

ITEM: 03

Application Number: 09/01930/FUL

Applicant: London & Westcountry Estates Limited

Description of Application: Demolition of existing buildings, conversion of gatehouse into two flats and erection of 12 houses, associated access road, parking and landscaping

Type of Application: Full Application

Site Address: FORMER PLYMOUTH COLLEGE PREPARATORY SCHOOL, HARTLEY ROAD PLYMOUTH

Ward: Peverell

Valid Date of Application: 13/01/2010

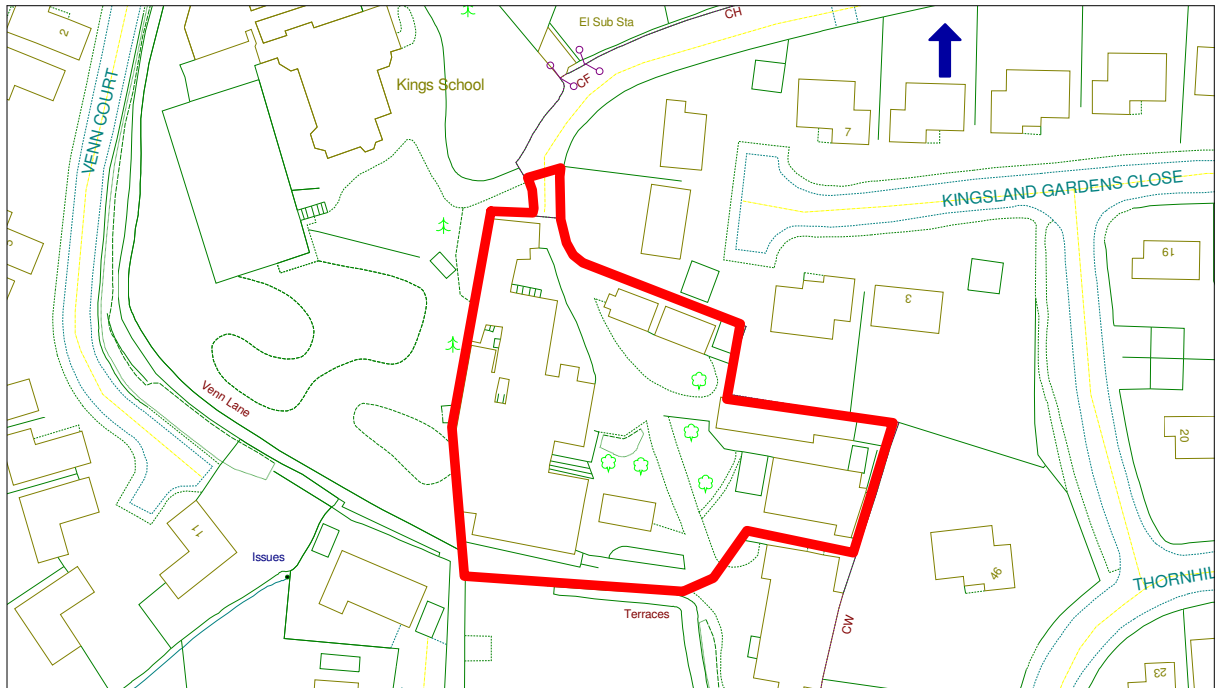
8/13 Week Date: **14/04/2010**

Decision Category: Major Application

Case Officer : Robert McMillan

Recommendation: Grant Conditionally Subject to a S106 Agreement, Delegated authority to refuse in event of S106 not signed by 14th April 2010.

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OFFICERS REPORT

Site Description

The site is part of the former Plymouth College Preparatory School site at the western end of the private Hartley Road. It has an area of 0.346 hectares. It forms the northern part of the site where the buildings are and has been split from the former playing field and Red House to the south. It is in a mainly residential area but adjoins Kings School on its western boundary. There are dwellings to the north, east, south beyond the playing field and south west.

A feature of the site and area is the presence of mature trees with those on the site, Kings School and Hartley Road all protected by tree preservation orders, numbers 59, 101 and 53 respectively. Another characteristic are the complicated levels with a significant fall of 11 metres from north to south.

