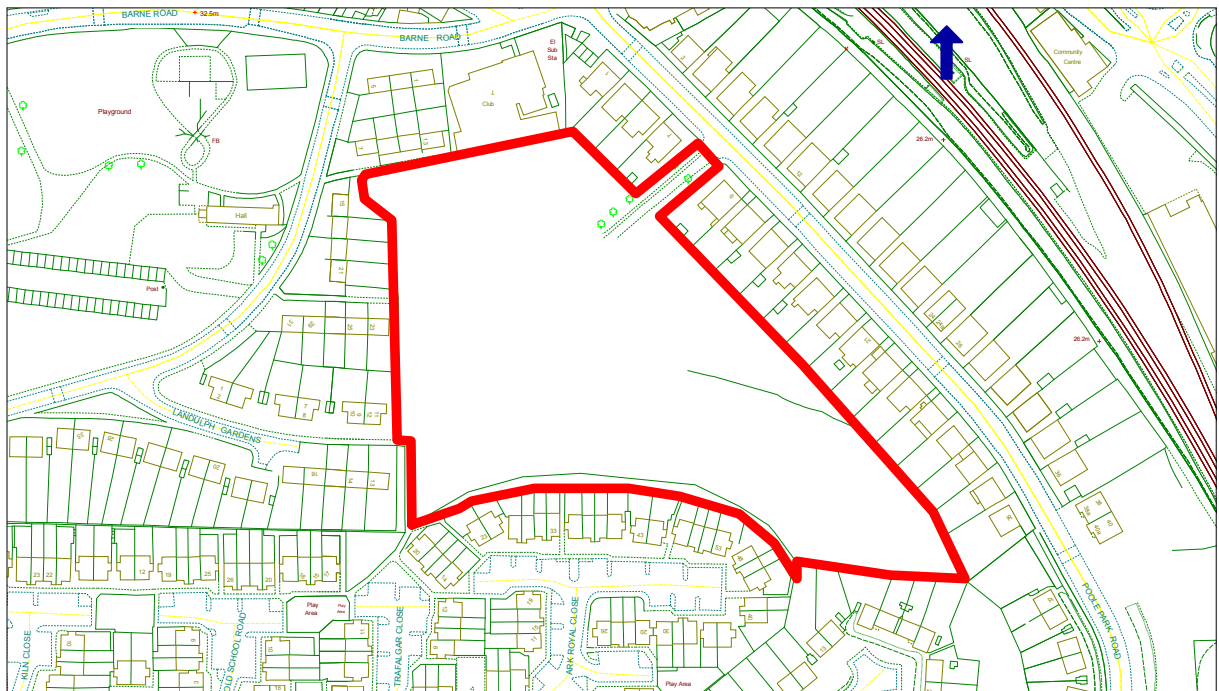


**ITEM: 14**

<b>Application Number:</b>	10/00681/FUL
<b>Applicant:</b>	BDW Trading Ltd
<b>Description of Application:</b>	Erection of 61 dwellings with associated access road and parking areas
<b>Type of Application:</b>	Full Application
<b>Site Address:</b>	FORMER SITE OF BARNE BARTON PRIMARY SCHOOL, POOLE PARK ROAD PLYMOUTH
<b>Ward:</b>	St Budeaux
<b>Valid Date of Application:</b>	01/06/2010
<b>8/13 Week Date:</b>	<b>31/08/2010</b>
<b>Decision Category:</b>	Major Application
<b>Case Officer :</b>	Carly Francis
<b>Recommendation:</b>	Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 27 August 2010
<b>Click for Application Documents:</b>	<a href="http://www.plymouth.gov.uk">www.plymouth.gov.uk</a>



## OFFICERS REPORT

### Site Description

This is the former Barne Barton Primary School site, located off Poole Park Road in Barne Barton. Access to the site is up a short gradient into the level area of the site where the school buildings stood with their playing facilities. The site has now been cleared of all school buildings. The east of the site is made up of trees and scrubland and this part of the site is allocated as Greenscape land of neighbourhood importance for sport/ formal recreation and as a separation buffer. The ground rises to the south. The gross site area is 1.817 ha.

### Proposal Description

61 new homes, comprising of 40 three-bed houses, 20 two-bed houses and one two-bed flat over a garage, with access via Poole Park Road.

