

ITEM: 05

Application Number: 09/01432/FUL

Applicant: BDW Trading LTD

Description of Application: Redevelopment of cattle market by erection of 49 dwellings with associated carparking, new vehicular access, landscaping construction of flood flow route, stream widening and creation of footpath to playing field (resubmission re-positioned and enlarged flood route and stream widening)

Type of Application: Full Application

Site Address: PLYMPTON CATTLE MARKET, MARKET ROAD
PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 01/10/2009

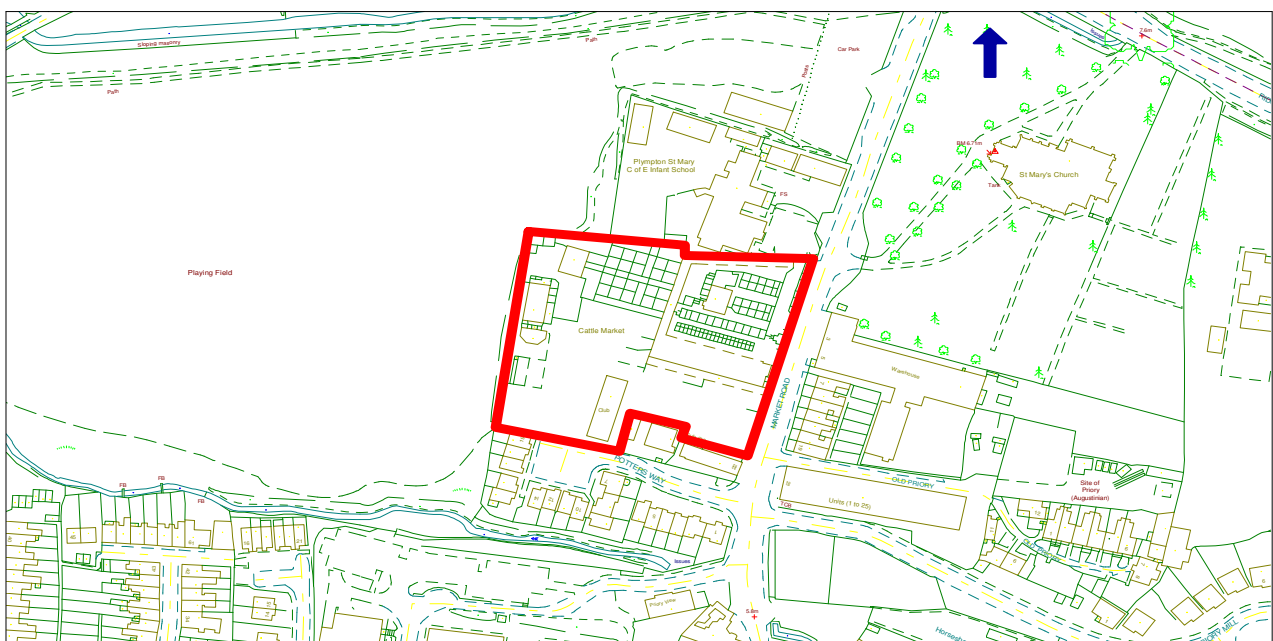
8/13 Week Date: **31/12/2009**

Decision Category: Major Application

Case Officer : Mark Evans

Recommendation: Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09

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OFFICERS REPORT

Site Description

A former livestock market site consisting of approximately 0.9 ha of land, and buildings on the western side of Market Road between Plympton St Mary Junior and Infant School, and a short residential cul-de-sac known as Potters Way. There are existing terraced dwellings and commercial premises on the opposite side of Market Road, and playing fields immediately to the rear (west) of the site. The livestock markets ceased in about 1999 due to declining business, and since then the site has been used on occasions for car auctions and Saturday markets. The site appears to be currently unused, and has suffered from vandalism, fly-tipping, and the abandonment of cars. The site still contains features from the livestock market use such as livestock sheds and pens, and contains some stone walls, which are at least in part worthy of retention in any redevelopment scheme.

