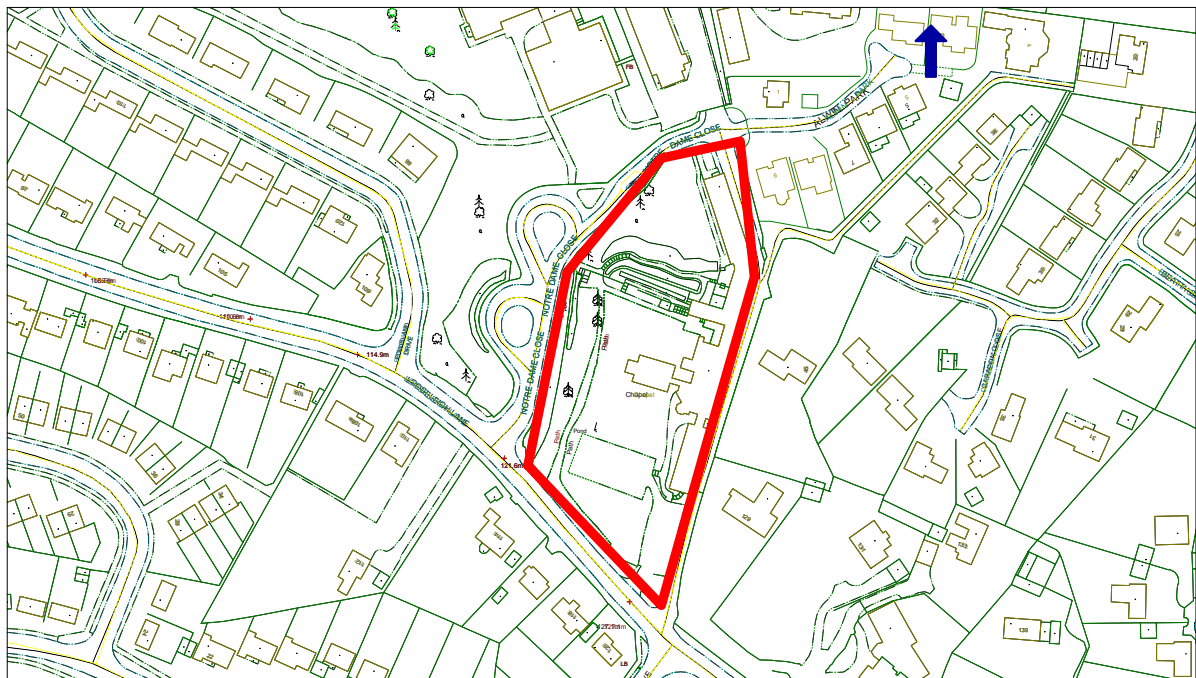


**ITEM: 01**

<b>Application Number:</b>	08/00159/OUT
<b>Applicant:</b>	Veeda Clinical Research Ltd
<b>Description of Application:</b>	Redevelopment of site (currently in use for clinical trials unit) for residential development to provide 50 flats, with access car parking.
<b>Type of Application:</b>	Outline Application
<b>Site Address:</b>	OLD CONVENT OF NOTRE DAME, 119 LOOSELEIGH LANE DERRIFORD PLYMOUTH
<b>Ward:</b>	Budshead
<b>Valid Date of Application:</b>	11/02/2008
<b>8/13 Week Date:</b>	<b>12/05/2008</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Robert McMillan
<b>Recommendation:</b>	Granted Conditionally S106
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2008 Scale 1:2500

## **OFFICERS REPORT**

### **Site Description**

The site measures 0.94 ha and is on the north east side of Looseleigh Lane between its junctions with Leatfield Drive and Notre Dame Close. There is housing to the east and south, the school buses turning area and open land to the west and Notre Dame School to the north. It has frontages with Looseleigh Lane of 85 metres, Notre Dame Close of 150 metres and Notre Dame Lane of 175 metres.

The buildings are on the eastern side of the site and comprise the late Victorian part in the centre with later extensions to the north and south and the former modern chapel in the centre extending westwards. These buildings are 2 and 3 storeys. There are parking areas in the southern and northern parts. The site is well landscaped with protected trees in the northern and southern areas with a dense shrubbery on the western boundary. The Devonport leat runs along this western boundary. There is an interesting raised area where the northern belt of trees is containing walls and what appears to be a ruin. A private road runs along the eastern edge of the site. There are stone walls along the Looseleigh Lane frontage and on the eastern side of the private lane and southern part of its western side. The main access is off Looseleigh Lane with a secondary one off Notre Dame Close. The land falls from north east to south west with the buildings at a raised level. There have been recent traffic calming measures installed on Looseleigh Lane outside the site.