The site comprises the former main Edwardian villa which is two/three storeys and the two storey gatehouse lodge, single storey gymnasium, changing rooms and link block, three single storey classrooms, garage and swimming pool. There is a stone and rendered retaining wall on the northern boundary. There are mature protected Beech, Turkey Oak, Sycamore and Yew trees on site. There are also mature trees adjoining the northern, eastern, south western and western boundaries.

Proposal Description

The proposal is to demolish all the buildings bar the lodge that will be converted into two 2 bedroom flats and build 12 new three bedroom houses comprising four detached, two semi-detached and six terraced. These would be grouped around the new road that would use the existing access, go through the position of the villa and dog leg round to the east with turning heads by the protected Beech and Yew and Turkey Oak trees. The six houses on the northern and eastern part of the site would be two storeys but owing to levels plot 3 would be split level and be single storey at the rear. The six terraced houses on the southern part of the site are split level being single storey with dormer windows at the front and two storey with dormer windows at the rear.

The architects are employing traditional designs and are proposing rendered walls with fibre cement weather boarding and reconstituted slate roofs with UPVC window frames and doors.

The applicant has also submitted a drawing showing improvements to Hartley Road which lacks footways. A footway would be provided on the northern side at the western end of the road. The main part of the road would have timber bollards every 4 metres to segregate the pedestrians from the vehicles.

Relevant Planning History

07/00867 – FULL - Formation of vehicular access to service lane r/o 54 Thornhill Road – GRANTED.

07/00041 – FULL - Formation of vehicular access to Beechfield Grove and service lane r/o 54 Thornhill Road – REFUSED.

05/02044 - OUTLINE - Development of former school site by the erection of 24 dwellings (with associated access roads and parking areas) and a new community sports hall/gymnasium – REFUSED.

Consultation Responses

Highways Agency

No objections.

Local Highway Authority

No objections provided the gradient issue can be resolved. Any conditions will be included in the addendum report. Detailed comments are given in the “Analysis” section under “Transport and highways”.

Housing Strategy

Objects strongly to the lack of affordable housing. There is a need to provide affordable housing (AH) to comply with policy CS15. The applicant owns the adjoining site and so policy CS15 should apply. Previously pre-application discussions involved the application site and adjoining playing field as one site. More recently the applicant has split the site. Housing Strategy (HS) believes the owner of the playing field is either a subsidiary or connected to the applicant. Housing Strategy has consistently argued that such sub-division should resisted to avoid having to provide AH. The applicant was informed of the AH requirement in 2008. Officers offered to negotiate further but the applicant has not come back to them. Given the recent history and sub-division HS believes that the applicant should provide 5 affordable units.

If the application is supported by a development appraisal on viability grounds this does not mean that the Council has to depart from policy especially when HS thought the market recovery site was for all of the land including the playing field. HS is prepared to be flexible but the applicant has not negotiated with HS for some time. It accepts that sites of strategic importance may not be able to provide all of the community benefits. This is not such a site.

The lack of AH does not advance balanced communities as there is a lack of AH in Hartley and Mannamead.

The proposal should provide three Lifetime Homes to comply with policy CS15.

Architectural Liaison Officer

No objections but the application would wish to see the footpath behind plots 9-13 fitted with a secure gate. The site should have suitable boundary treatment of at least 1.8m in height. The applicant should aim to achieve parts 1 and 2 of Secure by Design which would be easily achievable.