Proposal Description

The proposal is to construct 49 dwellings on the site consisting of a mix of two-bedroom and one-bedroom apartments, together with a mix of two-bedroom, three-bedroom and four-bedroom houses. The houses would be a mixture of two and three storeys in height, whilst the flats would be contained within three storey buildings. The design of the development incorporates the use of natural and re-constituted stone, render and concrete tiles.

14 (29%) of the residential units will be affordable housing units.

There would be a single vehicular access off Market Road which also provides a new, direct public footpath link between Market Road and the playing fields at the rear of the site. The development proposes 75 on-site car parking spaces.

Stone boundary walls would be retained largely intact with some minor alterations. Some sections of stone wall within the site would also be retained, along with some refurbished market paraphernalia, in order to reflect the historical use of the site.

Relevant Planning History

87/00774 - Erection of temporary building for use as clubhouse - (Full) - GRANTED

90/02783 - Retention of temporary building for use as clubhouse - (Full) - GRANTED

93/01383 - As 90/02783 - (Full) - GRANTED

95/00472 - As 90/02783 - (Full) - GRANTED

00/00724 - Residential development (O/L) - WITHDRAWN

03/00186 - Residential development (50 dwellings) - (Full) - REFUSED

03/01427 - Erection of 50 dwellings with associated parking, landscaping and new vehicular access (duplicate application to 03/00186) - REFUSED

07/00539 – Erection of 50 dwellings with associated parking, landscaping and new vehicular access – WITHDRAWN

07/02352 – Redevelopment of cattle market by erection of 53 dwellings with associated car parking, landscaping and new vehicular access – REFUSED

09/00928 - Redevelopment of cattle market by erection of 49 dwellings with associated car parking, landscaping, stream widening, creation of footpath to playing field and new vehicular access - WITHDRAWN

Consultation Responses

Environment Agency

No objections subject to conditions.

Highway Authority

No objections subject to conditions.

South West Water

No objections.

Public Protection Service

No objections subject to conditions.

Representations

At the time of writing, no letters of representation have been received.

Analysis

This proposal has been submitted under the Plymouth Market Recovery Action Plan initiative launched by the Planning Service on 22nd October 2008. The Plymouth Market Recovery Action Plan is an officer-level approach to negotiating community benefits on validly made planning applications submitted between 14th October 2008 – 31st December 2009 on selected sites to help stimulate the local economy in 2009, 2010 and 2011. The Plymouth Market Recovery Action Plan will work within the existing planning policy framework established by the Local Development Framework Core Strategy adopted in April 2007 and all subsequent Area Action Plans.

The aims of the initiative are:

1. To maintain optimism and momentum about the exciting regeneration and investment opportunities which exist in Plymouth.
2. To focus on delivery of key projects that can be completed in 2009, 2010 and 2011.
3. To maintain quality in developments but be realistic in assessing what can be delivered in the short term.

4. To explore creatively the use of public assets and joint venture models to build momentum so that Plymouth is well placed when the market does recover.
5. To work with partners (CDC, RDA, HCA) to promote Plymouth.

The Market Recovery Action Plan does NOT:

1. Propose a change in Local Development Framework policy.
2. Justify poorer quality design.
3. Apply to strategic sites crucial for Plymouth's growth agenda.
4. Apply to previously negotiated planning applications.
5. Alter the Planning Committee's statutory role in determining each application on its merits.

Following a "call for sites" this site is one of 16 sites that were submitted by the deadline of 22nd December 2008 and which have been accepted for consideration under the initiative. In being accepted under the initiative the applicant has accepted the 5 safeguards that form part of the Plymouth Market Recovery Action Plan. In relation to this proposal the position on each of the safeguards is as follows:

1. The developer is prepared to enter into a Planning Performance Agreement.

The proposal has met this requirement due to the early commencement of the pre-application discussions prior to the 5 safeguards being adopted and the submission of an agreed time frame for delivery of the development. The developer has stated that construction will commence immediately upon receipt of a planning approval. It has not therefore been necessary to require the production of a Planning Performance Agreement in this instance to safeguard the City Council's position.

2. The developer is prepared to accept and pay for an open book approach to the development viability appraisal.

The proposal has met this requirement because an open book appraisal has been submitted and verified as part of the consideration of this application.