### **Proposal Description**

The application is to demolish the existing buildings on site and redevelop it for flats with associated parking and landscaping. There would be 50 dwellings comprising 28 x 2 bed units and 22 x 1 bed flats. It is in outline but with the reserved matters of access, layout and scale to be determined at this stage. The layout would broadly follow the existing footprint with the buildings on the eastern part by the narrow lane. The exception is the four storey block that runs east to west in the open land between the existing former chapel building and main car park. There are 3 parts. Block A is a small two storey lodge type dwelling at the southern entrance to the site. Next, further north is block B comprising two sections: an eastern part fronting the lane of three storeys 23m long by 7 - 8.5m wide by 9.5m high: the main western part would be 4 storeys high 29m long by 18m wide by 12.2m high with plant rooms a further 2m higher: there is a small western projection 5.5m long by 4 - 8m wide by 10m high. The next main building comprises blocks C1, C2, D1 and D2. It runs for 71 m by widths varying from 6 – 8m with two 3 metre western projections on block D1 and heights of 8.6m – 12m. The lane would be widened slightly by setting back the building line to achieve a uniform width of 4.5m and some on street parking.

There would be 68 parking spaces with 47 of these provided in the main areas either side of block B. 21 spaces would be provided along the lane. The open space and protected trees areas, including the leat in the western and southern parts of the site would be retained. The main access would be

as existing off Looseleigh Lane in the south with a secondary one in the north off Notre Dame Close.

The applicant wishes to sell the site with the benefit of planning permission and relocate within the city at a more suitable location possibly at the Plymouth International Medical and Technology Park or Tamar Science Park to retain the business and jobs in Plymouth.

## **Relevant Planning History**

### **Application site**

07/00457 – OUTLINE - Redevelopment of site (currently in use for clinical trials unit) for residential development to provide 55 flats, with access and car parking - REFUSED

06/00151 – OUTLINE - Outline application to redevelop site of clinical trials unit by erection of 68 flats with associated access and parking (with details of siting and access) – WITHDRAWN.

From 1981 to 1994 there were a number of application permitted to extend and improve the convent as it then was. In 1994 an application for certificate for lawful development for use as student accommodation was refused (94/00935). In 1996 permission was granted for change of use to the clinical trials use (96/00183). Further permissions were granted for improvements, extensions and additional parking from 1996 to 2000. The main ones are:

96/01907 – FULL – Formation of a vehicular access, car park and internal changes – GRANTED.

97/01244 – FULL – Additional parking and fence and gate – GRANTED.

98/00700 – FULL – Extension to laboratory - GRANTED.

00/01170 – FULL – Extension at second floor – GRANTED.

00/01359 – FULL – Three storey extension – GRANTED.

### **Notre Dame School**

07/00697 – FULL - Extensions to provide ten new classrooms and a sports hall, with ancillary facilities (revised scheme) – GRANTED.

## **Consultation Responses**

### **Highway Authority**

This is the second response as the first one raised objections due to the poor visibility and arrangements at the Looseleigh Lane access.

With the first application 06/00151 the local highway authority (LHA) disagreed with the transport assessment (TA) on traffic generation and believed there will be an increase in traffic generation. But the highway network will be able to cope with the increase and it did not object on traffic generation grounds. This also applies to this scheme as there are 18 fewer flats that would generate about 50 fewer trips a day.

As there are fewer flats the parking requirement has dropped to 68 spaces which are provided.

The transport assessment has not been amended to account for the reduced size of development but it can be taken as a worst case scenario. It is not considered necessary to update the TA as it was approved in principle during the previous application.

The proposed 100% cycle storage provision plus some for visitors is welcomed.

To ensure safe passage for pedestrians and cyclists there would need to be minor alterations to the access to Looseleigh Lane that will include a footway from the entrance to the buildings. The applicant would have to fund traffic orders to restrict on street parking on Notre Dame Close. Any bollards on Notre Dame Lane should be collapsible or capable of being lowered to allow for emergency access.

The applicant will be required to fund a traffic order for parking restrictions on Notre Dame Close and also in the Lay-by on Looseleigh Lane. An order to prevent parking between certain hours, to be agreed, will prevent residents of the flats being able to park their cars during the days on the adjoining highways. Exact details of the requirements will be provided during the Full planning application process.

A gate or barrier, with associated turning provision, is required to the north of the Notre Dame Lane block C2. This will mean that block D1 and D2 will gain access to the site from Notre Dame Close but it will prevent rat-running through the lane.