Representations

There are eight letters of representation from seven properties raising the following points:

1. The distance between 17 Beechfield Grove and plot 14 is 18.5 metres and not 21 metres;
2. Plot 6 is too high;
3. The parking spaces by plot 6 are too close to the boundary;
4. There should not be overlooking;
5. Possible damage to the boundary wall behind 3-5 Kingsland Gardens Close and subsidence;
6. Removal of very long standing sheds supported by the wall might affect it;
7. If permission is granted great care should be taken to retain the integrity of the wall;
8. Hartley Road is unsuitable to take the traffic from the new houses, there are no footways or lights and it is hazardous for pedestrians, children and pupils of Kings School;
9. The transport statement is flawed, it fails to account for the previous use of the entrance from Beechfield Grove which many of the pupils used, the traffic generation is an under-estimate. The proposed improvements to Hartley Road would pose a traffic hazard and available space for on-street parking would be reduced. The school did not generate traffic during school holidays and at weekends and it fails to account for the 60 bed care home at Trengweath;
10. Inadequate parking causing on-street parking on Hartley Road;
11. Increased danger at the junction of Hartley Road and Mannamead Road;
12. Traffic noise and nuisance;
13. The bats and owls should not be harmed;
14. Disturbance during construction;
15. The lime and sycamore in the south west corner of the site need pruning;
16. The cycle route to the south into the former playing field could accommodate a road;
17. Pressure to develop the former playing field especially as there is permission for access to it from Beechfield Grove;
18. The architectural and historic character of the buildings should be assessed;
19. Developer's may experience problems with the Stonehouse Leat that might be on the site;
20. Objects to the previous permission for access to the playing field;
21. The ownership of Hartley Road is not known which causes problems over its maintenance; and
22. Loss of view of the Sound.

Kings School states that:

1. It is pleased with the proposed traffic calming measures;
2. Welcome the offset balconies;
3. The school should not be overlooked; and

4. There could be disruption during the construction phase – there is a need for a traffic management plan – would wish to be involved in discussions on this with the developer.

The Cycling Touring Club objects:

1. The transport statement does not refer to all the nearby local facilities;
2. There is an opportunity to provide a link to the footpath and advisory cycle link west of the site by ploy 14;
3. If the playing field is developed a cycle link should be provided to Beechfield Grove/Abbotts Road.

Analysis

Introduction

The main issues with this case are: the principle of redeveloping part of the former school site for housing; impact on the protected trees; design and density; effect on residential amenity; transport, nature conservation and affordable housing. The key policies relating to the development are CS01 – Development of Sustainable Linked Communities, CS15 – Overall Housing Provision, CS18 – Plymouth’s Green Space, CS02 – Design, CS33 – Community Benefits / Planning Obligations and CS34 – Planning Application Considerations.

The 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 (MRAP) is an officer-level approach to negotiating community benefits on planning applications submitted between 14th October 2008 – 31st December 2009 on selected sites to help stimulate the local economy. The Plymouth Market Recovery Action Plan works within the existing planning policy framework established by the Local Development Framework Core Strategy adopted in April 2007 and all subsequent Area Action Plans.

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 submitted a viability appraisal, agreed to accept a two year consent and contribute 50% of the tariff requirement.

It is a difficult site to develop given the recent planning history, the complicated levels and the number of mature protected trees on and adjoining the site. Consequently there have been extensive pre-application negotiations that started last year with the applicant presenting the first sketch scheme in August.

Principle of redevelopment of this part of former school site

The Preparatory School relocated to Millfields in 2005. Policy CS14 allows for the redevelopment of redundant school sites provided it supports the creation of sustainable linked communities and green spaces and playing pitches are protected. When the site was first selected in the MRAP it included the whole

site including the playing field. The applicant subsequently sub-divided the site and the Planning Service corporately decided to consider the sites separately. This was a pragmatic and practical decision because the previous refusal – 05/02044 had seven reasons for refusal three of which related to the southern part on loss of the playing field, loss of Greenscape land and the impact of an access road on the hedgebank and trees bordering Beechfield Grove and the public footpath. With the sites separated it will be a more challenging exercise to manage and find a positive use for the remaining land.

The application site is previously developed land and will provide family housing at a sustainable location close to the main bus route corridor along Mannamead Road and will help to maintain the local centre at Henders Corner to comply with policy CS01. The addition of 14 dwellings will assist, albeit in a small part, to help to achieve the ambitious growth agenda in accordance with the first part of policy CS15.