3. The developer can demonstrate to the satisfaction of the Planning Service Management Team that the development will be commenced within 2 years.

The proposal has met this requirement as the applicant has accepted in writing a proposed Section 106 provision which will require commencement of development within 2 years.

4. The developer is prepared to accept a limited 2 year consent and/or a personal consent.

The proposal has met this requirement as the applicant has accepted in writing a condition stipulating a two year consent.

5. The developer is prepared to accept and pay for a post scheme development appraisal and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.

The proposal has met this requirement as the applicant has accepted to fund a post scheme appraisal.

Plymouth must respond to the current market difficulties in a proactive and positive way because of the sheer enormity of the city's growth agenda. Whilst trying to balance long term objectives with short term market responses officers have sought to take a considered view of the risks in a manner that protects member discretions and the primacy of the Planning Committee's duty to consider each application on its merits. In this case the proposal meets the requirements of the initiative and is therefore presented to Planning Committee for consideration on that basis.

The key issues are:

1. The existing flood risk of the site and the impact of the development on the existing and future flood risk to both the application site and sites in the locality;
2. The impact of the development upon the appearance and character of the area;
3. The impact of the development upon neighbouring properties;
4. The impact of the development upon the highway network.

1. Drainage & Flood Risk

The site is located within Flood Zone 3 being situated almost entirely within the Environment Agency's 1 in 100 year Indicative Floodplain of the Long Brook which flows immediately to the south of Potters Way. The application site is also situated adjacent to a section of Market Road and Potters Way where surcharge and discharge from the existing combined sewer via manholes in Market Road has resulted in a series of localised but serious flooding incidents. This has previously resulted in raw sewage being discharged into streets and gardens of some of the properties in Potters Way, although not within the dwellings themselves which were deliberately constructed above flood level.

The proposed development incorporates significant on-site and off-site flood mitigation works which have been designed in full consultation with the Environment Agency in order to improve the permeability of the site, significantly reduce surface water run-off from the site and reducing the potential flood risk on adjoining sites. The Flood Risk Assessment submitted with the application demonstrates that the development will be a "safe" development in terms of flood risk and the Environment Agency does not object to the development.

The development is therefore fully supported by adopted Core Strategy policies CS01, CS21, CS22 and Government guidance contained in PPS25.

2. The impact of the development upon the appearance and character of the area.

Principle of Residential Development - the application site constitutes a brownfield site having been previously developed and used as a livestock market. Therefore although the site is not allocated for residential development in the Core Strategy it is in principle considered to be suitable for residential development provided the site is capable of being developed without giving rise to demonstrable harm to recognised planning interests.

Layout & Design - The proposed layout for the development is considered acceptable. The overall density of the proposed development would equate to approximately 58 dwellings per hectare. Planning Policy Statement 3 (PPS3) advises that the density of development should not be dictated by that of existing development density. 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. Taking into account the fact that the site is within an urban area more able to sustain the proposed density based on its location and access to local facilities, public transport networks and services etc, the proposed density is acceptable.

The development would include some three-storey buildings, but would be mostly two storeys in height, and compatible with existing development in Market Road and Potters Way.

The proposed siting and design will enhance the appearance and character of this derelict site and will be in keeping with the appearance and character of development in the locality. In this respect, the proposed development is considered to be acceptable and complies with adopted Core Strategy Policies CS01, CS02, CS15, CS32, CS34 and Government advice contained within PPS1 and PPS3.

The provision of a pedestrian link through to the playing fields at the rear of the site is desirable in terms of providing a convenient, safe (well overlooked) route to the fields and play facilities for prospective residents and existing local residents.

3. The impact of the development upon neighbouring properties.

The proposed siting, layout and design of the development is considered to have an acceptable relationship with regards the residential amenity of neighbouring properties. In this respect, the proposal accords with adopted Core Strategy policies CS01, CS02, CS34 and Government advice contained within PPS1 and PPS3.