Section 106 funding should be provided to provide bus boarders and real time passenger information on nearby used east and west bus stops. If permission is granted there should be a residential travel plan together with other conditions.

There are private access rights over the lane that must be retained or formally diverted that the applicant must do under civil law.

The LHA does not object in principle on highway or transport grounds.

**Highways Agency**

No objections

**Plymouth City Airport**

No objections

**Housing Services**

Support the principle but have issues over the applicant's draft Section 106 agreement that attempts to weaken the Council's template. It must be as strong as possible.

30% affordable content is 15 units: 7 x 1 bed and 8 x 2 bed units with 3 to Lifetime Homes, standard ideally one should be upgraded to full wheelchair standard. Adequate parking shall be provided. Tenure should be 60% rented and 40% shared ownership. There should be an even distribution across the site. The delivery trigger should be when 50% of the open market units have been built. The preferred RSL is Westcountry. Terms should be included to get the sale and transfer agreements done promptly as problems have been experienced elsewhere.

### **Children's Services**

Based on their response to the previous application, 07/00457, there is adequate existing and future capacity at secondary level. There is a current lack of capacity at junior level and insufficient infant and junior future capacity when Langley Infant and Junior schools merge. It requires a contribution to education of £20,028 based on IPS4.

### **Parks Service**

Require a contribution to upgrade and improve existing play and park facilities in the Derriford area.

### **Representations**

The Council initially received 22 letters and emails raising the following points:

1. Overdevelopment and density is too high;
2. Out of character and not in keeping with the area;
3. Unacceptable increase in traffic;
4. Increased hazards on the highway to that already caused by the recent traffic calming measures on Looseleigh Lane;
5. Increased risk of danger to school children especially as there no longer a crossing patrol on Looseleigh Lane;
6. Inadequate accesses;
7. Inadequate parking will lead to more on-street parking;
8. It is not clear that the lane could operate safely as a two way street particularly at the northern end;
9. Increase traffic onto the busy Derriford roundabout;
10. Conflict with school traffic and school buses;
11. Expansion of facilities at Notre Dame School will intensify the traffic problems;
12. Their accesses will be difficult to use;
13. Overlooking and loss of privacy;
14. Application is misleading as it states in outline but then says that several details would be determined at this stage;
15. Block B is too high and should not be more than three storeys;
16. Block C2 should not be higher than the existing two storey flat roofed building;
17. Drawings are confusing especially concerning the heights of buildings;
18. The cross sections are insufficient;
19. Alwin Park Residents Association own part of the application site comprising the verge at the northern end of the lane;

20. The residents of Alwin Park have unrestricted rights of access over the lane;
21. There is no guarantee that the Yew trees on the southern part will remain permanently;
22. Block A doesn't follow the building line;
23. Inadequate amenity for Block A;
24. Possible damage to protected trees that could lead to their removal;
25. Some of the buildings are worthy of retention;
26. The existing use causes few problems or disturbance;
27. An adjoining neighbour would keep their high hedge on the lane to its existing height to its existing height while they still lived there;
28. Cyclists are not properly catered for;
29. The transport assessment is flawed as the comparative data is not for similar areas and other nearby developments have not been considered;
30. The transport assessment should be updated;
31. Members should visit the site ideally at the busy school arrival or leaving time;
32. The section 106 funding is inadequate for real time information at the bus stop;
33. Nuisance from headlamp glare;
34. Disturbance during construction;
35. Possible damage to the high stone wall on the east side of the lane;
36. It could affect the intake to Notre Dame School;
37. No demand for more flats;
38. Their property is not shown on the drawings;

There were three additional representations from existing objectors following notification of the revised drawing and new information:

1. New plans make little change and junction and the relationship with the mini roundabout needs further examination;
2. Previous objections on congestion and highway safety still apply;
3. PCC is considering the application in isolation and not in the context of the surrounding uses and changes;
4. Repeats that there is excessive traffic and parking problems that this application would exacerbate;
5. The new development will increase traffic congestion and parking;
6. There is increased parking here following recent parking restrictions at Derriford Hospital;
7. The parking problem is identified by the fact that Notre Dame School use B&Q for off-site parking;
8. The school and bus companies are concerned at parking on Notre Dame Close causing problems of obstruction and possible damage to cars: the writer also believes there are safety fears for the students; and
9. The transport assessment is out of date.

### **Analysis**

The main issues with this application are: the principle of development comprising brownfield/greenfield, loss of the employment component use and

acceptability of housing; number of units, height, impact on character and residential amenity; highways and parking; trees; bats and archaeology.

### **Background**

This is the applicant's third attempt to obtain planning permission for redevelopment of this site for flats. It first made pre-application enquiries in October 2005, discussions ensued and it made an application in early 2006 for 68 flats in four storey blocks. It aroused strong local objections. The principle of housing redevelopment was acceptable to officers but the amount of development, density, height, parking and impact on protected trees was not. Officers drafted a report recommending refusal but the applicant withdrew the application. Its agents held further discussions and correspondence with officers to try to achieve a more acceptable scheme from May 2006 to November 2006. Officers still had some concerns. In February 2007 the applicant held a consultation event for local residents and 32 attended. The applicant re-applied in May 2007.

The submission was an improvement on the earlier scheme and dealt with some of the officers' objections, including reducing the number of flats from 68 to 55 and setting block B further away from the southern Yew trees. But not all of them. Officers wrote to the agents in June requesting further information and raising concerns. There were strong objections from residents on a number of issues including: highways and traffic, safety, parking, density of development, height of buildings, harm to residential and visual amenity and impact on trees. The local highway authority did not raise objections. The application was reported to the meeting in August 2007 and was refused for three reasons on: inadequate information and harm to residential amenity; harm to trees; and harm to the amenity of the occupiers of the new block A.

The applicant carried out further revisions resulting in this third application. This is not a straight forward proposal and it has aroused strong local opposition and is a site with constraints including protected trees and complicated levels.

### **Principle of redevelopment**

#### **Brownfield/Greenfield.**

The site is considered to be brownfield land as it is existing development and the definition of previously developed land in PPS Housing Housing includes the curtilages of the development sites. The Local Plan First Deposit 2001 included most of the site as part of the established residential area except for parts of the northern and western open land that falls within greenscape area 089. The greenscape assessments form part of the evidence base to the Core Strategy and are relevant. The plans show that these excluded areas will not be developed and remain open in compliance with policy CS18 and the eastern part of the site could be developed as acceptable brownfield redevelopment.

### **Loss of employment component use**

The existing clinical trials use is one in its own class but has an employment component as 90 people work there. It is hoped that the current occupiers would relocate within the city and they discussed this with the economic development team and South West Regional Development Agency.

Policy CS05 states that employment sites may be developed for other uses where there are environmental, regeneration and sustainable community benefits and five criteria are considered:

1 and 2. The proposal will not result in the loss of a viable employment site necessary to meet economic development needs. It is a sui-generis use not suited to modern business uses in a residential area and where the existing use would be more aptly re-located to the developing medical and healthcare cluster locations at Plymouth International Medical and Technology Park (PIMTP) or Tamar Science Park (TSP) nearby:

3 and 4 on tourism and marine employment do not apply; and

5. The neighbourhood has a good range of employment opportunities being so close to the Derriford employment area and the smaller Christian Mill Business Park.

Policy ST20 of the structure plan (SP) states that local plans should re-assess all employment land and its need for retention and potential for residential and mixed use in sustainable locations. PPS3 states in paragraph 44 that sites currently allocated for commercial use should be considered if they could be re-allocated for housing development, and by analogy this applies to current employment sites.

This flexible approach is being supported on appeal by the Inspectorate which allowed 2 appeals at Apsley Yard near the station and Valletort Road in Stoke where the Council sought to protect employment land.

For these reasons the principle of redeveloping this site for a non-employment use would comply with the development plan and other material considerations.

### **Housing**

The principle of use of the developed part of the site for housing is acceptable and complies with core strategy strategic objectives SO1.4, SO2.5 and SO10.2 and 3 and policies CS01, CS 15 and 16 and would assist in providing housing in one of the three priority areas for new dwellings. The application for flats including affordable homes is in an area where detached owner-occupied housing predominates. This will widen the size and tenure of housing to meet identified needs of the neighbourhood. It also complies with structure plan policies ST5, ST5 and ST7 and the broad aims of the regional planning guidance RPG10 and the emerging regional spatial strategy RSS and PPS3. The applicant has agreed to terms in the draft section 106



agreement that 15 of the dwellings would be affordable units to conform to development plan policy.

### **Density**

The negotiations have resulted in the applicant agreeing to reduce the number of dwellings from the original 68 to 55 and now 50 which is appreciated by officers. Many of the residents still think that this is too high. This results in the density dropping from 72 dwellings per hectare (dph) to 59 dph to 53 dph. The site is in an area of detached houses in generally large plots of low density ranging from 6 dph to 14.3 dph with an average of 11.3 dph. The density would be much higher than the existing density as the site lends itself to flats given the linear form of the existing buildings and the constraints of the site with the need to retain the protected trees and parkland setting. Strategic objective 10.2 states that development should be at the highest density commensurate with achieving an attractive living environment. PPS 3 states in paragraph 50 that:

"The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."

Officers believe that the site could sustain a development of flats with a density of this order without causing undue harm to the character or appearance of the area.

### **Issues relating to previous reasons for refusal**

#### **1. Height of development and impact on residential amenity**

##### **Buildings fronting the lane**

A problem with the history of these proposals is obtaining clear information and drawings from the applicant to enable residents, members and officers to assess the impact of the development. Eventually with this application the applicant has provided the eastern elevation fronting the lane of the existing buildings, the proposed development and superimposing this on the former. External appearance is reserved but scale is to be determined at this stage so this is an important drawing. The main difference with the previous scheme is the reduction in height of block C2 from 3.5 and 4 storeys to 2.5 storeys. The windows in the roofspace will be restricted to rooflights to prevent overlooking. This is an important concession as this block replaces a flat roofed two storey building. Block D1 is three storeys replacing a three storey building and part has rooms in the roofspace but the windows facing east would be restricted to rooflights to prevent increased overlooking to the properties to the east.

The outlook from the side window at 129 Looseleigh Lane has been improved as the second and third storeys of block B have set back 7 metres back from the existing building line.

## **Block B**

The western part of block B is four storeys and has been set back further north to avoid harming the southern Yew trees and to reduce the impact on Looseleigh Lane and officers welcome the re-siting of this part of the proposal. There is a considerable fall in the land of about 3.7m from Notre Dame Lane to the western edge of the building over a distance of 39m. With the earlier scheme officers had thought that the ground level would be raised by about 1.4m and sought more information to clarify matters. This was not provided in a clear form and the local planning authority (LPA) could not fully assess the impact.

The information with this application shows that there will not be major changes to ground levels. There will be some cut and fill with the western floor level raised by about 0.5m and the eastern part lowered by about 1.5m. Residents understandably are concerned at the prospect of four storeys. But the building will be set well back from Looseleigh Lane with the retained Yew trees providing effective screening. The distance from the four storey part to the nearest house facing the block, No 116 Looseleigh Lane, would be 56m. There is scope to provide further screening in the south west corner. In these circumstances officers believe that a part four storey development is acceptable and would not cause undue harm to the character or appearance of the area and so comply with policies CS02 and CS34.

With these changes and additional information officers believe that the proposal has overcome the previous first reason for refusal. It would not cause undue harm from overlooking or over-dominance and is compliant with policies CS02, CS15 and CS34.

## **2. Trees**

The applicant has produced a new tree report to account for the changes since 2005. The designers have been sensitive by concentrating the re-development in the eastern part of the site and so avoiding most of the protected trees. They have moved the western part block B (previously block 3) further away from the Yews. The previous scheme appeared to show the ground levels being raised for this building and the parking area north of it. The applicant has confirmed that there would be only minor changes to existing ground levels. Also the new parking area has been reduced to be outside the root protection area of the copper beech. The amendments and fresh information overcome the previous second reason for refusal and the proposals would safeguard the protected trees in accordance with policy CS18.

## **3. Block A**

The applicant introduced a new element to the earlier scheme by siting a block A at the entrance similar to a lodge. Residents are concerned that it would be set forward of the building line. The houses to the east are well set back but this site and the land to the west has a frontage of 120m where there is no building line. Officers believe that the principle would be acceptable and provide definition to the entrance to the site imitating an entrance lodge. Previously officers had difficulties with the standard of residential amenity for

the occupiers as it is a small island site surrounded on three sides by roads with little amenity space. The applicant has changed the layout by making the route immediately east of the building a footway only and providing a small garden area. There is also scope to enlarge the rear garden area to provide greater separation from the eastern access lane. It is still far from an ideal arrangement. But with the siting of these plots reserved it is considered that a satisfactory level of amenity could be just about achieved, overcoming the previous third reason for refusal to comply with policy CS34.

## **Other issues**

### **Highways and transport**

Local residents have strong objections to the traffic generation from the proposal particularly given the closeness of the school to the site. The local highway authority (LHA) has analysed carefully the transport assessment (TA) prepared for the earlier submission (as the applicant has re-submitted this unaltered). It assumed that there would be 4 trips per flat per day giving a daily total of 272 two way trips of which 49 would occur at the peak hours. The transport officers believe there would be about 50 fewer trips with this amended scheme. This compares with the existing survey peak rate of 24 car trips. The TA concluded that the proposed use would generate less traffic than the existing use. The LHA disputed this as it estimated there would be an increase, this will be smaller with lower number of flats. It has taken into account the traffic and pedestrian generation from the Notre Dame School and advises that the surrounding road network and junctions have adequate capacity to cope with the increase safely to comply with policies CS28 and CS34.

With the two previous schemes the LHA did not object. It did raise concerns initially with the original layout for the current scheme. The access arrangements off Looseleigh Lane changed to improve the environment around block A. But this caused problems with the visibility to the west. The applicant submitted a revised layout in July which overcame the objection showing an access with adequate visibility to comply with policies CS28 and CS34.

A gate or barrier and turning area is required by block C2 on the northern part of the lane to secure access to blocks D1 and D2 from Notre Dame Close but prevent rat running along the lane. The access to Caradon Close will be retained. The applicant developer would have to deal with any changes to easements and rights of access over Notre Dame Lane under private civil law.

The scheme shows 68 parking spaces for 22 x 1 bed flats and 28 x 2 bed flats. This complies with the parking standards in the Council's parking strategy and policy CS28. Adequate cycle parking would be provided. The access arrangements are acceptable in principle but alterations at Looseleigh Lane are needed to ensure pedestrian and cyclist safety that could be dealt with by conditions. The applicant agrees to the section 106 contributions for improvements to bus facilities.

The applicant/developer will have to fund a traffic order restricting parking on Notre Dame Close and the parking lay-by on Looseleigh Lane to deter the new residents from parking there.

The residents have raised strong objections particularly on transport, highway safety, access and parking reasons including photographs showing on street parking in the area. The LHA has considered these carefully but believes that, subject to the section 106 agreement and conditions, the application is acceptable in transport terms in accordance with policies CS28 and CS34.

### **Bats**

With the previous scheme two residents stated that bats might be present and the applicant later commissioned a bat survey as they are protected species. It concludes that there are no bats using the buildings and some of the trees have potential to contain bat roosts. The application specifies that no trees will be removed. But if any of the six trees having moderate or high bat potential are to be felled or lopped, additional bat survey work would be needed before such works are carried out. This is necessary to comply with legislation and policy CS19.

### **Archaeology**

The Devonport Leat runs along the western part of the site but is far enough away from the proposed operational works to be unaffected by the development. There are standing walls in the northern third of the site. A safeguarding condition would be necessary ensure the protection of these features to comply with policy CS03.

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.

### **Section 106 Obligations**

At the time when officers prepared the report they were still negotiating on the wording of the section 106 agreement relating to affordable housing. The applicant agrees to:

Providing 15 affordable units;

A contribution of £20,028 for primary education;

A contribution of £14,100 for improvements to public transport; and

A contribution of £21,390 for equipped playspace off-site.

The administration fee would be £2,776.

### **Conclusions**

This has been a controversial proposal that has aroused strong objections from residents. The applicants and officers have spent much time negotiating over the past 33 months to achieve an acceptable scheme. The principle of

redevelopment for housing on the eastern part of the site complies with development plan policy and PPS3. The applicant has been sensitive by retaining the trees worthy of retention and the site's parkland setting. Drawing 2007.01/001A shows that there will not be significant increases in the height of the buildings fronting Notre Dame Lane compared with the existing development. Where there are openings in the roofspaces above the second and third floors these will be restricted to rooflights to prevent overlooking. Part of Block B will be four storeys but is considered to be acceptable given: its siting within the site set back from Looseleigh Lane; the distance from nearby houses; and the effective tree screening. Residents are particularly worried about the impact on traffic, highway safety, parking and congestion. The transport officers have carefully examined these issues and advise that the transport and highways matters are satisfactory. The applicant agrees to the terms of the section 106 agreement but is still negotiating on the affordable housing clauses. If agreement cannot be reached in a timely manner delegated authority is sought to refuse permission because of the failure to meet all the necessary community benefits in conflict with policies CS15 and CS33. Officers believe that they have negotiated as much as they can in achieving a suitable scheme and for these reasons the application is recommended for approval.

### **Recommendation**

In respect of the application dated **11/02/2008** and the submitted drawings, **Site location plan, 2007.01/001A 2007.01/002b - Amended access arrangements from looseleigh lane, land survey TAnot1RevA, 2007.01/003, 2007.01/004, 2007.001/05, 2007.01/006, 2007a.001/07, 2007.01/009, 2007.01/011, 2007.01/012, 2007.01/013a, 2007.01/014, 2007.01/015, 2007.01/024, 2007.01/025, 2007.01/026, 2007.01/027, 2007.01/028, 2007.01/029, 2007.01/030, 2007.01/031, 2007.01/032, 2007.01/033, 2007.01/034a, 2007.01/035a, 2007.01/037, planning supporting statement, design and access statement, transport assessment, updated arboricultural implications assessment and bat survey** it is recommended to: **Granted Conditionally S106**

### **Conditions**

#### APPROVAL OF RESERVED MATTERS

(1) Approval of the details of external appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### SUBMISSION OF RESERVED MATTERS

(2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the external appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### TIME LIMIT FOR SUBMISSION

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

#### TIME LIMIT FOR COMMENCEMENT

(4) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

#### SURFACE WATER DISPOSAL

(5) Development shall not begin until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE DESIGN PROPOSALS

(6) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SOFT LANDSCAPE WORKS

(7)Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme].