Impact on trees

There are six protected trees on the site comprising the dominant Purple Beech, three Turkey Oaks, a Sycamore and a young Yew. The Lime is just outside the south west corner. There are also mature trees to the north, east and west. The different levels within the site make it a difficult one to develop. The tree report states in the summary that:

“There are some complicated features directly adjacent to trees including retaining walls and severe level changes which make the site technically challenging in respect of its tree-sensitive development.”

Officers have spent much time with the agents and the applicant's tree consultant working on achieving a scheme that protects the trees to be retained. During the report preparation an issue of gradients came to light that the applicant is addressing. It is believed that a solution can be achieved to satisfy the local highway authority without prejudicing the health of the trees. Officers will update members on this matter at the meeting. The applicant's tree consultant has carried out extensive below ground investigation work to assess where the root systems are to ensure they would not be damaged.

The southern Turkey Oak by plots 8 and 9 will require removal as it is relying on the adjoining retaining wall for support and cannot be retained in this scheme. When previous development proposals were considered the tree officer reluctantly agreed that the tree could be removed subject to its replacement. It is not possible to do this on site so the applicant has agreed to make a contribution to provide a replacement tree off site at a location that has still to be agreed and this is a term in the section 106 agreement.

The applicant is to be commended on the attention it has paid to the tree issues and officers believe that the scheme should not cause undue harm to the trees in compliance with policy CS18.

Design and density

The site has been vacant for five years and is deteriorating and suffering from vandalism. During pre-application discussions and because of the site's difficulties officers suggested alternatives such as: retaining the main villa; developing the site for an institutional use, an apartment scheme or a fewer number of larger dwellings; and developing the footprints of the existing buildings. The applicant rejected these options mainly on viability reasons, market conditions and to avoid overlooking to Kings School.

The access is from Hartley Road and dog legs round to the east ending in turning heads to avoid the trees. The gatehouse lodge will be retained as it has intrinsic character, adds to the quality of the development and provides a link to the local history of the site. The new houses group around the street with parking in front. The agents have estimates that the site coverage of buildings will drop from 42% to 22% to provide a more open aspect.

The 14 dwellings gives a density of 40.5 dwellings per hectare (dph) in an area that ranges from 11 dph to the east, 30dph to the west and 35 dph to the south. The density would be higher than the existing density. Strategic objective 10.2 states that development should be at the highest density commensurate with achieving an attractive living environment. PPS 3 states in paragraph 50 that:

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

Given the previous site coverage of buildings on the site this is considered to be acceptable.

The architects have opted for traditional style of family housing with a mix of detached semi-detached and terraced which reflects the character of the surrounding area. The buildings have pitched roofs, front gables and dormers to provide a sense of rhythm to the street scene. They are suggesting a palette of materials of render, fibre cement cladding red brickwork and reconstituted slate roofs. Officers have some concerns over these particularly red brick which, although used nearby, is not locally distinctive and would wish to reserve the exact choice of materials by condition. Subject to this caveat the design is acceptable to accord with policies CS01, CS02 and CS34 and Design SPD.

Residential amenity

The impact on most of the surrounding properties is mitigated by the change in levels and the boundary treatment. Plots four and five face the side elevation of 5 Kingsland Gardens Close and are 16 metres away from the main house (13m from the side extension) and set down at a lower level of about 5 metres. This is a satisfactory relationship. There is a large window in the garage/outbuilding at this property right on the boundary overlooking plot

five. This is not reason to prevent the proposed development from occurring. If permission is granted the occupiers would buy the property knowing of this relationship and they might wish to take measures to improve their privacy preferably in discussion with their neighbours.

The flank wall of plot six is 12.6 metres from the back of 4 Kingsland Gardens Close and 17metres from 3 Kingsland gardens Close. It is lower than No 4 by about 4.5 metres and will read as single storey with a pitched roof from these properties. This is an acceptable relationship.

Plots 6 - 8 lie to the side of 46 Thornhill Way with a distance of 17.5 metres from the back of plot eight to the side of No 46. Furthermore there is an extremely effective screening of evergreen hedge/trees on the eastern boundary with No 46. so that when on site, it is difficult to see this adjoining property. If some of the hedge/trees fall within the application site a condition will be attached to retain it to protect the adjoining property's and proposed plots' privacy. This is an acceptable relationship.

