

**ITEM: 09**

**Application Number:** 09/01708/FUL

**Applicant:** Devon and Cornwall Housing Association

**Description of Application:** Demolition of existing school and construction of 47 affordable houses with associated access roads, parking and landscaping together with widening and alteration of existing carriageway and footway.

**Type of Application:** Full Application

**Site Address:** SOUTH TRELAWNY PRIMARY SCHOOL, JEDBURGH CRESCENT PLYMOUTH

**Ward:** Ham

**Valid Date of Application:** 23/11/2009

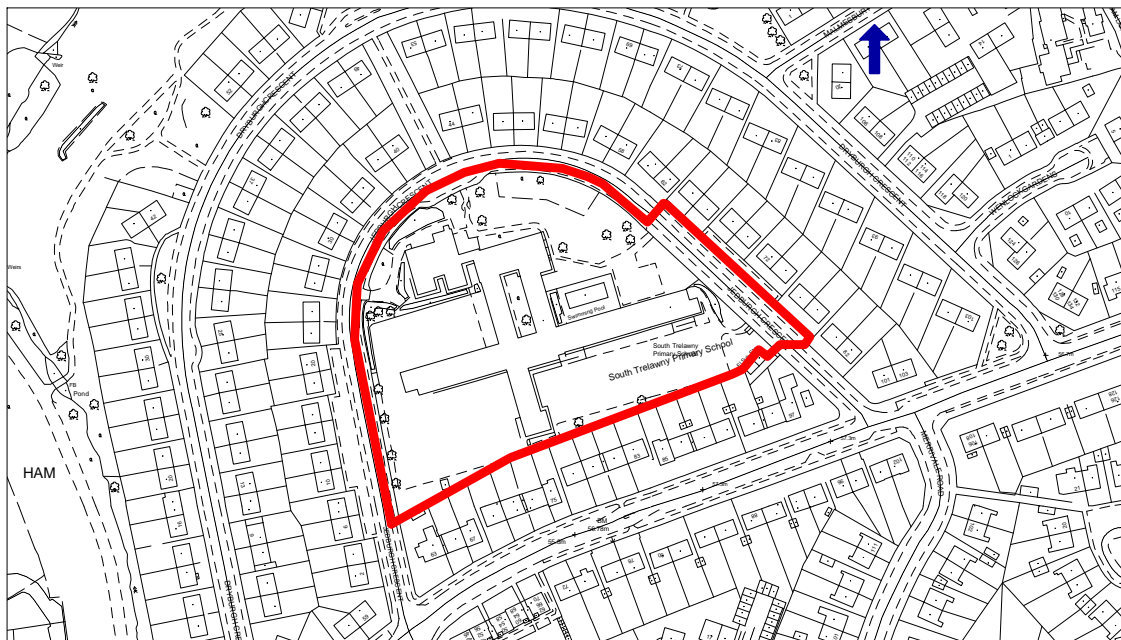
**8/13 Week Date:** **22/02/2010**

**Decision Category:** Major Application

**Case Officer :** Mark Evans

**Recommendation:** Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 22/02/10

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## **OFFICERS REPORT**

### **Site Description**

The application site is 1.28 Ha in area and comprises land and a range of single and two storey buildings previously occupied by South Trelawny Primary School which closed in August 2009 to be replaced (along with North Prospect Community School) by the new Mayflower Community School.

The ground level of the site is elevated above the road level of Jedburgh Crescent varying between approximately 1 - 1.5m in height. The southern boundary of the site backs onto the rear gardens of properties on Ham Drive with the remaining curved site boundaries to the north, east and west fronting directly onto Jedburgh Crescent.

Several mature trees are situated along the site boundaries.

Vehicular access to the site is from Jedburgh Crescent.

### **Proposal Description**

The proposed development comprises demolition of the existing school buildings and redevelopment of the site with 47 affordable houses (35 social rented, 12 shared ownership), 53 on-site parking spaces, construction of a new access road off Jedburgh Crescent, associated landscaping, together with widening and alteration of the existing carriageway and footway.

