation have raised concerns with the safety of manoeuvring vehicles on both lanes. The LHA have assessed the proposed layout and consider that acceptable levels of inter-visibility would be achievable. A condition to ensure that suitable visibility is maintained is recommended by the LHA which would restrict any planting within the visibility splay growing above 600mm in height.

48. Each dwelling is proposed to have three bedrooms. Indicative parking standards within the SPD set out that each dwelling should be served by 2 off-street parking spaces. The site is proposed to include 12 off-street spaces, in accordance with these requirements. The LHA noted that some of the parking spaces initially fell below the required parking dimensions, since this, amended plans have been received enlarging the spaces to a suitable size. Amended plans now also include 3no dual EV chargers to serve six parking spaces, with the provision of passive wiring for future connections, in line with the LHA's recommendations.

49. Officers acknowledge that representations raise concerns with the lack of visitor parking proposed. The SPD states no requirement for new developments to provide visitor parking, and officers note the highly sustainable location of the site which is near public transport links. The proposed parking provision complies with the requirements outlined in the SPD and therefore officers do not raise concerns to this end.

50. Table 32 of the SPD outlines the minimum cycle parking provision for new development, in the case of all dwellings one cycle space should be provided per dwelling. Amended landscaping plans

indicate that 3no. Sheffield stands are proposed per property. In order to meet the requirements of paragraph 8.29 of the SPD, the LHA have requested details of cycle parking to ensure it is covered and secured via condition.

51. The LHA also note that the Surface Water Drainage Strategy shows the provision of private soakaways within the rear gardens of each property. In some cases, these fall within 5m of the public highway on either Woodland Terrace Lane or Thomas Lane and therefore, these soakaways need to be relocated. Officers note that surface water drainage details have been secured via condition, and as such have included the LHA's requirements within the condition wording to ensure that the final surface water drainage strategy is delivered in line with the LHA's requirements.

52. Representations have outlined concerns with vehicle movements associated with the construction of the development and the existing poor quality of the roads along Thomas Lane and Woodland Terrace Lane, with insufficient mitigation proposed within the Transport Statement. Officers are mindful of the constrained nature of the local highway network and in line with the LHA's recommendation have secured the submission of a Construction Traffic Management Plan and Highway Dilapidation Survey via condition.

Natural Infrastructure

53. Public comments consider that the proposal would result in pressure on the environment, raised pollution levels and degradation of the environment. Officers have assessed the ecological impact of the proposal.

Protected Species

54. The works would include the demolition of the existing buildings at the site. A preliminary roost and nest assessment, prepared by Ecological Surveys Ltd was submitted alongside the application. The assessment concluded that the structure was not occupied nor potentially suitable for bats and so the development would be unlikely to disturb or harm bat species. Furthermore, there was no nesting nor birds recorded at the site.

55. The Natural Infrastructure (NI) team have recommended that a Construction Environment Management Plan is provided to mitigate ecological impacts during the construction period. Given the limited ecological features on site, officers consider that the submitted assessment details various precautionary measures required during construction should nests be found on site at a later date. Officers have conditioned these mitigation measures and consider this to be sufficient in protecting potential wildlife given the nature of the site.

56. The Natural Infrastructure (NI) team have reviewed the submitted information and are satisfied that, subject to appropriate mitigation, comprising of the provision of 1x bird box per proposed dwelling to be installed within the fabric of the buildings to be secured via condition the proposal is acceptable and in line with DEV26 of the JLP.

Trees

57. The proposed development involves the clearance of the site which in turn, requires the loss of trees and shrubs. Policy DEV28 sets out that development should be designed to avoid the loss or deterioration of woodlands, trees or hedgerows.

58. One TPO beech tree was formerly located at the site, the tree has been felled during the application as part of application 25/00260/TPO. The tree was identified to present a risk of harm and as such was recommended for removal, subject to the planting and maintenance of a replacement Hornbeam tree for a period of 5 years.

59. Public comments have raised questions as to whether suitable replacement tree planting will be delivered. Amended landscaping plans have been submitted showing the TPO tree to have been felled and showing the proposed location for the replacement Hornbeam which is considered sufficient by the NI team.

60. There have been various discrepancies between submitted documents, correspondence from the arborist has confirmed that all existing trees on site have been removed. In addition, the submitted biodiversity metric initially referred to four trees on site which have since been removed from the metric, however are understood to remain on site. The landscaping plan still refers to one tree being retained within the rear garden of a dwelling. Throughout the application, further clarification on this information was requested however it has not been received. As a result, the NI team outline that they are unable to support the application. No tree mitigation planting details (aside from the TPO mitigation as aforementioned) has been received, with the agent stating that there is no loss of trees to mitigate.

61. Officers therefore consider that the submitted information is insufficient to determine compliance with DEV28 of the JLP. Using the information available to officers, it appears that some trees/shrubs remain on site, however these appear to be in a poor condition and have not been maintained. Taking a finely balanced view, officers consider that the redevelopment of the site will overall lead to improvements and enhancements in the on-site vegetation, a draft landscaping plan has been received at present, with officers minded to condition full further landscaping details. Whilst it is highly regrettable that no further clarification has been received, officers take the view that the proposal would result in the construction of six dwellinghouses, each with their own garden space, as well as various landscaping measures which would go some way to mitigate the loss of existing vegetation on site.

Biodiversity Net Gain

62. Due to the nature of the proposed development, the mandatory BNG condition is considered to apply, and therefore a 10% net gain is required. The submitted Biodiversity Net Gain Plan sets out that given the scale of the site it would not be possible to achieve 10% net gain on site and as such a mixture of on and off-site compensation will be required.

63. During the course of the application, various concerns have been raised by officers that there are discrepancies between the baseline information and the submitted arboricultural impact assessment. Initially, the baseline metric included four broadleaf trees on site. Various amendments have been made to the metric during the application. The most recent iteration of the metric has re-classified these "trees" as introduced shrub. Comments have been received from the NI team raising concerns that there are inconsistencies within the submitted baseline and officers note that such re-classification has not led to an increase in the amount of introduced shrub recorded in the metric. Further clarification on the baseline, including further information on the formerly identified trees was requested by NI however no further information has been submitted by the agent.

64. As such, the NI team state that they are unable to support the application and recommend that the application is refused. Officers concur that the baseline appears to be inaccurate and consider that the trees/shrubs on site do not appear to be accurately reflected in the baseline metric. However, officers consider that BNG is a post-permission matter, at application stage officers must be confident that the Biodiversity Gain Plan is capable of approval at the condition discharge stage. In this case, officers note the intention to provide off-site enhancements. For this reason, officers advise that whilst it is highly regrettable that there are inaccuracies in the baseline, these can be rectified at condition discharge stage. As such, officers do not consider that BNG is a reason to refuse this application. An informative has been included which details the requirements to discharge the deemed BNG condition prior to the commencement of works.

Habitat Regulations Assessment

65. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the Tamar Estuary Estuaries Management Plan and the Yealm Estuary Environmental Management Plan. The authority's assessment is that the application complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

Flood Risk and Drainage

66. The application site is located within Flood Zone 1 and is considered to be at a low risk from fluvial or tidal flooding. Surface water flood risk mapping indicates that the site is at a low risk of flooding from a 1 in 100 year return period event. The site is also located in a Critical Drainage Area defined by the Environment Agency as an area where the existing drainage is at or close to its maximum capacity.

67. An update to the 2022 application's Flood Risk Assessment and Surface Water Drainage Strategy has been submitted alongside the application. Two options for surface water drainage have been submitted. It is proposed that surface water drainage will be discharged to individual soakaways located to the rear of each property. Alternatively, surface water is proposed to discharge to the SWW combined sewer at an attenuated rate.

68. The Lead Local Flood Authority (LLFA) are currently objecting to the proposal on the basis that further information is required, it cannot be confirmed at this stage whether either of the options proposed would be feasible. As a result, the LLFA requested the submission of calculations and modelling data to be produced in support of any drainage design, furthermore, no infiltration tests have been submitted in support of the first option, nor have SWW outlined whether they would support the second option.

69. Further drainage information to this end was requested, however this has not been forthcoming. The agent set out that they were unable to provide any further information at this stage given that the site is covered by the existing building, meaning that no investigation works were currently able to be undertaken. Officers note that the submitted information indicates that either of the submitted options would be betterment over the existing drainage situation where runoff currently discharges at an uncontrolled rate to the public combined sewer.

70. As such, officers have recommended a condition for further information to be submitted following the demolition of the existing building to understand the most appropriate drainage solution.

71. To this end, officers consider that subject to details secured by condition, the proposal would comply with DEV35 of the JLP.

Sustainability

72. Officers have assessed the application in line with the details as submitted in the climate emergency compliance form and the low carbon statement included within the planning statement.

73. It is set out that the development will make use of a fabric first approach, the installation of water saving fittings, natural ventilation with heat recovery and will have increased thermal efficiency. During the application further details, including SAP assessments were requested, however no further details of these measures have been submitted.

74. In addition, whilst the submitted information suggests that solar PV will be installed on the south roof slope, officers consider that there will not be a sufficiently sized roof slope to hold a viable PV system, given the rooflights proposed.

75. M5 of the Climate Emergency Planning Statement (CEPS, 2022) sets out that priority will be given to the reuse and retrofitting of buildings. Where an existing building is proposed to be demolished and rebuilt, the net overall carbon cost of the project should be offset within 25 years through carbon savings achieved by operational use of the replacement building. As such, the CEPS requires the submission of the embodied carbon calculations for the existing and proposed buildings. The CEPS also sets out that justification for demolition will only be considered acceptable where buildings are structurally unsafe, or demolition and rebuild will result in significant social and environmental benefits.

76. No further information has been provided in terms of the embodied carbon of the existing nor proposed development. However, upon assessing the proposal, officers consider that the existing building would unlikely be suitable for residential conversion of the yield proposed to be constructed. The proposed dwellings would be purpose built and are highly likely to provide a better quality of living and amenity for future occupants. Officers also consider that to improve the thermal efficiency of the existing building to be suitable for residential conversion is likely to be highly challenging.

77. The scheme will include EV charging points and cables for future provision to all parking spaces within the site, this is welcomed by officers and has been secured via condition.

78. Whilst officers do not consider that the proposal accords with the requirements of the CEPS, officers take the view that the proposal would result in the construction of six thermally efficient purpose-built dwellings which would provide a better standard of accommodation than the existing building. It is highly regrettable that further low carbon mitigation and adaptation measures could not be secured, however officers place greater weight in the fact that the proposal would provide new homes within a sustainable location.

Refuse

79. Various concerns have been raised in relation to poor waste management within the surrounding area having an impact on neighbouring amenity, and that the proposal would result in an increase in waste and litter.

80. Details of the location of a bin store have been submitted. At this stage, concerns have been raised by the Urban Design Team in terms of its design and the Residential Waste Team note potential constraints in ensuring suitable access when bins are presented at the kerbside on collection days.

81. Officers are confident that that a suitable refuse solution will be achievable at the site. The agent has agreed that bin storage details can be agreed via planning condition. Once agreed, officers have conditioned that this bin storage area shall be always kept available, and bins shall be always stored there except collection days.

82. Subject to further details, officers consider that proposal to comply with DEV31 of the JLP.

Contaminated Land

83. A phase I contaminated land assessment has been submitted which concludes that no further investigation is required. The Council's Public Protection Service (PPS) have been consulted on the application, and recommend that a condition is included relating to whether unexpected contamination is found at the site.