The more difficult relationship is between plot 14 and 17 Beechfield Grove as the existing bungalow is at a much lower level than plot 14. Currently No 17 is dominated by the school with the single storey gymnasium and tall three storey villa dominating the rear outlook from No 17. The gymnasium is on a raised plinth and is about 6 metres high and is 13.5 metres from No 17. The villa is 10 metres tall but rises from a ground level only just below the top of the gymnasium. It is 31 metres from No 17. The applicant has set back plot 14 from the other five houses in the terrace so that it is 5.9 metres further away from No17 than the gymnasium. The relationship is not back to back as they are offset from each other. The overlooking distance from the rear of plot 14 to the nearest rear bedroom window in No 17 is 21 metres. This accords with the Council's basis guideline. The emerging Development Guidelines SPD advises increasing the distance where there are changes in levels. In this case it is not possible to achieve this. The adjoining occupier has been used to adjoining a site with dominant buildings close to the western boundary that until 2005 was used as a school.

The rear of No 17 will be facing a two storey building with a dormer window 10.5 metres tall with an eaves height of 5.9 - 6.8 metres. It is difficult for the applicant to reduce the height of the building because it is split level and is only single storey with dormers at the front. The design includes a "winged" screen wall which will reduce the overlooking. The applicant will also build up the western boundary wall and remove the side kitchen/breakfast window. The sycamore tree will provide some screening effect when in leaf. Officers asked the applicant to consider further measures to try to reduce the impact of the development on 17 Beechfield Grove. It has agreed to set the building further away from No 17 by 900mm, changing the gable ends to half hip-ends and changing the western dormer to a roof light. These changes are welcome and will help to mitigate further the impact on No 17 Beechfield Grove.

The proposed properties will have a reasonable level of amenity in terms of space, privacy, outlook and gardens. Plots 9 - 14 have basement dining areas

with no natural light to the north but will “borrow” light from the living room southern French windows.

For these reasons the residential amenity of the existing and proposed dwellings is acceptable in compliance with policies CS02, CS15 and CS34.

Transport and highways

The transport statement's (TS) estimated combined morning peak trips for the school when it was in use of 151 is considered on the high side as previous surveys revealed the number was about 100. The morning peak coincides with the general traffic peak. The afternoon peak differs as for the school it was 3.00-4.00pm compared with the general peak of 5.00-6.00pm. The TS estimates 120 combined trips for the evening peak. This is a large over-estimation and a more realistic figure is about 14 combined trips. This is much lower but still more than the residential estimate of nine for the proposal.

21 parking spaces are provided on site which is in accordance with the parking standards.

The local highway authority (LHA) was concerned about the steep gradients of the turning heads of 1 : 5 by the trees. This was done to protect the trees' roots but would make them unusable by larger vehicles including refuse lorries. These slopes will need to be reduced to 1 : 8 to be acceptable. Officers met with the applicant and it appears that this could be achievable without harming the trees.

The road cannot be adopted as it joins a private road and will have to be maintained by a management company.

There is scope to provide a footway/cycle way link to the playing field to the south should this be developed.

The applicant is proposing pedestrian improvements to Hartley Road. This is privately owned so third party consent is required and their provision will be secured by a “prior occupation” condition.

For these reasons it is considered that the application would not cause increased risk of danger or congestion on the highways and it complies with policy CS28.

Residents concerns on the transport statement and works to Hartley Road

Some of the residents have queried the transport statement and raised concerns on the effect of the pedestrian improvement works to Hartley Road. The local highway authority (LHA) has responded to these.

Traffic Impact

The use of TRIC's (which is a national database of traffic survey data for a number of different land use sites) to determine trip rates is a nationally recognised method used by both the private and public sectors alike. The site

selection criteria used by Scott Wilson for determination of the residential trip rates are appropriate for this site and consequently the LHA has no concerns in respect of the trip rates that have been determined for the residential use (around 0.50 per unit).