The development comprises a mix of two storey properties and two storey properties with a third attic storey with a single vehicular access off Jedburgh Crescent. An additional pedestrian route accessed from the western boundary of the site will be created to the site.

A contemporary building design is proposed with a combination of white render with vertical coloured render bays along with coloured cladding boards to create projecting window surrounds and contemporary dormer surrounds.

The design includes a series of linked landscaped spaces including a shared surface turning head, soft landscaped space at its centre adjoined by a larger soft "green" landscaped area that leads to footpath trails and a landscaped bank around the perimeter of the site.

Whilst many of the existing mature trees are retained within the development, the proposal also incorporates new tree planting and low level shrub planting across the site.

It is proposed to locally widen the existing public highway on Jedburgh Crescent at the new junction so as to provide adequate access without loss of parking for the existing residents. This widening will result in a minimal loss of grass verge and one existing tree which will be replaced elsewhere within the scheme.

### **Relevant Planning History**

Nothing of relevance.

## **Consultation Responses Highway Authority**

No objections subject to conditions.

## **Public Protection**

No objections subject to conditions.

## **Representations**

Three letters of representation have been received. Comments can be summarised as:

1. Concern that proposed development is too big for the small area, will cause loss of light to the properties opposite and will cause major parking problems.
2. Concern that there is lack of play facilities in the area to accommodate the development.
3. Concern that development will build on the only area of green space which will result in a lot of conflict and anti-social behaviour problems.
4. It is considered that a smaller development of two bed bungalows would be more suitable for the site and that demolition should be undertaken by a specialist asbestos removal company.
5. Query whether traffic flow on Jedburgh Crescent can be made "one-way" and whether any traffic calming measures will be introduced?
6. It is considered that parking restrictions should be imposed on the contractors of the development and that financial help should be given to Jedburgh residents to allow for off road parking spaces.
7. Objection on basis that proposal does not incorporate 4 new parking spaces within the grass verge opposite the new entrance as there is a need for additional parking for residents.

## **Analysis**

The key issues are:

1. The impact of the development upon the appearance and character of the area;
2. The impact of the development upon neighbouring properties;
3. The impact of the development upon the highway network.

### 1. 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 school (closed in August 2009). 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 37 dwellings per hectare, which is within the range of 30-50 dwellings per Hectare recommended under the guidance in Planning Policy Statement 3 (PPS3). PPS3 also 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 comprises a mix of two storey properties and two storey properties with a third attic storey, and is compatible with existing development in Jedburgh Crescent.

The proposed siting and design will enhance the appearance and character of this redundant 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, Supplementary Planning Document 1 and Government advice contained within PPS1 and PPS3.

## 2. 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. The proposed development is not considered to have a significant adverse impact regarding loss of light to any neighbouring properties. In this respect, the proposal accords with adopted Core Strategy policies CS01, CS02, CS34, Supplementary Planning Document 1 and Government advice contained within PPS1 and PPS3.

## 3. The impact of the development upon the highway network.

The impact of the development on the highway network is considered acceptable. The scheme has been designed to encourage prospective residents and visitors to park within the application site and does not cause any issues in terms of capacity on the local highway network.

The applicant proposes 53 off-street parking spaces in total on the site which is in accordance with the City Council's maximum parking standards. Spaces will be allocated to each dwelling with additional visitor spaces on the site. The majority of existing properties on Jedburgh Crescent do not have the benefit of any off-street parking and as such park on-street.

Whilst it is accepted that the parking in this street is at a premium already, it is considered that the development conforms to adopted standards and should not aggravate this situation further.

The design of the new estate provides rear parking for those properties which front onto Jedburgh Crescent. The small wall which borders the site around Jedburgh Crescent will mean that pedestrian route between the on-street

parking and the new dwellings is less conveniently accessed when compared to the access to the parking spaces provided and therefore residents are more likely to park off-street than on-street.

The highway widening works proposed in the locality of the site entrance retains the existing on-street car parking. Additional parking spaces will be created at the former drop-off bay. 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.

The Highway Authority does not consider that the development proposal necessitates the need for a Traffic Road Order to create a one-way traffic route, nor is it considered reasonable or appropriate for the development to be required to make a financial contribution to existing Jedburgh residents to allow for additional off road parking spaces.

Concerns from local residents concerning the parking of contractor's vehicles can be addressed through the imposition of a condition for a Contractor's Code of Practice.

#### 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).

As it proposes 100% affordable housing, the development scheme delivers well in excess of the 15% affordable housing requirement of the Plymouth Development Tariff and is acceptable in terms of Core Strategy Policy CS15, Supplementary Planning Document 2 and Government advice contained in PPS3.

##### (b) Other Community Infrastructure.

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.

In order to set the proposed development in the context of the current economic climate, it is important to note that the Council has formally agreed the adoption of a series of temporary concessions to be granted for developments in relation to the Plymouth Development Tariff. It has been agreed that as part of these measures, 50% of the tariff will be charged for the development of previously developed brown-field land if the case is proven

through an open book viability appraisal that the development is unviable at the higher level.

Under the parameters of the Plymouth Development Tariff, this development for affordable housing is required to contribute £206,548 towards Transport Infrastructure in the City. Taking into account the submitted viability assessment (that has been verified by the Council), it has been demonstrated that the development is unviable at the higher level. On this basis, the reduced tariff of £103,274 is applicable. This amount has been agreed with the applicant. The development therefore accords with Core Strategy policy CS33, Supplementary Planning Document 2 and Government guidance within PPS1.

#### 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.

#### Other Issues

Third party representations regarding a perceived lack of play facilities in the area to accommodate the development are acknowledged. However, as each dwelling within the development has a reasonable sized garden associated with it, and the fact that the development will deliver much needed affordable housing to the locality, on balance, the issue is not considered to be so significant to warrant a refusal of the planning application.

Local residents concern that the development will build on the only area of green space resulting in a lot of conflict and anti-social behaviour problems is not shared by your officers. The site area, previously South Trelawny School does not comprise public open green space, and it is not agreed that the development will result in conflict or anti-social behaviour. The proposed residential layout which will incorporate new areas of green open space, together with the design of the buildings, has been developed in close consultation with the Council's Police Architectural Liaison Officer who is fully supportive of the proposal.

Third party concerns regarding the possible existence of asbestos on the site are noted. Should any asbestos be identified within the demolition of the existing buildings, the developer is required under Health and Safety legislation, the Control of Asbestos Regulations 2006, to ensure that it is removed in a proper manner, and under certain conditions, under asbestos licensing. Asbestos regulations are enforced by the Field Operations

Directorate of the Health and Safety Executive in addition to the Public Protection Service under Environmental Health legislation.

#### 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.

The benefits to all groups will be positive as it will provide much needed residential accommodation and affordable housing to the local community.

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

#### **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 Plymouth Development Tariff:

1. Affordable Housing – The development proposes 100% (47 Units) of affordable housing on site. It is proposed that this will comprise a tenure mix of 35 social rented units and 12 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 £103,274 towards Transport Infrastructure in the locality as required by the Plymouth Development Tariff will also be provided, payable upon commencement of development.
3. Development to commence within two years.

#### **Conclusions**

The development will provide much needed affordable housing to the community despite the current severity of the economic climate.

The development is considered to have an acceptable design and layout in terms of its impact upon the appearance and character of the locality,

relationship to neighbouring properties and in terms of its impact upon the highway network.

The development therefore accords with the requirements of PPS1 and PPS3 and specifically Core Strategy Policies CS01, CS02, CS15, CS18, CS20, CS28, CS32, CS33, CS34 and Supplementary Planning Documents 1 and 2.

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 **23/11/2009** and the submitted drawings, **Design & Access Statement, Flood Risk Assessment, Phase I and Phase II Geotechnical Reports, Transport Statement, Sustainability Statement, Statement of Community Involvement, Tree Survey, Ecological Survey, 09741 EX01A, 09741 EX04, 09741 SD08K, 09741 SD09B, 09741 SD10C, 09741 SD11C, 09741 SD12B, 09741 SD13C, 09741 SD15, 09741 SD20A, 09741 SD21, 09741 SD22, 09741 SD23, 09741 SD24, 09741 SD25, 09741 SD26, 09741 SD27, 09741 SD28, 09741 SD29, 09741 SD30, 09741 SD31A, 09741 SD32A, 09741 SD33A, 09741 SD34A, 09741 SD35, 09741 SD36, 09741 SD37, 10051 C100 P2, 10051 SK01 P1, Site Photographs (illustrative purposes only)**, , it is recommended to: **Grant conditionally subject to S106 Obligation, Delegated authority to refuse in event of S106 not signed by 22/02/10**

### **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 in writing 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 3 (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.

### 5. Long Term Monitoring and Maintenance

Unless otherwise agreed in writing with the Local Planning Authority, a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 2 years, and the provision of reports on the same must be prepared prior to any occupation of the development, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land 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 in accordance with Core Strategy Policy CS22, CS34 and Government advice contained in PPS23.

#### ACCESS

(4) 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.

#### STREET DETAILS

(5) 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 dwelling 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

(6) 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 dwelling 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

(7) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 6 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.

#### PROVISION OF PARKING AREA

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

#### Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

#### DETAILS OF NEW JUNCTION

(9) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and no building shall be occupied until that junction has been constructed in accordance with the approved details.

#### 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.

#### PRESERVATION OF SIGHT LINES

(10)No structure, erection or other obstruction exceeding one metre in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

#### Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REINSTATEMENT OF FOOTWAY

(11) No dwelling shall be occupied until the existing footway crossing (now redundant) has been removed and the footway reinstated.

#### Reason:

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.

#### EXTERNAL MATERIALS

(12) 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 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

(13) No development shall take place until details 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.

#### RESTRICTIONS ON PERMITTED DEVELOPMENT

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (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 A 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 appearance and character of the development, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### 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.

#### TREE SURVEY

(19) The plans and particulars of the landscaping works submitted in accordance with condition 15 above shall include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with paragraph (a) above), and the approximate height, and an assessment of the general

state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed topping, lopping of any retained tree, or of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree of any tree on land adjacent to the site] [within a distance of any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];

(e) details of the specification and position of fencing [and any other measures to be taken] for the protection of any retained tree from damage before or during the course of development;

(f) details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting. All tree planting shall be carried out in accordance with those details and at those times.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Reason:

To ensure that satisfactory landscaping and tree protection 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.

#### TREE PROTECTION DURING CONSTRUCTION

(21) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. 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 (Trees in relation to construction - recommendations) 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 levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### EXISTING TREE/HEDGEROWS TO BE RETAINED

(22) 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

(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 the approved plans and particulars (or 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.

#### LIFETIME HOMES

(23) 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

(24) 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 Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

#### INFORMATIVE: SECTION 278 AGREEMENT HIGHWAYS ACT 1980

(1) The applicant is advised that the proposal includes works within an existing highway. As such, prior to any works commencing on the highway, the applicant must enter into a Section 278 agreement under the provision of the Highway Act 1980 with the Highway Authority.

#### INFORMATIVE : CODE OF PRACTICE DURING CONSTRUCTION

(2) The management plan required on connection with the Code of Practice During Construction Condition should 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:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. 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, and construction traffic parking.

c. Hours of site operation, dust suppression measures, and noise limitation measures.

d. details of an area to be created within the site for the parking of contractor's motor vehicles.

### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: 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 and Supplementary Planning 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 Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport

PPS3 - Housing

PPS9 - Biodiversity and geological conservation

PPS1 - Delivering Sustainable Development

PPS22 - Renewable Energy

PPS23 - Planning & Pollution Control

CS28 - Local Transport Consideration

CS32 - Designing out Crime

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS14 - New Education Facilities

CS18 - Plymouth's Green Space

CS20 - Resource Use

CS22 - Pollution

CS01 - Sustainable Linked Communities

CS02 - Design

CS15 - Housing Provision

CS16 - Housing Sites

SPD2 - Planning Obligations and Affordable Housing

SPD1 - Development Guidelines