4. The impact of the development upon the highway network.

The development has been designed to take into account detailed recommendations made in respect of a previously proposed layout and has resulted in an improved street layout within the development. The principle of providing a single access onto Market Road is considered acceptable. The scheme has been designed to encourage prospective residents and visitors to park within the application site. In order to retain some of the character and historic interest of the market site, sections of existing stone wall would be retained along the site frontage. Overall in terms of access and transport, the proposed scheme is considered to comply with adopted Core Strategy Policies CS02, CS28 and CS34.

The Highway Authority does not object to the development proposal.

Community Benefits

(a) Affordable Housing

Core Strategy Policy CS15 promotes the delivery of affordable housing and advises that on developments of 15 dwellings or more, 30% of the total number of dwellings proposed should be affordable homes (subject to viability). It advises that "Off-site provision or commuted payments for affordable housing will be acceptable provided it is robustly justified and contributes to the creation of balanced, mixed and sustainable communities".

In order to set the proposed development in the context of the current economic climate, it is important to note that the Council formally agreed, on 14th October 2008, the adoption of a series of phased-in temporary concessions to be granted for developments in relation to the Plymouth Development Tariff. It was agreed that as part of these measures, for residential development of 15 homes or more, a reduced affordable housing requirement of up to 50% of the full requirement may be considered if the case is proven through an open book viability appraisal that the development is unviable at the higher level. Similarly 50% of the tariff will be charged for the development of previously developed brown-field land.

On this basis, if the application were to be considered outside of the umbrella of the Market Recovery Action Plan, on the basis of the independently verified viability assessment submitted with the application, the development would be required to deliver 15% affordable housing on-site (7 units), together with a financial contribution of £234,994 towards the Plymouth Development Tariff. This Tariff contribution would be allocated in accordance with the "Strategic Priorities" identified under the temporary measures approved through Council December 2008, which are: Strategic Transport Infrastructure, Primary Schools and Natural Environment.

The current scheme is brought forward under the structured approach of the Market Recovery Plan. If approved, it would guarantee that this significant development, comprising 29% (14) affordable housing units will start on site within the next two years, within what is still likely to be a restricted financial climate. This early start is one of the requirements of the recommended S106 Obligation.

The development therefore delivers in excess of the 15% affordable housing requirement of the reduced Development Tariff and is acceptable in terms of Core Strategy Policy and Government advice contained in PPS3.

(b) Other Community Infrastructure.

It is clear from the viability assessment submitted with the application that the development cannot afford to fully deliver the Plymouth Development Tariff contribution towards Strategic Transport Infrastructure, Primary Schools and Natural Environment as required by either the full or reduced Tariff if combined with the delivery of 29% affordable housing units. In the case of this application if considered outside the parameters of the Market Recovery Action Plan, but within the reduced Development Tariff, the required financial contribution would be £234,994.

It is clear from the submitted viability assessment (that has been verified by the Council) that the S106 Obligation required in line with policy, even taking into account the reductions agreed by Cabinet, (which would permit 15% of the residential units to be developed as affordable housing), is not deliverable due in part, to the additional requirement for the applicant to part fund the cost of the substantial on and off-site flood mitigation measures required to be undertaken by the Environment Agency. (Reported as being in excess of £500,000)

Under the parameters of the Market Recovery Action Plan, it is proposed that a reduced contribution of £95,800 will be provided under a phased method of payment, which will specifically fund Transport Infrastructure works in the locality.

Whilst it is noted that on this basis the proposal does not fully mitigate against the adverse community infrastructure impacts of the development as required by adopted Core Strategy policy CS01, the impact of one site failing to fully deliver the requirements of the Plymouth Development Tariff required by Council policy, when set against the context of making a noteworthy contribution to the delivery of the wider housing target over the plan period as set out in the Core Strategy together with the delivery of on and off-site flood alleviation measures, is considered to be insignificant.

In accordance with policy CS01, the development will improve the sustainability of the individual communities and neighbourhoods in the locality by delivering development of an appropriate type, form, scale, mix and density in relation to its location; Contributing to the promotion of a positive sense of place and identity and contributing to the creation of a well connected, accessible, inclusive and safe community.