While it is acknowledged that that the Scott Wilson trip rate for the existing school use was a little high, traffic data submitted from the preparatory school in relation to an earlier application revealed that the school generated around 48 trips on Hartley Road in the am and pm peak periods and a further 40 on Beechfield Grove. This is considerably greater than the 7 movements that the residential will attract in the morning and pm peak periods.

Reference has been made to the Trengweath site on Hartley Road. The planning application submitted in support of that site revealed that the change of use from a special needs school to a care home would also result in a considerable reduction in traffic movements and would require few car parking spaces in order to function. Consequently this is not considered to be an issue.

Pedestrian Improvements

The provision of a pedestrian route on one side of Hartley Road is considered to be a significant improvement upon the current situation where there are no dedicated pedestrian facilities. It is noted that there is no street lighting along the entire length of Hartley Road and therefore the provision of a footway will undoubtedly improve pedestrian safety for those existing pedestrian who use this road.

Whilst it is accepted that the width of the Hartley Road carriageway narrows in several locations, the plan of pedestrian improvements produced by Scott Wilson maintains a carriageway width of 4.7m at the narrowest point which would provide sufficient space to allow 2 vehicles to pass one another. This is consistent with advice/guidance contained in Manual for Streets which recommends that a carriageway width of 4.1m would still be sufficient to allow 2 vehicles to pass.

Whilst it is accepted that some on-street car parking takes place along Hartley Road, the creation of the footway and narrowing of the carriageway is likely to discourage on-street kerbside parking from taking place as the amount of space made available for parking will have been reduced.

Affordable housing

Housing Strategy is objecting because the site has been subdivided in the period during its involvement with the land. Officers understand this opinion as the Council is seeking to achieve an adequate supply of affordable housing especially in areas under-provided in this type of housing in the Hartley/Mannamead and Peverell neighbourhoods. The sub-division could be seen as a way to circumvent the policy. Paragraph 5.17 of the Planning Obligations and Affordable Housing SPD - First Review 2009 states that the Council will seek to ensure that the spirit of the policy is not avoided by the artificial sub-division of sites. The number of dwellings is 14 which is just

below the trigger. There are valid reasons to treat the site separately from the playing field in order to achieve deliverability as stated at the start of this report.

Furthermore paragraph 10.32 of the Core Strategy states that a lower amount of affordable housing (AH) could be justified if the policy content made a scheme unviable. The applicant has submitted a development appraisal with various scenarios. Based on the actual price of the land there would be a substantial loss. By applying a market land value the scheme with the reduced tariff would only just about be viable. If the applicant had to provide 4-5 affordable units it would make the scheme even more unviable with the reduced revenue from the AH dwellings. The Planning Service corporately believes that determining the northern part of the former school site in this instance is acceptable.

Lifetime Homes

The applicant will provide three lifetime homes in accordance with policy CS15.

Nature conservation

The applicant undertook a full ecological survey and did not identify any habitats of special note as most of the site is covered with buildings or hard surfacing. Common pipstrelle bats were seen flying and foraging on the site and entering the north side of the main villa just before sunrise. The trees might contain crevices that could be suitable for itinerant bats.

It is an offence to damage, destroy or block access to a bat roost or cause disturbance to them. The applicant may require a bat licence from Natural England if the works would destroy a bat roost or other impacts that would be an offence. The Extended Phase 1 Habitat Survey gives recommendations for a mitigation package. This should form the basis for mitigation measures that will be required by condition. Subject to adequate mitigation the protected species will be safeguarded in compliance with policy CS19.

Renewable energy

The proposal will produce 10% on site renewable energy production by the use of solar thermal panels on plots 6 – 14 to comply with policy CS20.

Boundary wall

Some of the adjoining owners are concerned that the development could affect the integrity of the boundary wall which performs a retaining function. This is a private civil matter and the applicant knows its responsibilities and the matter is made aware of its obligations by way of informative.