All of this housing would be open market housing.

A new access road is proposed and 105 parking spaces would be provided through a combination of garages, on street parking and private spaces.

### Relevant Planning History

04/01078 (OUT) Outline application to redevelop site involving demolition of existing buildings and erection of new primary and nursery school, with details of means of access- PERMITTED.

### Consultation Responses

**Public Protection Service-** no objections providing conditions regarding a land contamination risk assessment be attached to any grant of planning permission.

**Environment Agency-** no objections, however recommend that a condition requiring details of the scheme for surface water management be attached to any grant of planning permission.

**Highway Authority-** no objections, however recommend that conditions regarding the street details, road alignment, drainage, access for contractors and details of the new junction be attached to any grant of planning permission.

**Housing Department-** no objections. Housing understand the need for market housing in Barne Barton and are willing to forgo the provision of an affordable housing element on this occasion if some money secured through the S106 could be used to improve much needed community facilities in Barne Barton. One particular initiative that the Housing Department are keen to support is the conversion of Bull Point Barracks for community uses. Unfortunately given that this project holds too much uncertainty it is not possible to tie tariff money specifically to this, however as the maximum

amount has been allocated to Local Infrastructure it is accepted that the funds can be tapped into for this project or other initiatives in the area.

**Police Architectural Liaison Officer-** no objection.

**South West Water-** no objection.

## **Representations**

5 letters of representation:-

2 letters of support

- good news for the area which has for so long been ignored
- pleased with the redevelopment providing boundary treatment is constructed to protect their privacy.

2 letters of objection

- Too many houses for the plot.
- Will create traffic chaos on Poole Park Road and bring more cars than car parking spaces increasing parking on Poole Park Road.
- Noise pollution.
- Would cause overlooking/ loss of privacy.
- Height of buildings will diminish sunlight received.
- Risk of accident at entrance to site.

1 letter- not against development but concerned about traffic and access into property. Would like to see one access in and one access out.

## **Analysis**

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.

The main considerations for this proposal are the impact to the function and characteristics of this greenscape area (trees and natural habitat), the impact on neighbouring properties and the highway, and the design and amenity of the residential units proposed. The policies relevant to this planning application are CS01, CS02, CS03, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS32, CS33 and CS34 of the adopted Core Strategy, the Planning Obligations and Affordable Housing SPD, the Barne Barton Neighbourhood Regeneration Strategy (2003) and Barne Barton Sustainable Neighbourhoods Assessment (2006). National Guidance that is of relevance includes PPG13, PPS1, PPS3, PPS 22 and PPS23.

This application did form the subject of pre-application discussions however not all issues were dealt with before a formal planning application was made and therefore further negotiation and amended plans have been received throughout the process.

### Community Consultation

A Statement of Community Involvement was submitted with this application.

A public exhibition was held on Wednesday 31st March 2010 at the St Budeaux Community Centre to which local residents and elected representatives were invited to view the proposals for the residential development. Invitations were sent out to 289 surrounding properties. The information displayed included: the proposed site layout with the number and type of homes; information about suggested landscaping and highway design; scheme elevations and perspectives and information about the next steps.

Notification of the consultation event was also provided to the Plymouth Herald newspaper, which ran an article in its 30th March edition, informing the public of the exhibition. A subsequent article was published following the exhibition on 1st April.

The event was attended by 53 people. Comment forms were supplied to all attendees, which could either be filled in at the venue or posted back by using the supplied post-paid envelopes. These were then collated and the feedback analysed. A visitor's book for registering interest and a desire to receive further information; and freepost envelopes for the feedback forms were also provided. During the consultation, access to a telephone enquiry line was offered to those who wished to find out more about the proposals or register their comments via telephone. This telephone enquiry line was manned between the hours of 8am to 6pm, with a message facility out of hours.

18 feedback forms were received following the public exhibition. The comments contained within them are noted below.

- Nine respondents were concerned that the development would overlook existing homes;
- Five respondents were happy with the proposals;
- Four respondents had concerns about access to the site;
- Four respondents commented on increased noise; and,
- One respondent was concerned at the pressure the proposed homes would bring on local services and amenities.