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

#### DETAILS OF FLOODLIGHTING

(8)Details of any floodlighting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE MANAGEMENT PLAN

(9)A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### MAINTENANCE SCHEDULE

(10)No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To ensure that satisfactory landscaping works carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### STOCKPILING/PROT. OF EXISTING TOPSOIL

(11) Existing topsoil stripped for re-use must be correctly store in stockpiles that do not exceed 2 metres in height and protected by chestnut palings at least 1.2 metres high to BS 1722 Part 4 securely mounted on 1.2 metre minimum height timber posts driven firmly into the ground.

Reason:

To ensure that the structure of the topsoil is not destroyed through compaction; that it does not become contaminated; and is therefore fit for re-use as a successful growing medium for plants in the interest of amenity e in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXISTING TREE/HEDGEROWS TO BE RETAINED

(12) 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 date of occupation of the last dwelling forming part of the development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998:1989(Recommendations for Tree Work).

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or is lopped or topped in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy



(2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

#### DETAILS OF BOUNDARY TREATMENT

(13) No development shall take place on the superstructure until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DETAILS OF ENCLOSURE AND SCREENING

(14) No development shall take place on the superstructure until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### COMMUNAL CAR PARKING PROVISION - deletions, insert for number of cars

(15) 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 maximum of 68 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PEDESTRIAN/CYCLE ACCESS

(16) The building shall not be occupied until a means of access for pedestrians and cyclists has been constructed in accordance with plans to be submitted and approved by the local planning authority.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and

CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

#### CYCLE STORAGE

(17) The secure area for storing cycles 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:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building, in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### WAITING RESTRICTIONS - deletions and to insert street name

(18) The use hereby permitted shall not commence until waiting restrictions have been introduced on Notre Dame Close and Looseleigh Lane by or on behalf of the Local Highway Authority.

#### Reason:

Without such restrictions the proposed development would be likely to result in an unacceptable increase in parking on the highway and thereby harm the amenity of the area, prejudice public safety and convenience, and interfere with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### RESIDENTS' TRAVEL PLAN

(19) The development hereby permitted shall not be occupied until a Residents' Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The RTP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises.

#### Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DETAILS OF BARRIER ON NOTRE DAME LANE

(20) Details of the form of barrier on Notre Dame Lane and turning area by block C2 shall be submitted to and approved by the local planning authority before work begins on the superstructure of the development hereby permitted. The approved works shall be completed before the development is occupied.

#### Reason:

To prevent "rat-running" on Notre Dame Lane and provide adequate safety for the continued use of the private access that serves properties in Caradon Close to comply with policies CS28 and CS34.

## LEVELS DETAILS

(21) Full levels details comprising cross sections, long sections, existing and proposed ground levels, finished ground levels, finished floor levels, eaves heights, ridge height, parapet heights and top of plant room heights shall be submitted to and approved by the local planning authority before work begins on the development hereby permitted. These shall be at scale 1 : 100 or 1 : 200.

### Reason:

To ensure the development does not cause harm to visual or residential amenity to comply with policies CS02 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

## BUILDING HEIGHTS

(22) The building heights comprising eaves levels, ridge heights, parapet levels and top of plant room heights shall not exceed those shown on drawing numbers 2007.01/007A, 2007.01/034A, 2007.01/035A, 2007.01/037 and 2007.01/00/A based on the levels on land survey drawing TAnot1 Rev A.

### Reason:

To ensure the development does not cause harm to visual or residential amenity to comply with policies CS02 and CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

## CODE OF PRACTICE

(23) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

### Reason:

In the interests of residential amenity to comply with policies 22 and 34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

## EXTERNAL MATERIALS

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

### Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### SURFACING MATERIALS

(25)No development shall take place on the superstructure until details and samples of all surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### ROOFLIGHTS ONLY

(26)All openings in the roof spaces of blocks B, C1, C2 and D1 on the eastern and north eastern elevations facing Notre Dame Lane shown on drawing number 2007.01/001A shall only be rooflights and not dormer windows. The minimum height from the floor levels to the lowest part of the rooflights shall be 1.7 metres. No openings shall be added to the roof of the north east elevation of block D2 without the prior written permission of the local planning authority.