Core Strategy Policy CS05 states that development of sites with existing employment uses for alternative purpose will be permitted where there is clear environmental regeneration and sustainable community benefits from the proposal. In accordance with this policy, the development will deliver a significant number of affordable housing and open market housing units on a derelict prominent site, and contribute to the further enhancement of the residential character and amenity of the locality.

It is recommended that the reduced financial contribution to the Development Tariff be agreed, incorporating a more flexible phased method of payment. In addition, a “clawback” clause shall be incorporated within the S106 Obligation in order to ensure, should the final development profit exceed that predicted within the submitted viability assessment, that this additional profit is paid back to the Council to increase the development contribution towards the delivery of additional community infrastructure up to the total amount otherwise required under the Plymouth Development Tariff.

Sustainability

In accordance with adopted Core Strategy Policy CS20, the development would be expected to incorporate onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016.

In accordance with this, a condition is recommended to ensure that appropriate on-site renewable energy systems are integrated into the development to ensure that the development fully accords with the requirements of Policy CS20 and Government advice contained within PPS22.

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.

Equalities and diversities issues

The development will provide much needed residential accommodation and affordable housing to young and old people.

The key equality groups particularly benefiting from the development are older people and those with disabilities as 20% of residential units will be built to Lifetime Homes standards and a number will be adapted for disabled users. Those with young children will also benefit due to the provision of a new public route through the site to the playing fields.

The benefits to all groups will be positive as it will provide much needed residential accommodation and affordable housing to the local community, in addition to incorporating flood risk mitigation measures which will reduce potential flood risk on this and adjoining sites.

No negative impact on any of the equality groups is anticipated.

Pedestrian access will be improved by the creation of a new public route through the development to the playing fields.

Section 106 Obligations

The following clauses and affordable housing and financial contributions towards new/strategic infrastructure are required in connection with the development under the parameters of the Market Recovery Action Plan and Plymouth Development Tariff:

1. Affordable Housing – Under the parameters of the Market Recovery Action Plan, the development proposes 29% (14 Units) of affordable housing on site. It is proposed that this will comprise a tenure mix of 8 (60%) social rented units and 6 (40%) shared equity units, although this specific detail is currently still being negotiated. This suggested tenure mix is in accordance with the Council's objectives as set out within Strategic Objective 10 and Policy CS15 of the adopted Core Strategy and is supported.

2. A contribution of £95,800 towards Transport Infrastructure in the locality as required by the Plymouth Development Tariff will also be provided (£15,234 payable upon commencement of development and £80,566 payable upon completion of the development or at 10% occupation, whichever is the sooner).

3. Development to commence within two years.

4. Developer to commission a post scheme development appraisal to be submitted to the Local Planning Authority, and support other monitoring arrangements in order for Planning Services to review the impact of the Market Response Action Plan.

5. A “clawback” clause be incorporated within the S106 Obligation to ensure, should the above post development appraisal identify that the final development profit has exceeded 15%, that 100% of this additional profit is paid back to the Council to increase the development contribution towards the delivery of community infrastructure in line with adopted planning policy and the Plymouth Development Tariff (up to the maximum amount that would have otherwise been required under the Plymouth Development Tariff).

6. No residential unit shall be occupied until the culvert on the adjacent site has been removed in accordance with planning consent 06/01174/FUL.

Conclusions

The weaknesses in the scheme's deliverable community benefits (described above) should be balanced against the wider benefits of achieving the delivery of this key housing development on this prominent, neglected brownfield site.

The development will provide much needed affordable housing to the community despite the current severity of the economic climate under the parameters of the Market Recovery Action Plan, in addition to significantly reducing the potential flood risk on adjoining sites on Market Road and Potter's Way.

The development is considered to have an acceptable design and layout in terms of its impact upon the appearance and character of the locality and relationship to neighbouring properties, and in itself demonstrates a "safe" design in terms of flood risk. The development therefore accords with the requirements of PPS25 and specifically Core Strategy Policies CS01, CS02, CS21 and CS34.

It is therefore recommended that the application be conditionally approved subject to the satisfactory completion of the S106 Obligation. Delegated authority is also sought to refuse the application should the S106 Obligation not be signed within the 13 week statutory target date.