Two telephone calls were received to the telephone enquiry line following the public exhibition. Comments were received on the proximity of proposed homes to existing properties in Kithill Crescent; the lack of a second access road onto the site; and the impact of the development in terms of traffic levels on Poole Park Road.

The applicant responded to feedback received in respect of the proposals. In response to concerns relating to overlooking, windows which could have overlooked existing properties have now been removed. The whole site will be

bounded by a 1.8 metre high close boarded fence, built within the site boundary there would therefore be no overlooking to adjoining neighbours.

With regards to the queries about site access a second vehicular access point does not form part of the proposals: the size of the site does not require a second access point and the topography of the site would make it particularly challenging to achieve a continuous link throughout. Indeed, the consensus of those who attended the public exhibition was that a formal through route would further encourage existing anti-social behavior on and around the site. A Transport Statement has been submitted in support of the application which concludes that the junction with Poole Park Road, which was used as access to the former Barne Barton school, is fully compliant with current policy and will be capable of handling projected traffic flows.

#### Location/ Ground Conditions

This site does have constraints as part of the site is designated as a Greenscape Area (No. 38). Plymouth City Council's assessment reveals that the southern part of the site is important as a sport and formal recreation area and as a separation buffer at neighbourhood level. Policy CS18 states that the Council will protect and support a diverse and multi-functional network of green space, one of the ways of doing this is by not allowing development on or adjacent to these Greenscape Areas where it would result in an unacceptable conflict with the functions or characteristics of that area. The areas of the site that have importance for trees/ hedgerow and biodiversity value will be maintained, and there will still be usable green open space on the site, it is not therefore considered that the integrity of this overall Greenscape area would be undermined if this proposal were allowed. The part of the site where the school was located is not allocated as greenscape and has become a dumping ground in places. For the areas of the site that have high greenscape value, nature conservation mitigation measures have been incorporated into the proposal. It is therefore considered that the proposal accords with Policies CS18 and CS19.

With regards to the ground conditions there are no land contamination issues. A land contamination assessment was submitted with the application and in response to queries raised by the council's Public Protection Department further information received. The Local Planning Authority is now satisfied with the site investigation undertaken, providing that conditions requiring further sampling, a detailed quantitative risk assessment and a further ground gas risk assessment be attached to any grant of planning permission.

The Environment Agency (EA) has not raised any objections to this proposal. A Flood Risk Assessment was submitted with this application. The Environment Agency considers that this assessment demonstrates that an appropriate sustainable drainage system can be delivered. A condition shall be attached to agree details of the scheme for surface water management as advised by the EA.

### Layout

The layout has been informed by consultant's reports and the constraint reports. This is a challenging site due to its topography. Both ecological and arboricultural constraints add to this site which carries a high greenscape value. With this in mind the layout and housing provision makes best use of the development site, while enhancing and protecting existing species to create a development that sits comfortably into the surrounding area.

PPS3 encourages the best use of land between 30 and 50 dwellings per hectare net. The gross site area is 1.817 ha, with a net developable area of approximately 1.29ha. This application seeks approval for 61 units which relates to approximately 47 units to the hectare.

Amended plans have been received during the process to ensure that existing trees and the hedgerow of importance are protected. Particular attention was given to the existing Devon Hedge to the east and south of the site and it was important that the agreed layout did not affect this hedgerow.

### Archaeology

An Archaeological Desk Based Assessment was submitted with this application and no cultural heritage features are recorded by baseline sources within the site. The baseline survey suggests that there is a low potential for the existence of currently unrecorded archaeological remains within the site and no evidence of medieval or later features. The construction of the primary school in the early 1950's will have significantly impacted upon any currently unrecorded archaeological remains within the northern part of the site and there are no identified impacts from development.

It is therefore deemed that the development would not conflict with the aims of Policy CS03 and that no further archaeological survey works or mitigation works are required.

### Biodiversity

A number of studies have been undertaken to accompany this application due to the sites nature conservation value. These documents include; a Strategic Landscape Scheme, Habitat Survey, Reptile Survey, Bat Tree Inspection Report and Biodiversity Mitigation and Enhancement Strategy.

