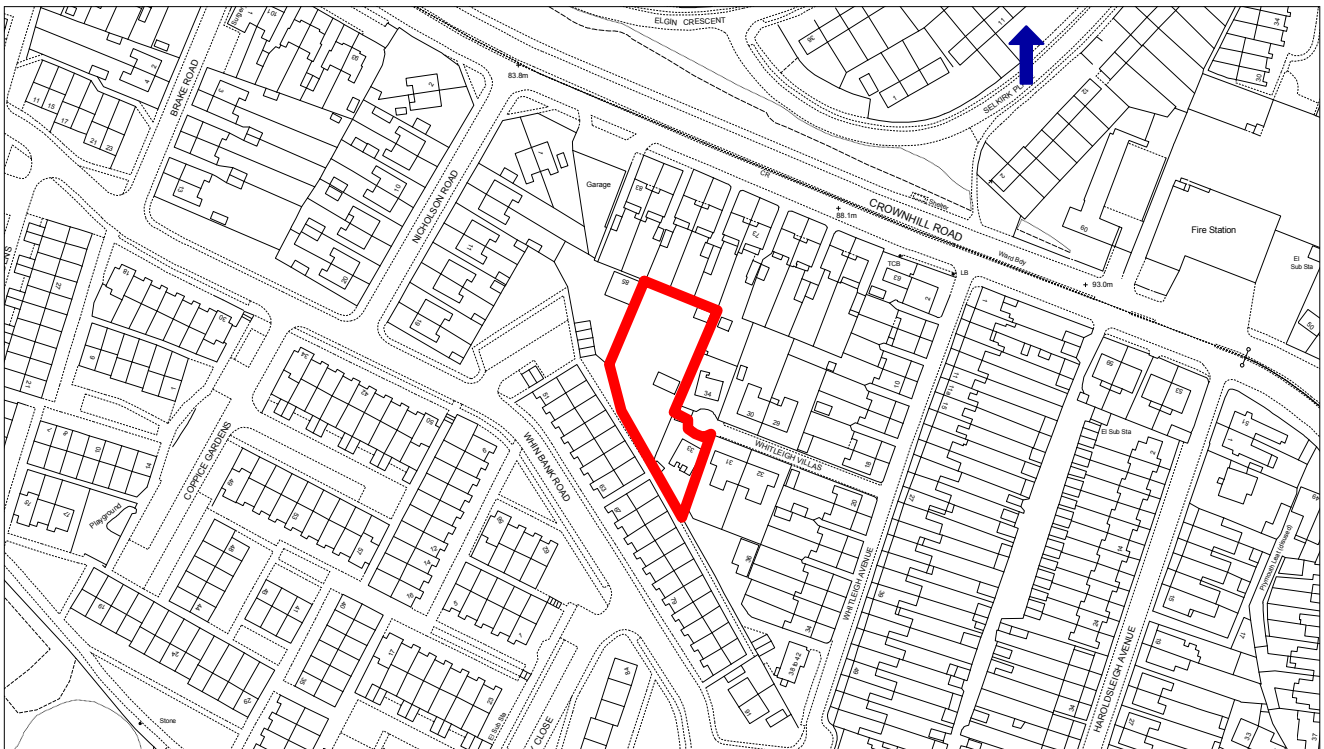


ITEM: 7

Application Number:	10/01280/OUT
Applicant:	Mr & Mrs Fritzsche
Description of Application:	Outline application for the erection of four two-storey semi-detached dwellings and one detached dormer bungalow (existing dormer bungalow to be removed)
Type of Application:	Outline Application
Site Address:	33 WHITLEIGH VILLAS PLYMOUTH
Ward:	Eggbuckland
Valid Date of Application:	27/07/2010
8/13 Week Date:	21/09/2010
Decision Category:	Delegated
Case Officer :	Janine Warne
Recommendation:	Grant Conditionally
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OFFICERS REPORT

This application is being brought before Committee as a result of a member referral from Councillor Ian Bowyer. Councillor Bowyer wishes the application to be considered by Committee because there is considerable disquiet amongst local residents.

Site Description

The site is located at the end of a small cul-de-sac called Whiteleigh Villas. It is currently an overgrown and unkempt parcel of land that is part of the garden to no. 33 Whiteleigh Villas. Surrounding development is residential and there is a mix of dwelling types in the area, ranging from bungalows to two-storey terraced and detached houses. There are 6 protected trees on the site.