Recommendation

In respect of the application dated **01/10/2009** and the submitted drawings, **859/01M, 859/RLBP, 859/04A, 859/03A, 859/06, 859/20/01, 859/20/02, 859/20/03, 859/21/01, 859/21/02, 859/21/03, 859/23/04, 859/23/05, 859/23/06, 859/23/07, 859/23/08, 859/23/09, 859/01K, 859/24/01, 859/24/02, 859/24/03, 859/25/01, 859/25/02, 859/25/03, 859/26/01, 859/26/02, 859/26/03, 859/26/04, 859/27/10, 859/27/01, 859/27/02, 859/27/03, 859/28/02, 859/28/03, 859/28/04, 859/29/01, 859/29/05, 859/29/06, 859/29/07, 859/29/08, 859/33/01, 859/33/02, 859/33/03, 859/33/04, 859/34/01, 859/34/02, 859/34/03, 859/34/05, 859/34/06, 859/34/07, 859/34/08, 859/34/09 , 859/100E, 859/102E, 859/121A, 859/123B, 859/122C** ,Supporting information (Design and Access Statement, Community Consultation Document, Repeat Ecological Survey (August 2009), Transport Statement (June 2007), Flood Risk Statement (June 2009)) , it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 23/12/09**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1)The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

CODE OF PRACTICE DURING CONSTRUCTION

(2) 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:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

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

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring and are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

ARCHAEOLOGICAL INVESTIGATION

(4) No part of the development allowed by this permission shall be commenced until the applicant (or their agent or his successors in title) has secured the implementation of a programme of archaeological work, in

accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may subsequently be agreed in writing by the Planning Authority.

The developer should note that:

1. archaeological evaluation is sought prior to development.
2. should archaeological deposits be exposed, adequate time must be allowed for the necessary recording.

Reason:

ACCESS (5)

(5) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development 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.

GRAMPIAN (6)

(6) Unless otherwise agreed previously in writing, no occupation shall be permitted until the proposed access and improvements to the existing highway shown on plans to be submitted to and approved in writing by the Local Planning Authority have been completed.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STREET DETAILS

(7) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ROAD ALIGNMENT AND DRAINAGE

(8) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETION OF ROADS AND FOOTWAYS

(9) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition above before the first occupation of the penultimate dwelling.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(10) Unless otherwise agreed previously in writing with the Local Planning Authority, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted (including details of all roofing, cladding, window colouring and wall finishes/colour schemes), 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

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

Unless otherwise agreed previously in writing with the Local Planning Authority, all paving and hardsurfacing shall be constructed with a permeable surface design in accordance with details previously submitted to and agreed in writing with the Local Planning Authority. The agreed details shall thereafter be so retained and maintained unless written agreement is given to any variation.

Reason

To reduce the extent of surface water run-off from the site in the interests of the prevention of flooding and in accordance with Core Strategy Policy CS21 and advice contained in PPS25

BIODIVERSITY

(12) Prior to occupation of any residential unit, the surface water drainage channel from the site and the flood relief channel shall be designed so as to create a wildlife habitat in accordance with details including details of design, planting and of a proposed management scheme which shall have been previously submitted to and agreed in writing with the Local Planning Authority, in order to positively contribute to the nature conservation value of the site. Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the recommendations and principles outlined in the Repeat Ecological Survey and Mitigation Strategy (dated August 2009) for the site. A landscape strategy which complies with these principles shall be submitted the Local Planning Authority prior to commencement of works on site.

Any planting shall use native species only.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS1 and PPS9.

SECURE BY DESIGN STANDARDS

(13) Prior to occupation of any residential unit, the rear flood routes and pedestrian access routes leading to properties shown on the submitted drawings shall be gated or fenced in accordance with details (including siting, design and materials) which shall have been previously submitted to and agreed in writing with the Local Planning Authority.

The approved gates shall thereafter be so maintained and retained.

Unless otherwise previously agreed in writing, the entrance to the playing fields shall be constructed with a wooden chicane type gate to prevent motor cycles accessing the playing field at this point.

Reason

To ensure that a secure and safe environment is created within the development in accordance with Core Strategy policy CS32.