The reptile presence/absence survey was requested following the Phase 1 Habitat Survey submitted which stated that the site has suitability for bats and reptiles. The suitability for bats lies within the oaks within the two hedgerows within the site. If there are any works planned to any of these trees, an inspection survey for bats will be necessary prior to the commencement of works. If a bat roost is found, a European Protected Species license will be necessary from Natural England.

The Mitigation and Enhancement strategy details mitigation measures both during and after construction and ensures that biodiversity net gain will be achieved. It is therefore now considered that the proposal complies with Policy CS19.

### Amenity of the Dwellings Proposed

All of the residential units would have sufficient amenities and all habitable rooms would have adequate natural daylighting.

The floor areas of the units on site vary and although some units fall slightly short of the guidelines given in the Development Guidelines SPD others exceed this guideline and on the whole it is considered that a good range of adequately sized properties is proposed.

Each dwelling would have its own private amenity space, again these areas vary in size and in addition there are communal amenity areas on the site, therefore the amenity space proposed is considered to be acceptable and would accord with policies CS15 and CS34.

### Design and Materials

The development proposes a mix of mainly 2/3 bed two storey and three storey properties.

The unit designs to be presented are in a traditional style with pitched roofs, some with dormer windows, and casement windows respecting the styles evident in the area. There is little evidence of ornate materials being used in the area and the predominance is render with artificial slate roofing, and a small amount of tile hanging. The materials in this development include walls that will be a mixture of brick and render with white windows with projecting concrete sub cills. Roofs will be pitched and clad in artificial slate, with terracotta ridges and black rainwater goods.

The agent was asked to give particular attention to the design of plots 51- 53 as it was considered that the units at the end of the main approach should be a feature on entry to the site. The design was therefore revised and the dwellings are now designed to have more character, with features that make a statement.

Overall the design and materials proposed are deemed to be sympathetic to the surrounding area and would accord with the requirements of Policy CS02. Samples of external materials shall be requested and agreed by way of condition.

### Impact on Neighbouring Amenity

There would be no overlooking caused by dwellings to the south of the site due to the gradient of the land and the thick belt of trees along the boundary of the site. The privacy of the existing houses to the east of the site would be protected by suitable boundary treatment, in the form of a 1.8m high rendered wall where appropriate with suitable planting. (Details of which shall be secured by condition). The nearest dwellings would be over 23m away (window to window) and therefore it is not considered that there would be an unreasonable degree of overlooking to the east. There would also be minimal impact to dwellings to the north. Bungalows along Poole Park Road to the north-east are set at a lower level and window to window would be over 21m

away. This distance will also ensure that that the proposed dwellings will not appear too imposing from rear curtilage areas. The club house to the north-west has no windows overlooking the application site and would therefore be unaffected. The dwellings on Barne Road to the rear of plots 11-13 would be approximately 15m away and suitable boundary treatment is proposed to ensure that there would not be a significant impact on their privacy.

It is therefore considered that the proposal would accord with policies CS15, CS34 and the Development Guidelines SDP.

#### Tenure and Housing Type

No affordable housing is proposed as part of this scheme. This conflicts with Policy CS15 of the Core Strategy which states that where there are 15 dwellings or more at least 30% of the total number of dwellings should be affordable homes. This policy is in place to meet the City's Strategic Housing allocation but also to ensure that an appropriate mix of housing is provided. Therefore a proposal such as this would not normally be deemed acceptable.

In this part of the City, however, there is currently strong imbalance in housing types. The Barne Barton Sustainable Neighborhoods Assessment identifies that there are disproportionately high levels of social rented accommodation and little private housing. A very high proportion of the population lives in social housing, 17.8% rent from the Council (compared to a national average of 13.2%) and 35.1% rent from Housing Association or Registered Social Landlord (compared to 6% nationally). The proportion of owner occupied properties is only 36.9% which is around half the national average of 68.9%. For this reason it is considered that a scheme for 100% market housing is acceptable in this instance. The development would help to address this imbalance by providing more market housing. The tariff associated with this development is also an important consideration. Recently an application for 100% affordable housing in Barne Barton was approved and while this goes some way towards meeting the strategic allocation of affordable homes, affordable housing only requires highway contributions. This development will attract a higher tariff which can be used to improve local community facilities. Therefore given the specific characteristics of Barne Barton and need for private housing the absence of affordable housing is deemed acceptable in this case.