Other Impacts

84. Policy DEV9.4(ii) of the JLP requires 20% of dwellings on all schemes of five or more to meet national standards for accessibility and adaptability (Category M4 (2) of Building Regulations). This application proposes that 2 of the dwellings will be M4 (2) compliant, in line with policy DEV9. A condition has been recommended securing the provision of the proposed accessible and adaptable dwellings.

Planning balance

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

86. Exception one 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.

87. Exception two 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.

88. It is acknowledged that the LPA do not currently have a five-year housing land supply. In this instance the proposal would conflict (in part) with Policies DEV28 and the Climate Emergency Planning Statement. The lack of tree information raises concerns in that an appropriate level of mitigation tree planting is unable to be identified nor secured and that the proposal fails to justify the demolition and rebuild of an existing building. Both of these aspects have been attributed a degree of harm. However, the proposal would provide six dwellings in a sustainable area of the city, close to a range of services and amenities and allows for the redevelopment of a currently vacant building and would result in the provision of some on-site biodiversity enhancements. As such, officers consider that the harm is outweighed by the benefits when assessed against the framework as a whole. The application is therefore considered acceptable and is being recommended for approval.

89. Section 38(6) of the Planning & Compulsory Purchase Act 1990 and the Framework state that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, the Frameworks' presumption in favour of sustainable development is a material consideration which outweighs the negligible conflict with the development plan.

9. Human Rights

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

10. Local Finance Considerations

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

11. Planning Obligations

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

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

12. Equalities and Diversities

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

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. In this case, the Framework's presumption in favour of sustainable development is a material consideration which outweighs the moderate conflict with the development plan, and a decision should thus be taken otherwise than in accordance with it. The application is therefore recommended for conditional approval

14. Recommendation

In respect of the application dated 07.04.2025 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

Site Location and Block Plan 9026-DR-A-X-1001 received 31/03/25
Typical Floor Plans 9026-DR-A-X-1100-A received 04/03/25
Proposed Elevations 9026-DR-A-X-1200 Rev B received 11/06/25
Site Sections 9026-DR-A-X-1210 REV A received 27/10/25
Proposed Long Elevation 9026-DR-A-X-1220-A received 04/03/25
M4(2) Compliant Dwelling 9026-DR-A-X-1300 received 04/03/25
Proposed Landscaping Plan 9026-DR-A-X-1005 REV F received 27/10/25
Site Location Plan and Block Plan 9026-DR-A-X-1000 REV B received 31/03/25
Proposed Site Plan 9026-DR-A-X-1010 Rev F received 27/10/25

Reason:

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

2 CONDITION: COMMENCE WITHIN 3 YEARS

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

Reason:

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

3 CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN

PRE-COMMENCEMENT

The development works hereby approved shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the development works, including demolition, and shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors parking arrangements. The development works hereby approved shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network and local residents, in accordance with Policy DEV29 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and Paragraphs 115, 117 and 118 of the National Planning Policy Framework 2024.

Justification:

Details are required in order to safeguard the amenity of surrounding residents and to ensure that pedestrians and other road users are able to use the Local Road Network without hindrance from construction work/traffic.

4 CONDITION: HIGHWAY DILAPIDATION SURVEY

PRE-COMMENCEMENT

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

Reason:

To ensure that the current condition of the existing highway infrastructure is properly recorded in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and paragraphs 115 and 117 of the National Planning Policy Framework 2024.

Justification:

The survey is required in order to safeguard the amenity of surrounding residents and to ensure that any potential issues with the Local Road Network are identified prior to the implementation of the CTMP.

5 CONDITION: DRAINAGE STRATEGY

PRE-DPC

No development shall take place above Damp Proof Course Level until a Drainage Strategy, produced in accordance with the Plymouth Local Flood Risk Management Strategy, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed, completed and retained in strict accordance with the approved details.

No part of any surface water soakaway proposed as part of the development shall be positioned within five metres from the boundary of the public highway in Woodland Terrance Lane and Thomas Lane.