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 & Diversities issues

The houses are designed for use by all groups of society with three Lifetime Homes that can be readily adapted for people with disabilities and mobility difficulties. All the houses have gardens where young children can play. No affordable housing is provided but the development falls under the qualifying target of 15 dwellings. It will not have a negative impact on any group.

Section 106 Obligations

The site is part of the Market Recovery Action Plan and so liable to a reduced tariff contribution subject to a substantial start being made on the development within two years. The full tariff requirement is £160,672. The 50% discount gives a sum of £80,336. This would be phased with half paid when work begins on the development and the remainder when work begins above ground level on the sixth house. The applicant also agrees to contribute £450.00 for planting a replacement tree off-site. The management fee is £4,039.

Conclusions

This has been a difficult site to develop given the constraints of the protected trees, complicated levels and adjoining properties. The applicant, its architects and consultants have worked hard with officers to produce a scheme that safeguards the protected trees, and residential and visual amenities of the area. The development will not cause increased risk of danger on the highway and the pedestrian improvements to Hartley Road are a highway safety benefit. The ecological report states that the bats can be protected by mitigation measures that will be required by condition. It is unfortunate that the former school site has been split and the application site falls just under the qualifying number of dwellings for affordable housing. It leaves the residue issue of the future use and management of the former playing field and Greenscape area. But the advantages of the proposal are that it will put a site falling into dilapidation to a positive and beneficial use and help in a small way to stimulate the City's development industry. The proposals are considered to be acceptable and the recommendation is to grant permission but to refuse if the section 106 agreement is not completed by 14 April 2010 by failing to provide adequate community benefits.

Recommendation

In respect of the application dated **13/01/2010** and the submitted drawings, **635/300, 635/301A, 635/302B, 635/520A, 635/521B, 635/320B, 635/321A, 635/322B, 635/323B, 635/324A, 635/325A, 635/326A, D115462/T/001/01, design and access statement, transport statement, land contamination risk assessment, arboricultural implications assessment, tree root investigation report, extended phase 1 habitat survey, and renewable energy assessment study**, it is recommended to: **Grant Conditionally Subject to a S106 Agreement, Delegated authority to refuse in event of S106 not signed by 14th April 2010.**

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.

LAND QUALITY

(2) 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 sections 1 to 3 of this condition 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 section 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,
 - archaeological 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 2009 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 section 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 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 section 3.

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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

CODE OF PRACTICE

(3) Prior to the commencement of the development hereby approved, a detailed management plan for the demolition/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.

LANDSCAPE DESIGN PROPOSALS

(4) 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, 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.).

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

(5) 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

(6) 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

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

Reason:

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

MAINTENANCE SCHEDULE

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

Reason:

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

STOCKPILING/PROT. OF EXISTING TOPSOIL

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

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

(10) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the last dwelling forming part of the development.

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

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

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved Arboricultural Implications Assessment, Method Statement and Tree Protection Plan and 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.

ARBORICULTURAL METHOD STATEMENT

(11) The arboricultural method statement shall be updated to account for the changes to the road and turning head gradients and detail how the protected trees, subject to the Tree Preservation Order, are to be protected during construction. It should include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 9 of BS: 5837 and the work on site relating to the trees, In particular the construction of the turning head, shall be supervised by a competent arboriculturalist.

Reason:

The site is very constrained and it is important to ensure that these protected trees are not inadvertently damaged during the development process to comply with policy CS18 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

DETAILS OF BOUNDARY TREATMENT

(12) 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 any of the dwellings hereby permitted is occupied. Development shall be carried out in accordance with the approved details.

Reason:

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

DETAILS OF ENCLOSURE AND SCREENING

(13) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of

enclosure and screening to be used. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

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

STREET DETAILS

(14) 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.

COMPLETION OF ROADS AND FOOTWAYS

(15) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 14 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.

ACCESS (CONTRACTORS)

(16) 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.

ACCESS ROAD GRADIENT

(17) No part of the access road or turning heads shall be steeper than 1 in 8 at any point.

Reason:

To ensure that all vehicles can use the access road and turning heads safely and conveniently to comply with policies CS28 and CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

CAR PARKING PROVISION

(18) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 21 cars to be parked.