#### Trees and Landscaping

The layout of the site has been based largely around maintaining the trees and hedgerow of importance on the site. Therefore while 19 individual trees and 4 groups of trees are proposed to be removed from the centre and the entrance of the site, the trees of most value have been retained and replanting is proposed to compensate for those lost. 86 new trees will be planted. Details of this planting shall be secured by way of condition. While it is regrettable that the Poplars at the entrance to the site have to be removed it is accepted that the required access road cannot be constructed without their removal and the agent is proposing replacement planting to soften the approach to the site



The main concern, as was raised during pre application discussions, is the successful retention of the two mature hedgerows on the site which contain mature Oaks and Hawthorn of high amenity and nature conservation value. The Local Planning Authority was not satisfied that the layout plan initially submitted was acceptable as some dwellings were within close proximity to the hedgerow. The agent therefore submitted an amended plan with a layout that ensures that the dwellings are situated a sufficient distance from these hedgerows.

The site layout preserves the major ecological features of the site as identified in the habitat survey. Both hard and soft landscaping have been carefully considered and parking areas will be identified with different colour paving. Primary rear screen walls to flanking gardens will be provided. All houses will be provided with rear gardens, and the area of Public Open Space proposed will be available for use by all residents.

It is therefore considered that the development would accord with Policy CS18.

### Crime

As identified in the Barne Barton Sustainable Neighbourhood Assessment, Barne Barton is an area of concern in terms of Crime, ranking the 4<sup>th</sup> worst neighbourhood in Plymouth. The applicant has worked closely with the Planning Department and the Police Liaison Officer to ensure that the development is carefully designed in order to incorporate crime prevention measures.

Such features include windows to overlook parking areas and the avoidance of creating areas that could become 'hot spots' for anti- social behaviour.

One point of much discussion relates to the potential for a pedestrian access through the site. The possibility of having a pedestrian access from the south west corner of the site was debated. While it was appreciated that utilising this access point would have been advantageous in improving pedestrian permeability, having this access raised serious objections from the Police Liaison Officer. Evidence dictates that having this pedestrian link would have made the site more susceptible to crime. Therefore given the already significant crime problem in the area, it was agreed that the pedestrian access should be omitted. It is therefore deemed that the proposal would accord with Policy CS32.

### Accessibility and Highway Issues

Access to the site is proposed from Poole Park Road, utilising the former schools access.

It is noted that the site is constrained with steep gradients and as such the proposed road layout follows the sites contours where possible. The new road widths within the site are restricted to enforce a parking policy on the development of only parking in designated areas on the site, avoiding the sporadic motor car parking plague. The adoptable road areas will be clearly

defined and will be separate from the private paved areas. Within the site adopted turning areas are provided, and the roads will be fully adopted under a future Section 38 Agreement with the Highway Authority.

105 parking spaces are proposed which will be made up of 30 garage spaces, 24 public/on street parking spaces, and 51 Private spaces, thus giving a total provision of 1.7 spaces per dwelling. The proposed provision conforms to the current parking standards within the Development Guidelines SPD.

Fire Service access will be available to all properties and the principles of Secure by Design will be present in the scheme.

Details of visibility between the junction and Poole Park Road will be required. It is noted from the drawings that the developer is proposing a 4 metre radius kerb. Ideally this should be 6 metres and as such a slight re-alignment of the kerbs, local to the access, may be required to achieve a suitable radius. This will have the added benefit of increasing the width of footway at the junction above the 1.57 metres as shown. Poole Park Road is wide enough at this point to easily accommodate a scheme of narrowing to provide a new kerb alignment. These details will be agreed by way of condition.

The Transport Service comment that it is disappointing that a pedestrian link cannot be made to the South West corner of the development site, however it is accepted that the developer has investigated all options and due to difficulties in gradients and security the provision of a footpath is not justifiable. As this cannot be achieved the developer has now agreed to pay a contribution of £15,000 towards pedestrian improvements to the junctions of Barne Road and Wolseley Road, which is considered to be the secondary desire line from the site to the St Budeaux shopping centre. Pedestrian improvements in this area are considered to be a highway gain for the community and will off-set against the lack of direct permeability from the site. The funding will be secured through a S106 Agreement and Plymouth Transport and Highways will design and implement the required works.

Adequate amendments have now been made to the road layout and it is now considered that the proposal would accord with Policy CS28.

#### Sustainability

Policy CS20 requires the development to off-set a minimum of 15% of the carbon emissions for which the development is responsible by on-site renewable energy production methods. The proposal will meet the aims of Policy CS20 the main way of achieving this will be through the use of solar panels. The remaining details shall be secured by way of condition.

The surface water will be discharged via one rainwater butt per property to the rear, and then into soakaways. A SUDS feature is also proposed on the site in the form of an attenuation feature to the north of the new access road.

### Letters of Representation

The concerns raised in the letters of representation received have been dealt within this report. For example concerns regarding overlooking and loss of light have been dealt with in the section of the report entitled 'Impact on Neighbouring Amenity'. In response to the concern relating to inadequate parking, the parking provision is deemed acceptable and is in accordance with guidance given in the Development Guidelines SPD. The housing density proposed is appropriate for this site, in relation to the housing density in the area. In terms of noise, it is not considered that an unreasonable level of noise will be created; higher noise levels would be expected from the previous land use as a school. A code of construction will be agreed by way of condition to ensure that the construction causes as little disruption as possible. In response to the request for there to be a separate access into and out of the site, the size of the site does not require a second access point and the topography of the site would make it particularly challenging to achieve a continuous link throughout

### **Equalities & Diversities issues**

#### Life Time Homes

The key 16 design criteria features to create lifetime homes have been taken into account in order to create a flexible blue print for accessible and adaptable housing on the development. This will increase the choice, independence, and longevity of the tenure. In this case, to comply with policy CS15, this scheme should (as a minimum) include 20% or 12 dwellings to Joseph Rowntree Lifetime Homes standards. The applicant has confirmed that 20% of the scheme will be Life Time Homes compliant; and this therefore accords with the standards given in policy CS15.

Level access will be provided to all properties and new gradients on site will be gentle.

### **Section 106 Obligations**

The application is accompanied by a viability assessment. The Local Planning Authority have scrutinised this viability assessment (produced for the applicant by GVA Grimley Property Advisors) and agree that generally, the assumptions made in this report are a fair reflection of the current market. The applicant has agreed to pay the full tariff (at a 50% discount according to the Market Recovery Scheme). This is a sum of £344,664.50. This sum will be divided in the following way.

#### **Local Infrastructure**

Schools- £78,321

Libraries- £13,236

Greenspace- £37,858

Childrens play space- £27,094

Playing pitches- £68,674

### **Strategic Infrastructure**

European Marine Site- £2,000

Transport- £117,481.50

### **Management Fee**

£14,522

It was hoped that the money received could be ring fenced for a specific project to meet community needs in Barne Barton. Unfortunately it was not possible to find a project that met the Community Infrastructure Levy (CIL) criteria and had enough certainty to avoid the money having to be returned. The money has therefore been divided to allow the local area to benefit from the maximum level of tariff money that can be allocated. The remainder of the money has been divided between the European Marine Site which we have a legal obligation to contribute towards and Strategic Transport which is a corporate priority.

In addition to the tariff a negotiated element has been agreed with the developer. This includes a sum of £53,064 to the Council's Parks Department for adoption and maintenance of the open spaces on the site and £15,000 to the City Council to enable the Highway department to carry out pedestrian crossing improvements at the junction of Barne Road / Wolseley road.

The application has been assessed against the Governments Community Infrastructure Levy (CIL) and it is considered that the financial obligations required by the Plymouth Development Tariff and negotiated element of £412,728.50 meet the 3 CIL tests and that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

### **Conclusions**

To conclude, the principle of developing this site with market housing is considered to be acceptable. It would help to address the strong imbalance in housing types in Barne Barton and the local area would benefit from the tariff money gained, in particular the improvement of a main pedestrian route in Barne Barton. The design and amenity of the dwellings proposed is acceptable and it is not considered that the development would be detrimental to the amenity of surrounding residential properties. There would not be a harmful impact on the highway, trees or natural habitat as a result of this development. The application is therefore recommended for approval, subject to conditions and the successful completion of a S106 agreement by the 27<sup>th</sup> August 2010, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by this date.

### **Recommendation**

In respect of the application dated **01/06/2010** and the submitted drawings, **CD968.SK-SP18a Site Plan, CD968.LOC.100, CD968.PLY-P01 Elevations, CD968.PLY-P02 Floor Plans, CD968.RIC-P01b Elevations, CD968.RIC-P02b Floor Plans, CD968.TAV-P01b Elevations, CD968.TAV-P02b Grd &**

**1st Floor Plans, CD968.TAV-P03b 2nd Floor Plan, CD968.WAS-P01b Elevations, CD968.WAS-P02b Floor Plans, CD968.ASH1-P01b Elevations, CD968.ASH1-P02b Ground Floor Plan, CD968.ASH1-P03b First Floor Plan, CD968.ESS-P01b Elevations, CD968.ESS-P02b Grd Floor Plan, CD968.ESS-P03a 1st Floor Plan, CD968.LYN-P01 Elevations, CD968.LYN-P02 Floor Plans, CD968.MAI-P01b Elevations, CD968.MAI-P02b Floor Plans, CD968.PAL-P01a Elevations, CD968.PAL-P02b Floor Plans, TP-1, CD968 CON 01, CD968 DRP 01, 22/09, CD968.SE.PO1 B, CD968.SE.P03 B and accompanying Design and Access Statement, Transport Assessment, Archaeological Desk-Based Assessment, Reptile Survey & Bat Tree Inspection Report, Flood Risk Assessment, Extended Phase 1 Habitat Survey, Statement of Community Involvement, Arboricultural Implications Assessment & Tree Protection Plan and Ecological Mitigation and Enhancement Strategy, it is recommended to: **Grant conditionally subject to S106 Obligation, delegated authority to refuse if not signed by 27 August 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, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures

#### LAND QUALITY

(2) Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved (other than that required to be carried out as part of an approved scheme of remediation) shall not commence until conditions 3 to 6 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall 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 condition 10 has been complied with in relation to that contamination.

#### 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 use can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SITE CHARACTERISATION

(3) An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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 shall 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 shall 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 shall 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 policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUBMISSION OF REMEDIATION SCHEME

(4) 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.

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

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(5) The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall 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 shall be produced, and is subject to the approval in writing of the Local Planning Authority.

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

#### REPORTING OF UNEXPECTED CONTAMINATION

(6) 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 condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 condition 5.

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

#### CODE OF PRACTICE

(7) 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.

#### SURFACE WATER MANAGEMENT

(8) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:-

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable of construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

#### Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development and avoid conflict with Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TREE PROTECTION DURING CONSTRUCTION

(9) 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.

#### LANDSCAPE DESIGN PROPOSALS

(10) 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 means of enclosure and boundary treatment; hard surfacing materials; refuse or other storage units, signs, lighting; proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines, 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

(11) Soft landscape works shall include planting plans; written specifications; 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

(12) 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.

#### STREET DETAILS

(13) 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

(14) 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

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

Reason:

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

#### 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.

#### DETAILS OF NEW JUNCTION

(17) 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 the building shall not 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.

#### CAR PARKING PROVISION

(18) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the details submitted to and approved by the Local Planning Authority, and that area shall not thereafter 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.

#### EXTERNAL MATERIALS

(19) 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 CS02 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUSTAINABLE RESOURCE USE

(20) 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 a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. 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 15% of predicted carbon emissions 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.

#### ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(21) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated July 2010) for the site.

Reason:

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

#### LIFETIME HOMES

(22) 20% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

Reason:

To ensure that the development delivers 20% of the residential units to Lifetime Homes Standards in accordance with development proposal and the adopted Core Strategy Policy CS15 and relevant Central Government advice.

#### 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, B, C, D, E and F of Part 1 of the Schedule to that Order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect neighbouring amenity and comply with policies CS34 of the Core Strategy.

#### INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

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

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

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

Having regard to the main planning considerations, which in this case are considered to be: the design and amenity of the dwellings proposed, their impact on neighbouring properties, the impact on wildlife and trees/vegetation, the impact on the highway and to the character of the area, 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, and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPG13 - Transport
- PPS3 - Housing
- 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
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD1 - Development Guidelines