CONSTRUCTION OF FLOOD ALLEVIATION MEASURES

(14) Unless previously agreed in writing with the Local Planning Authority, no residential unit shall be occupied until the flood alleviation measures shown on the approved drawings have been completed to the satisfaction of the Local Planning Authority. The flood alleviation measures shall thereafter be permanently retained and maintained.

Unless otherwise previously agreed in writing, the flood flow route adjoining Potter's Way shall be first constructed and subsequently maintained with a waterproof membrane.

No residential unit shall be occupied until a management strategy for the maintenance of all flood alleviation routes has been implemented in accordance with details which shall have been previously submitted to and agreed in writing with the Local Planning Authority. The management strategy shall remain in place in perpetuity unless written agreement is given to any alternative.

Reason

To ensure the flood alleviation measures are implemented on site in the interests of the prevention of flooding of the site and adjoining land in accordance with adopted Core Strategy policy CS21 and Government guidance contained in PPS25.

LANDSCAPE DESIGN PROPOSALS

(15) 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

(16) 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.

LANDSCAPE WORKS IMPLEMENTATION

(17) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of

any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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.

LANDSCAPE MANAGEMENT PLAN

(18)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.

DETAILS OF TREE PLANTING

(19)The plans and particulars of the landscaping works submitted in accordance with condition above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

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.

TREE REPLACEMENT

(20) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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 are subsequently properly maintained, if necessary by replacement.

DETAILS OF BOUNDARY TREATMENT

(21)No development shall take place 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 buildings are occupied. Development shall be carried out in accordance with the approved details.

No work shall commence on the proposed flood alleviation boundary wall works adjoining Potter's Way until details of the precise location of the new opening and details of the design and materials of the proposed replacement boundary treatment/railings have been submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be strictly adhered to during the course of development. For the avoidance of doubt the new railings shall be constructed from metal and not timber.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policies CC02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIFETIME HOMES

(22) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 20% of the residential units hereby permitted shall be first constructed and subsequently maintained to Lifetime Homes standards in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to completion of the development or occupation of the 25th residential unit (whichever is the sooner) and thereafter so maintained and retained.

Reason:

In order to meet the needs of disabled people so that they may live as part of the community in accordance with adopted City of Plymouth Core Strategy Objective 10, Policy CS15 and relevant Central Government advice.

SUSTAINABILITY

(23) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2010, a minimum of 10% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods, rising to 15% for the period 2010-2016. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016 in accordance with adopted Core Strategy Policy CS20 and relevant Central Government guidance contained within PPS22.

EXTERNAL LIGHTING

(24) Details of any proposed external lighting shall adhere to the principles set out in the Repeat Ecological Survey and Mitigation Strategy (dated August 2009) and shall be previously submitted to and agreed in writing with the Local Planning Authority prior to its use on site. The agreed details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the LPA is provided to any alternative external lighting/floodlighting.

Reason:

To minimise the impact of light pollution on foraging bats in the locality in accordance with the provisions of Core Strategy policies CS01, CS02, CS19, CS22, CS34 and relevant Government advice in PPS9.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(25) Notwithstanding the provisions of the Town and Country Planning (18) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Class(es) [A], (B), (C), (D) of Part 1 of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the amenity of the area and prevent over-development of the site, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - SECTION 278 AGREEMENT HIGHWAYS ACT 1980

(1) The applicant is advised that the proposal includes works within a existing highway. As such, prior to any works commencing on the highway, the applicant must enter into a Section 278 agreement with the Highway Authority.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: The existing flood risk of the site and the impact of the development on the existing and future flood risk to both the application site and sites in the locality. The impact of the development upon the appearance and character of the area; The impact of the development upon neighbouring properties. The impact of the development upon the highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1)

policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Planning Guidance (SPG) Notes, Government Policy Statements and Government Circulars, as follows:

- PPG12 - Development Plans
- PPG13 - Transport
- PPS3 - Housing
- PPS9 - Biodiversity and geological conservation
- PPS1 - Delivering Sustainable Development
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- CS30 - Sport, Recreation and Children's Play Facilities
- PPS25 - Development and Flood Risk