Reason:

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

PROVISION OF PARKING AREA

(19) 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.

CAR PARKING RESTRICTION

(20) No part of the site shall at any time be used for the parking of vehicles other than that part specifically shown for that purpose on the approved plan.

Reason:

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

EXTERNAL MATERIALS

(21) Not all of the materials shown to be used in the submitted application are approved. 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

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

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

(23) 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 Classes A - F of Part 1 of the Schedule (2) to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the residential amenities of the existing adjoining and proposed dwellings in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NATURE CONSERVATION MITIGATION MEASURES

(24) Details of the mitigation measures to protect the bats and any reptiles that might be present on the application site and the timetable for their implementation shall be submitted to and approved by the local planning authority before work begins on the development hereby permitted. These will be based on the Interpretation and Recommendations section in the submitted Extended Phase 1 Habitat Survey. These works shall be carried out in accordance with the approved details.

Reason:

To safeguard the protected species that are present on the application site to comply with policy CS19 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

STREET LIGHTING

(25) Details of the street lighting shall be submitted to and approved by the local planning authority before it is installed. The street lights shall be installed in accordance with these details.

Reason:

To safeguard the protected bats that are present on the application site to comply with policy CS19 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

NOISE

(26) All dwellings should be constructed so that the living rooms and bedrooms meet the good room criteria as set out in BS 8233:1999

Reason:

To protect any future occupants and neighbours from any unwanted noise disturbance to comply with policy CS22 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

EASTERN BOUNDARY TREATMENT

(27) If any of the hedge on the eastern boundary with 46 Thornhill Way is within the application site it shall be retained to a minimum height of 5 metres above ground level permanently. If any of the trees die, are felled or become diseased they shall be replaced with similar evergreen quick growing species.

Reason:

To protect the privacy of the adjoining property and proposed properties to comply with policy CS34 of the City of Plymouth adopted Core Strategy Development Plan Document.

RENEWABLE ENERGY

(28) The applicant/developer shall provide the on-site renewable energy production to off-set at least 10% of predicted carbon emissions as set out in the accompanying Renewable Energy Assessment Study, 635/RES/01v2.0, February 2010.

Reason:

To off-set the carbon emissions from the development to comply with policy CS20 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

LAND QUALITY INFORMATIVES

(1) The management plan required by condition 2 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

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

INFORMATIVE: TIMING OF DEMOLITION WORKS AND LIAISON WITH KINGS SCHOOL

(2) Given the site is adjacent to a primary school, should it be possible to carry out the demolition of buildings adjacent to the school site to outside of term/school hours this option should be used. The applicant is advised to liaise with Kings School on the arrangements and traffic management scheme during the construction phase.

INFORMATIVE: PROPERTY RIGHTS

(3) The Applicant/Developer is advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996 with specific reference to its obligations not to damage the retaining boundary walls or weaken its retaining function.

INFORMATIVE: BAT LICENCE FROM NATURAL ENGLAND

(4) The applicant is advised that it will need to apply for a licence to destroy a bat roost which will require a bat licence from Natural England. Appropriate mitigation will need to be in place (including the provision of an alternative roost) and should be incorporated into the mitigation strategy. Natural England take approximately 30 working days to process licence applications and they can only be submitted once Planning Permission has been given.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the principle of redeveloping part of the former school site for housing; impact on the protected trees; design and density; effect on residential amenity; transport, nature conservation and affordable housing, 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 (a) 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
PPS1 - Delivering Sustainable Development
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration
CS22 - Pollution
CS14 - New Education Facilities
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
SO11 - Delivering a sustainable environment
SO2 - Delivering the City Vision
SO3 - Delivering Sustainable Linked Communities
SO4 - Delivering the Quality City Targets
SO9 - Delivering Educational Improvements
SO10 - Delivering Adequate Housing Supply Targets
SO14 - Delivering Sustainable Transport Targets
SO15 - Delivering Community Well-being Targets
CS26 - Sustainable Waste Management
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines