

ITEM: 8

Application Number: 10/01814/OUT

Applicant: Mrs Maureen Lawley

Description of Application: Outline application to develop parts of garden by erection of two dwellings, with improvements to existing vehicular access and provision of new footpaths on both sides of Underwood Road

Type of Application: Outline Application

Site Address: DORSMOUTH, DRUNKEN BRIDGE HILL
PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 25/10/2010

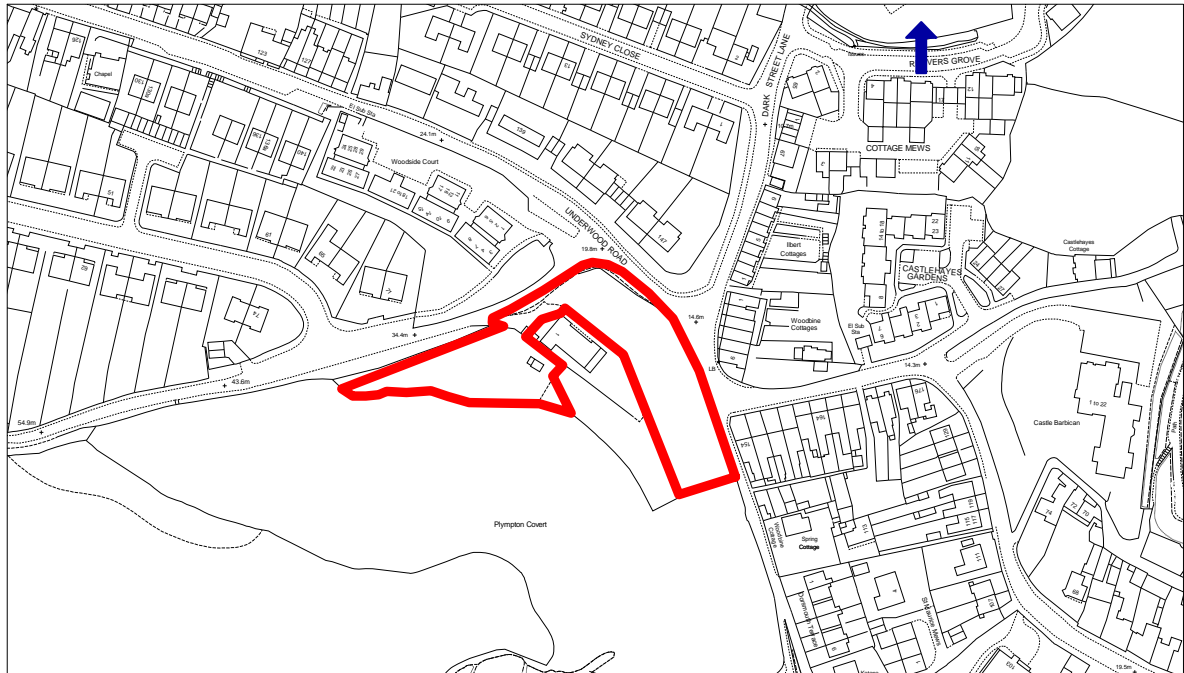
8/13 Week Date: **20/12/2010**

Decision Category: Member Referral

Case Officer : Jon Fox

Recommendation: Grant Conditionally

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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councilor Terri Beer. This Ward Councilor is concerned about the bungalows in Underwood Road having their off street parking removed and the loss of parking spaces in the lay by in Dark Street Lane. There are also boundary issues from the bungalows in Underwood Road as the plans show a new path running inside residents' boundaries. Buses no longer use Drunken Bridge Hill and therefore such improvements may not be deemed necessary.

Site Description

The site is located on the southern edge of Plympton and is partially within the greenscape area, which includes the adjoining wooded Plympton Covert that lies to the south. The site is bounded to the north west by Drunken Bridge Hill, an old highway that links Plympton with Ridge Road. There are modern, semi-detached houses on the other side of Drunken Bridge Hill, which is characterised by a hedgebank and mature trees on the site boundary and is without footways. The site is bounded to the north east by Underwood Road and Back Lane, which are also without footways in this location. This boundary is also marked by a hedgebank and trees. There are semi-detached bungalows on the other side of the road. There are other trees within the site and the whole site is covered by a tree preservation order. The site includes existing highway land at the junction of Dark Street Lane, Back Lane and Underwood Road as well as land on the northern side of Underwood Road, which includes some areas that were set back in accordance with a Section 30 Order that was invoked a long time ago. The Section 30 Order is extant and affects the roads adjoining the site.