Proposal Description

This application relates to outline planning consent for the erection of four semi-detached dwellings and one detached dormer bungalow, replacing the existing dormer bungalow known as 33 Whiteleigh Villas. All matters are reserved.

Relevant Planning History

07/01221/OUT – Outline application for the erection of 4 new dwellings – Permitted.

Consultation Responses

Transport – No objections, subject to conditions.

Public Protection – No objections, subject to conditions.

Housing – Lifetime homes provision requested.

South West Water – No objections, observations: no development should be allowed within 3 metres of the public sewer that crosses the site. If soakaways are not acceptable the developer should contact SWW for more information.

Police Architectural Liaison Officer – No objections, observations noted.

Representations

Thirty-nine letters of representation have been received regarding this planning application. In addition two petitions have been received; one signed by 123 individuals and another signed on behalf of 15 members of the Brake Farm Residents Committee.

The primary planning objections have been summarised below:

- Overdevelopment / 'Overcrowding'
- Two-storey houses are out of character
- Proposed access path compromises security

- Traffic generation / congestion – narrow roads, insufficient capacity, sharp junction, inadequate turning circle, dangerous highway conditions
- Road/turning head fails to meet requirement of fire brigade
- Inadequate parking provision in the area
- Damage to roads, pavements and gas mains caused by large vehicles
- Loss of privacy
- Loss of sunlight / daylight
- Loss / damage to protected trees
- Inaccurate plans – tree positions
- Surface water drainage / flood risk – ponds and underground springs on site
- Impact on Devonport Leat
- Nature conservation / loss of habitat
- ‘Garden Grabbing’
- Noise and disturbance during construction and following occupation
- Disruption to services during construction works
- No landscaping details

Upon receipt of an extended Phase 1 Habitat and Bat Survey, further neighbour consultation was conducted. A further nine letters of representation were received however no new material planning considerations were raised.

Analysis

Introduction

This application turns upon policies CS01 (Development of Sustainable Linked Communities’) CS02 (‘Design’), CS15 (‘Overall Housing Provision’), CS16 (‘Spatial Distribution of Housing Sites’), CS18 (‘Plymouth’s Green Spaces’), CS19 (‘Wildlife’), CS22 (‘Pollution’), CS28 (‘Local Transport Considerations’) CS32 (‘Designing Out Crime’), and CS34 (‘Planning Application Considerations’) of the adopted Core Strategy for Plymouth 2007 and the Development Guidelines Supplementary Planning Document (SPD).

This application seeks outline consent with all matters reserved (these being access, appearance, layout, landscaping and scale), therefore this report seeks to establish whether the principle of the proposed development is acceptable, and does not deal with the finer details of the scheme. If outline consent is approved these details will be considered as part of a reserved matters application.

As stated above, this application proposes the erection of a new dormer bungalow (replacing the existing at no.33 Whitleigh Villas) and the erection of four dwellings. The site benefits from an existing outline planning consent for the erection of four new dwellings (app. no. 07/01221/OUT). The primary difference between the previous and the current application relates to the demolition and reconstruction of the donor property – no.33 Whitleigh Villas.

'Garden Grabbing'

In June 2010 the Government announced changes to Planning Policy Statement 3 (PPS3); Housing, which amongst other things changed the status of domestic gardens, taking gardens out of the definition of brownfield, or previously-developed land.

The policy guidance in PPS3 still prioritises development on previously developed land, but the changes remove the presumption in principle that gardens are within the priority category for redevelopment, making it easier for planning authorities to resist unsuitable development of gardens. However it does not necessarily prevent the redevelopment of garden land in all cases. Any such developments will be determined in accordance with the policies in the Adopted Core Strategy, and other published guidance, and will continue to be dealt with on their individual merits.

In this case, whilst the site in question is deemed to comprise the garden of no.33 Whitleigh Villas, the plot is oversized and out of character when compared with neighbouring residential sites. Given its extent and L-shaped layout, your officers are satisfied that this plot is suitable for residential development. The proposal accords with the present settlement pattern, density and the character of the area and would not significantly change the living conditions of neighbouring occupiers. Therefore it is considered that this proposal can not exclusively depend on the ruling of PPS3 and therefore should not be resisted solely on this basis.

Principle of Development

The site is located within an established residential area and thus its development for residential purposes is considered to be in keeping with the established land use and therefore acceptable in principle. There are no policy constraints affecting the site, although there are a number of protected trees on the site.

As noted above, this site benefits from outline planning consent for the construction of four new dwellings. The primary difference between the existing consent and the proposed scheme relates to the demolition and reconstruction of a dormer bungalow known as 33 Whitleigh Villas. The existing dwelling is in a relatively poor state of repair. Whilst full details relating to design and appearance will be considered as a reserved matter, its reconstruction is deemed acceptable in principle. The indicative layout suggests that the proposed dormer bungalow will be modestly realigned (by approximately 12°), allowing additional space between the dwelling and the proposed highway, however this is subject to change as layout, access and scale are reserved matters.

As per the 2007 outline consent, the indicative layout proposes to continue the cul-de-sac into the site and locate four dwellings at the northern end of the plot. It is indicated that the south-western side of the site will be retained as a communal garden space, with four protected trees retained in this area. There are seven indicative car parking spaces proposed and a bin storage area. The centre of the site provides a turning area for vehicles and it is

illustrated that 2 trees (an Indian Bean Tree and a Cherry Tree) in this area shall be removed; this is consistent with the consent given under application 07/01221. Your officers are satisfied that the removal of these trees is acceptable as they are not as significant as the other four trees that are proposed to be retained as part of the development.

The density of the proposal is 28.2 dwellings per hectare (dph) which is not unduly high and compares favourably with the density of the surrounding area of 37.2 dph and the indicative layout confirms that each of the proposed dwellings has a decent size private rear garden that is separated from the properties to the north by an existing mature boundary hedgerow.

Transport and Highway Considerations

The main difference between this and the previous application is that this proposal seeks to demolish the donor property, number 33 Whitleigh Villas, and replaces it with a new bungalow with car parking. This indicative parking provision will mitigate against the loss of the garage.

As before, the illustrative access to site is proposed via Whitleigh Villas. This road is narrow but is adopted as Public Highway. The footways are narrow and the turning head is below standard. The existing pair of garages have direct access onto the highway with no 'margin' or 'drive' in front of them. Turning provision for cars and other vehicles is severely restricted and more so if a vehicle is parked near to the turning head. Previous discussions have taken place with the City Council refuse collection team who advised that a refuse vehicle cannot enter the street at present due to the narrow widths and indiscriminate car parking that takes place.

Whitleigh Villas currently serves as an access for six dwellings, with the above currently below-standard road. The proposal would bring the total number of dwellings served by this road to ten. This does not cause capacity issues in the network in itself but obviously the existing street is below standard and as such new development should be discouraged unless the existing situation is improved. To that end, the developer has indicated an estate road layout, similar to that as proposed in 2007, which includes a large turning area, incorporated into a shared surface street. This new estate road, although only shown indicatively on the plans, must be provided in order to provide improvement above the existing situation in terms of providing sufficient turning areas. With such a provision, which would be built to adoptable standard and subsequently offered for adoption as highway, it would be considered to improve the existing situation and would be accepted as a highway gain to offset against the increase in traffic on Whitleigh Villas. As such the new estate provision must be secured by way of a condition with details to be approved.

The indicative access road will tie into the existing turning head to Whitleigh Villas. Details of any works to Whitleigh Villas will need to be agreed in detail, but the Transport Officer would suggest that the former turning circle is block paved to provide a level access into the site. This will give the impression of

the continued highway. Suitable conditions are recommended to agree a design for this area.

As all matters are reserved for future discussion there are no objections to the proposal in principle. Detailed designs of the estate road and works to the existing highway should be submitted in due course and the applicant is advised to enter into discussions with the Highway Authority prior to submission of any further planning application.

Habitat / Wildlife

Strong neighbour objection has been raised regarding the impact on wildlife, primarily bats. An extended Phase 1 Habitat Survey and Bat Survey has been conducted and submitted for our consideration. Your officers are satisfied that the ecological survey has been carried out by a fully qualified, competent and independent ecologist and that no further survey is required.

The survey confirms that, due to the nature of the site (in an urban area) and the construction of the bungalow, the site has low suitability for bats. The internal survey found no evidence of bats. However, with animals, rarely can 100% surety be provided, therefore to cover the unlikely possibility of bats being present, the following paragraph was included in the report:

Whilst the bungalow appears largely unsuitable for bats, the presence of the odd individual bat cannot be ruled out; it is therefore suggested that demolition proceeds in a sensitive manner, as follows:

- Tiles along the ridges should be carefully lifted by hand and the bitumen in the flat roofed section should be peeled carefully back before the main demolition begins.*
- In the extremely unlikely event that a bat is encountered during this work (or during other site operations) work on the roof should cease until Natural England has been contacted for advice.*

To provide comfort to residents in the area, your officers consider making these recommendations a condition.

It should be noted that, to allow residents to review the submitted habitat and bat survey, an additional neighbour consultation was conducted. Nine further letters of representation were received; however only two of these letters explicitly referred to the survey and no additional material planning considerations were raised. One letter of representation was accompanied by DVD footage of bat movement and has been carefully reviewed by your officers. The disk clearly shows bats flying above the garden which in itself is not a rare phenomenon but it is considered that there is no evidence that bats are using the cherry tree as any kind of roost.

The ecological survey states that the site has low suitability for bats; this is in reference to roosting opportunities. Bats themselves and their resting places are protected but to restrict development at this type of site (urban) on the basis of the presence of foraging bats would be unprecedented.

Furthermore, it should be noted that your officers are seeking ecological enhancements at this site and recommend conditioning these, including simple ecological enhancement measures to provide improved habitat for a range of urban wildlife. These include planting of native tree and shrub species to further enhance the southern boundary, as well as installation of bat boxes on mature trees on the southern boundary and bat 'bricks' within the upper walls of some new dwellings.

Flood Risk/Drainage

Some of the neighbouring residents are concerned about surface water drainage and how the applicant/developer would deal with any natural springs that may exist on site. The site does not fall within a 'problem drainage area' or flood zone as identified by the Environment Agency (EA). The application states that surface water will be disposed of by soakaways; this is supported by South West Water. The use of soakaways will require satisfactory percolation tests to have been undertaken. If these tests are not positive the developer/applicant would need to contact SWW. Furthermore officers have discussed the matter with the Building Surveyors. The surface water drainage will be covered at the Building Regulations stage.

Devonport Leat

Given representations received by neighbours, officers have reviewed historic maps of the proposed development area. The leat is shown to the north and well to the south of the development area on the OS map of 1914, but it is not shown within or in the near vicinity of the development site. This strongly suggests that it was already destroyed by that date, and subsequent development within the area will have made that even more likely. There is therefore no conclusive evidence that the Devonport Leat ever ran across or even near the development site, and on that basis it would appear unreasonable to restrict any grant of consent in this regard.

Secured by Design

In order to improve security at the site, the Police Architectural Liaison Officer has made the following recommendations.

- *Both end dwellings should have gable-end windows, in lived in rooms to offer surveillance to the side of these properties.*
- *There should be a lockable gate between plots 2 and 3 to prevent unauthorised persons gaining access to the sides of these properties. (Plots 1 and 4 have these gates shown on the site plan)*
- *There should be a boundary treatment around the sides and rear of this development. I would suggest 1.8 meter close boarded fencing.*
- *There should be a boundary treatment to the front of the dwellings of no more than 0.9 meters in height to give some defensible space to the properties, but at the same time allowing surveillance over the parking areas.*
- *The parking area should be reviewed to allow if possible parking for four cars in front of the properties, leaving just two spaces for visitors cars.*

Given that all matters are reserved, such details can not be secured at this stage. Therefore these design considerations may be integrated and reviewed at the reserved matters stage.

Neighbour Objections

With regards to the letters of representation received, many of the issues raised have already been discussed above in this report. However, it should be noted that covenant restrictions and depreciation have not been discussed and are not a material planning consideration.

Concerns have also been expressed about noise, pollution, works vehicles, and general disruption during any construction phase. Some inconvenience is inevitable during construction periods and on a small urban site, such as this, some of that impact will spill over to affect the wider neighbourhood. In the event that planning permission was granted, the Authority would seek, via condition, compliance with its 'Code of Construction Practice' to minimise the impact. Disruption during construction is not normally a material planning consideration, sufficient to justify withholding planning permission.

Lifetime Homes

Policy CS15 confirms that 20% of all new housing must be built to 'Lifetime Homes' standard. It is recommended that this matter is dealt with by condition.

Land Contamination

Having reviewed the Phase I Environmental Desktop Study Report for the above application, Public Protection note that there is a proposal to carry out soil samples to assess risks posed by metals in the garden areas. In order to secure this sampling a series of standard conditions are recommended.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations

The Local Development Framework Planning Obligations and Affordable Housing Supplementary Planning Document adopted August 2010 and associated Market Recovery Scheme 2010/2011 confirms that the tariff seeks to address the net increase in impact arising from development and no tariff is charged for developments of less than five homes. Therefore given that a net increase of four homes is proposed, no financial contribution is sought in this case.

Equalities & Diversities issues

No additional issues to be discussed here.

Conclusions

Notwithstanding the strong objections from residents, the principle of the development is deemed acceptable by officers. Therefore, for the reasons set out above, it is recommended that outline planning consent is granted, subject to conditions.

Recommendation

In respect of the application dated **27/07/2010** and the submitted drawings, **Site Location Plan, MM1008.PLIB, Site Survey: 01, accompanying Design and Access Statement and supporting information ('Extended Phase 1 Habitat Survey and Bat Survey', dated 22 Sept 2010; 'Phase 1 Environmental Desktop Study Report', dated May 2010; 'Arboricultural Implications Assessment', dated 22 May 2010 and associated Tree Protection Plan no. 10.067.1 TPP)**, it is recommended to: **Grant Conditionally**

Conditions

APPROVAL OF RESERVED MATTERS

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

Reason:

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

SUBMISSION OF RESERVED MATTERS

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

Reason:

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

TIME LIMIT FOR SUBMISSION

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

Reason:

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

TIME LIMIT FOR COMMENCEMENT

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

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

(5) 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 completion or 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 BS3998:1989 (Recommendations for Tree Work).

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

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

Reason:

To ensure that trees or hedgerows retained in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

DETAILS OF BOUNDARY TREATMENT

(6) 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 occupation of the first dwelling. 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.

LANDSCAPE DESIGN PROPOSALS

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

Reason:

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

SOFT LANDSCAPE WORKS

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

LANDSCAPE WORKS IMPLEMENTATION

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

STREET DETAILS

(10) 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 CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ROAD ALIGNMENT AND DRAINAGE

(11) 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 CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

COMPLETION OF ROADS AND FOOTWAYS

(12) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under conditions 10 and 11 above before the first occupation of the penultimate dwelling.

Reason:

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

DETAILS OF NEW JUNCTION

(13) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and no dwelling 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, to comply with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(14) 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, to comply with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GRAMPIAN

(15) No development shall commence on site until details of the proposed access and improvements to the existing highway have been submitted to and approved in writing by the Local Planning Authority and furthermore no occupation of any dwelling shall take place until such time that the agreed works have been completed.

Reason:

In the interests of highway and pedestrian safety, to comply with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

LAND QUALITY

(17) 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 18 to 20 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 21 has been complied with in relation to that contamination.

SITE CHARACTERISATION

(18) 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

(19) 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 (2206-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(20) 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

(21) 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 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, 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 20.

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.

BIODIVERSITY

(22) The development shall be carried out in accordance with the recommendations contained in section 5 of the Extended Phase 1 Habitat Survey and Bat Survey, dated 22 Sept 2010, unless otherwise agreed in writing by the Local Planning Authority.

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 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in PPS9.

LIFETIME HOMES

(23) 20% of the dwelling hereby approved 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 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government advice.

INFORMATIVE: SOUTH WEST WATER

(1) The developer's attention is drawn to the comments and/or requirements of South West Water, a copy of which will have been sent direct to the applicant or the applicant's agent.

INFORMATIVE: LAND CONTAMINATION

(2) Having reviewed the submitted Phase I Environmental Desktop Study Report, Public Protection note that there is a proposal to carry out soil samples to assess risks posed by metals in the garden areas. Further to this, it is suggested that when sampling is carried out the risk from the nearby garage is reconsidered. The garage is some years old and historically tanks were present on site, Local Authority records do not indicate that these tanks have been removed and as such could pose a risk of contamination. Normal garage activities could also lead to contamination and given the proximity to the site further risk assessment is needed.

INFORMATIVE - CODE OF PRACTICE DURING CONSTRUCTION

(3) 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:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.
- d. All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

INFORMATIVE: BIODIVERSITY

(4) In accordance with condition 22, the applicant/agent is advised that:

- Tiles along the ridges should be carefully lifted by hand and the bitumen in the flat roofed section should be peeled carefully back before the main demolition begins.
- In the event that a bat is encountered during this work (or during other site operations) work on the roof should cease until Natural England has been contacted for advice.
- Ecological enhancement measures should be provided to improve habitat for a range of urban wildlife. These include planting of native tree and shrub species to further enhance the southern boundary, as well as installation of bat boxes on mature trees on the southern boundary and bat 'bricks' within the upper walls of some new dwellings.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact of the proposed development on nearby properties residential amenities, the surrounding highway network and existing landscaping and trees at the site, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPG13 - Transport
- PPS3 - Housing
- PPS9 - Biodiversity and geological conservation
- PPS1 - Delivering Sustainable Development
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS22 - Pollution
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD1 - Development Guidelines
- SPD3 - Design Supplementary Planning Document