Reason:

To safeguard occupant safety and mitigate flood risk, and to ensure satisfactory infrastructure works are provided that would also safeguard the integrity of the construction of the public highway, public safety and the free flow of traffic on the highway in accordance with policies DEV1, DEV2, DEV29 and DEV35 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and paragraphs 181 and 182 of the National Planning Policy Framework 2024.

6 CONDITION: LANDSCAPE ECOLOGICAL MANAGEMENT PLAN

PRE-DPC

Notwithstanding the submitted landscaping details, The development hereby permitted shall not proceed beyond DPC level until full details of the landscape works together with a Landscape Ecological Management Plan have been submitted to and approved in writing by the Local Planning Authority.

The landscape works 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)
- ii. Hard Landscape Details: to provide:
 - a. Drawings identifying the arrangement of proposed hard landscape elements including (but not limited to) paving materials, 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)

All landscape works shall thereafter 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 thereafter be replaced within 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 paragraphs 135 and 187 of the National Planning Policy Framework 2024.

7 CONDITION: EXTERNAL DESIGN AND MATERIALS

PRE-EXTERNAL WORKS

Notwithstanding the submitted information, no works to the exterior of the building shall take place until details of all final cladding, brickwork and render materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the materials specified are robust, attractive and in keeping with the character of the area and that the building's cladding in particular will be specified to minimise the risk of staining and algae growth in accordance with Policy DEV20 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and paragraph 135 of the National Planning Policy Framework 2024.

8 CONDITION: EV CHARGING

PRE-OCCUPATION

No dwelling shall be occupied until 3 no. Dual EV charging points and passive wiring to allow for future charge point connections to all remaining spaces have been provided, and are connected and in working order in accordance with the approved plan. The electrical vehicle charging points shown on the approved plan shall remain available for their intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To assist in the lowering the carbon footprint of the development in accordance with Policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and paragraphs 115 and 117 of the National Planning Policy Framework 2024.

9 CONDITION: CYCLE PROVISION

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 18 (3 per dwelling) bicycles to be securely parked. The secure areas for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and paragraphs 115 and 117 of the National Planning Policy Framework 2024.

10 CONDITION: COMPLETION OF ROADS AND FOOTWAYS

PRE-OCCUPATION

No dwelling shall be occupied until all roads and footways forming part of the development hereby permitted have been completed in accordance with the approved plan.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019 and paragraphs 115 and 117 of the National Planning Policy Framework 2024.

11 CONDITION: ECOLOGICAL ENHANCEMENT MEASURES

PRE-OCCUPATION

The development hereby permitted shall not be occupied until the ecological enhancement measures as detailed in the submitted Preliminary Roost and Nest Assessment (received 31.03.2025) prepared by Ecological Surveys Ltd, namely 1 no. enclosed bird box per proposed dwelling have been provided. The enhancement measures shall be maintained in perpetuity.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT12, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and paragraphs 125, 135, 187 and 193 the National Planning Policy Framework 2024.

12 CONDITION: BIN STORAGE

PRE-OCCUPATION

Notwithstanding the submitted details, the development hereby permitted shall not be occupied until full details of bin storage have been submitted to and approved in writing by the local planning authority and have been made available for use.

This area shall remain available for the its intended purpose and shall not be used for any other purpose. Bins shall be stored in this area at all times except for collection day.

Reason:

To prevent street clutter and polluting effects from refuse storage in accordance with policies DEV1, DEV2, and DEV31 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and paragraph 135 of the National Planning Policy Framework 2024.

13 CONDITION: BEDROOMS

COMPLIANCE

Only the rooms indicated as bedrooms on the approved plans shall be used as bedrooms.

Reason:

The number of bedrooms proposed in the application is considered to be the maximum that can reasonably be accommodated at the site. The proposed layout, together with the use of the remaining rooms for communal facilities, has been assessed and considered acceptable in planning terms and any other arrangement would need to be assessed on its merits. This condition is in accordance with policies DEV1 and DEV10 of the Plymouth and South West Devon Joint Local Plan 2014-2034) 2019 and paragraphs 135 and 198 the National Planning Policy Framework 2024.