#### Reason:

To prevent overlooking to nearby properties in the interests of residential amenity to comply with policy CS34 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

### SITING OF BLOCK A AND EXTENSION TO CAR PARK

(27)The details of the siting of block A and its curtilage and the extension to the existing car park are not approved by this permission. Details of revised siting for these parts of the development shall be submitted to and approved by the local planning authority before work begins on the development hereby permitted.

#### Reason:

To ensure that there is adequate space around block A to protect the residential amenity of the future occupiers and to ensure the Devonport Leat is not damaged to comply with policies CS34 and CS03 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

### DEVONPORT LEAT AND BOUNDARY WALLS WITHIN THE SITE

(28)The Devonport Leat which lies on the western part of the site shall remain in situ. The boundary walls in the northern third of the site shall remain and not be removed. If any works are proposed that affect the leat or walls details shall be submitted to and approved by the local planning authority before and works take place.

#### Reason:

To protect the Devonport Leat and internal boundary walls to safeguard the historic environment to comply with policy CS03 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

#### BATS: TREES

(29) If any of the trees identified as having moderate or high value for bats are to be lopped or felled, bat emergence and activity surveys are required prior to any works being undertaken. If these reveal evidence of bats details of appropriate measures to protect the bats shall be submitted to and approved by the local planning authority before work is carried out. The measures shall be implemented in accordance with the approved details.

#### Reason:

To safeguard important protected species to comply with policy CS19 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

#### BATS - BUILDINGS

(30) If any bats are discovered in the buildings during the works all activity should stop and the developer shall contact the local Natural England office for advice on how to proceed.

#### Reason:

To safeguard important protected species to comply with policy CS19 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

#### CONTAMINATED LAND

(31) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The said scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk to the environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.

#### Reason:

There is a possibility that the site, or parts of it, are contaminated from past activities and, if so, this will need to be dealt with before the development takes place in accordance with Planning Policy Guidance Note PPG23: Planning and Pollution Control (Chapter 4 and Annex 10); and Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021 )2007.

#### INFORMATIVE 1 CODE OF PRACTICE

The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following;

- 1) Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- 2) Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access

points, hours of deliveries, numbers and types of vehicles, construction traffic parking.

3) Hours of site operation, dust suppression measures, noise limitation measures.

#### INFORMATIVE 2: PROPERTY RIGHTS

Applicants are advised that this grant of planning permission does not override private property rights with particular regard to the easements and rights of way over Notre Dame Lane or their obligations under the Party Wall etc. Act 1996.

#### LIFETIME HOMES

(32)20 percent of the dwellings shall be built to "Lifetime homes" standard.

Reason:

To ensure there is a range of house types to meet the needs of the city's population and to comply with policy CS15 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

#### RENEWABLE ENERGY

(33)The development hereby permitted shall be designed to include on-site renewable energy production to off-set at least 10% of predicted carbon emissions for the period up to 2010 rising to 15% for the period to 2016. Details of how this can be achieved shall be submitted to and approved by the local planning authority before work starts on the development.

Reason:

To ensure that the development contributes to providing on-site renewable energy to off-set carbon emissions to comply with policy CS30 of the Adopted Plymouth Core Strategy Development Plan Document 2007.

#### INFORMATIVE 3: DESIGN OF BLOCK B

The design of the eastern part of block B would be improved if there were more openings in the eastern elevation fronting the lane to provide an active frontage

IPS4 - Education Contributions

PPG13 - Transport

PPS3 - Housing

PPS9 - Biodiversity and geological conservation

CO10 - Protection of Nature Conservation Sites and Species

ST6 - Plymouth Principal Urban Area

PPS1 - Delivering Sustainable Development

RPG10

ST20 - Re-assessment & Safeguarding Employment Land

CO10 - Protection of Nature Conservation Sites & Species

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration  
CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS21 - Flood Risk  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
CS16 - Housing Sites  
SO11 - Delivering a sustainable environment  
SPG11 - Playspace  
CS30 - Sport, Recreation and Children's Play Facilities  
SO1 - Delivering Plymouth's Strategic Role  
SO2 - Delivering the City Vision  
SO4 - Delivering the Quality City Targets  
SO10 - Delivering Adequate Housing Supply Targets  
SO14 - Delivering Sustainable Transport Targets  
SO15 - Delivering Community Well-being Targets  
ST5 - Development Priority 2001-2016  
CO6 - Quality of new development  
CO13 - Protecting water resources and flood defence  
TR7 - Walking & Cycling  
TR9 - Public Transport