14 CONDITION: ACCESSIBLE HOUSING

PRE-OCCUPATION

A minimum of 2no. dwellings shall be built to meet national standards for accessibility and adaptability (Category M4(2) of the Building Regulations, in accordance with the submitted M4(2) compliant dwelling (drawing no. 9026-DR-A-X130) received 04.03.2025.

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

Reason:

To ensure an acceptable number of accessible and adaptable dwellings are provided in accordance with Policy DEV9 of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 and paragraph 135 of the National Planning Policy Framework 2024.

15 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

COMPLIANCE

Notwithstanding the provisions of Article 3 and Classes A, AA, B, C, E and F of Part 1 and Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations shall be carried out to the dwellings hereby approved including without the express consent in writing of the Local Planning Authority. This includes alterations to or insertion of windows and any alterations to the roof. No alterations to the approved boundary treatment will also be allowed.

Reason:

The Local Planning Authority considers that in order to protect neighbouring amenity and the quality of the built environment such changes would need to be made the subject of a separate application to be considered on its merits in accordance with Policies DEV1, DEV10 and DEV20 of the Plymouth & South West Devon Joint Local Plan 2014-2034 and paragraphs 135 and 198 of the National Planning Policy Framework 2024.

16 CONDITION: PROVISION OF PARKING AREA

COMPLIANCE

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason: To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019.

17 CONDITION: PRESERVATION OF SIGHT LINES

COMPLIANCE

No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines 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 Plymouth and South West Devon JLP 2019.

18 CONDITION: ECOLOGY

COMPLIANCE

The development hereby permitted shall be carried at all times in line with the mitigation measures as set out within section 6 "Mitigation - bats and birds" as detailed within the "Preliminary Roost and Nest Assessment" prepared by Ecological Surveys Ltd.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Policies SPT12, DEV26 and DEV28 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and paragraphs 125, 135, 187 and 193 the National Planning Policy Framework 2024.

19 CONDITION: LAND QUALITY - REPORTING OF UNEXPECTED CONTAMINATION

PRE-COMMENCEMENT

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 Paragraphs 125, 187, 196 and 197 of the National Planning Policy Framework 2024.

COMPLIANCE

The development hereby permitted shall be carried out strictly in accordance with 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>

Reason:

To maintain residential and general amenity during the construction period in accordance with DEV1 of the adopted Plymouth & South West Devon Joint Local Plan 2014-2034 and 187 and 198 of the National Planning Policy Framework 2024.

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 and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: BIODIVERSITY GAIN PLAN REQUIRED

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been

granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Plymouth City Council.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

4 INFORMATIVE: BIODIVERSITY GAIN METRIC

The applicant is advised that the Local Planning Authority do not accept the onsite habitat baseline as depicted in the submitted Metric. In order to discharge the Biodiversity Gain Plan Condition discrepancies within the habitat baseline will be required to be rectified.

5 INFORMATIVE: PROTECTED SPECIES

Care should be taken during demolition to avoid damage or disturbance to birds during the nesting season. In Plymouth this can typically be from February to August, with many species producing second to third broods in appropriate habitat. Under the terms of the Wildlife and Countryside Act 1981 (As Amended in 1986 and 1991) Part I (1), it is an offence intentionally to take, damage or destroy any wild birds or its nest while being built or in use, or to take or destroy its eggs or chicks.

It is also an offence to kill, injure or take a bat or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. Under the Habitat Regulations it is an offence to damage or destroy a breeding site or resting place of any bat.

6 INFORMATIVE: SOUTH WEST WATER

The applicant is advised to liaise with South West Water to ensure that the development complies with requirements relating to asset protection.

7 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.

8 INFORMATIVE: PROPERTY RIGHTS

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