The land on the site itself slopes down very steeply from the dwelling at Dorsmouth to the derelict swimming pool overlooking Underwood Road, and slopes up steeply towards the edge of the Plympton Covert, to the south. The site itself does not include the dwelling at Dorsmouth or the adjoining land running south east of the building.

Proposal Description

Outline application to develop parts of garden by erection of two dwellings, with improvements to existing vehicular access and provision of new footpaths on both sides of Underwood Road. One dwelling is proposed on the site of the old swimming pool, well below the existing dwelling, and the other would be an open land that is situated on the upper part of the site, adjacent to the Plympton Covert.

All matters are reserved by this application, which are:

- **Layout** – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- **Scale** – the height, width and length of each building proposed in relation to its surroundings.

- **Appearance** – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.
- **Access** – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- **Landscaping** – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft measures, for example, through planting of trees or hedges or screening by fences or walls.

Relevant Planning History

10/00087/OUT - Outline application to develop parts of garden by erection of two detached dwellings, with improvements to existing vehicular access and provision of "safe" pedestrian zone at junction of Drunken Bridge Hill and Underwood Road. This application was withdrawn.

08/00731/FUL - This application was returned.

03/02036/FUL - Two-storey extension, first floor terrace and attached private motor garage (existing kitchen and garage to be removed)

Consultation Responses

Highway Authority

Have no objections subject to conditions on street details, completion of roads and footways, provision of sight lines, preservation of sight lines, driveway gradient and car parking provision. An informative note is recommended regarding a Risk Assessment, and a Method Statement to cover all aspects of vehicle movements to and from the application site.

Key points are that:

1. Drunken Bridge Hill and Underwood Road are both subject to a pre-existing and overriding setting back order under Section 30 of the Public Health Act 1925 (made before 1959). The order requires and directs that where fronting development occurs, the frontage of the development shall be set back to BY-Law width (approximately 11 meters) to provide public street improvements when any development is implemented, unless setting back has already occurred.
2. The proposal would provided the necessary street alterations, including road widening, minor realignment of the junctions of Drunken Bridge Hill and Dark Street Lane, and a fronting footway, not by setting-back but by using existing space available within the street resulting from previous setting-back. Which would include the open area of land at the fronts of numbers 141 – 147 Underwood Road created by setting-back when those properties were first built, and is considered to be designated as Highway Not Maintainable at Public Expense and set-aside for future highway improvement.

3. The use of an improved private driveway is considered acceptable to meet the needs of the proposed three dwellings (any more than four dwellings would need to be served by a suitable access road in accordance with current standards).
4. Notwithstanding the details of the highway alterations shown on the plan drawings of this outline application, on-street car parking in Dark Street Lane would remain largely as existing, the car parking lay-by type arrangement along the west side would remain unchanged, along with some on street parking preserved on the east side near the junction with Underwood Road, with an alternative alteration and build-out to that which is shown on the application plan drawing number 944.10 Rev 'B', where a grass verge would not be required with a view to retaining some space for on-street car parking.
5. In principle the Highway Authority could likely carry out the alterations to the highway including the widening using the land previously set aside for highway purposes at the rear of the footway in front of numbers 139 - 147 Underwood Road without the need to apply for planning permission.

Public Protection Service

No objections subject to conditions on land quality and a code of practice.

Representations

19 letters were received, which raise the following objections:

1. Impact on visual qualities and amenity of the area, including the wooded Plympton Covert and the historic landscape that forms the backdrop to the Conservation Area. The site is obvious from a long distance.
2. Impact on the Plympton Covert as a wildlife refugia.
3. The lower proposed dwelling would not be in keeping with the scale of Dorsmouth House and the upper dwelling would be in shade and compromise the view into the woods.
4. The altered vehicular access would destroy a section of historic wall and bank, mean the loss of trees and further erode the character of the lane, and would not significantly improve safety. Other proposals in the area have been dismissed at appeal due to highway safety issues.
5. Sherford New town would also increase vehicle movements on Drunken Bridge Hill, which has suffered from damage in the past.
6. Loss of trees and potential impact on trees on the boundary with Drunken Bridge Hill.
7. Impact of traffic movements affecting the tranquil wooded area and increased danger of additional vehicle movements at the access to the property.
8. The addition of new footpaths and road alterations will not improve the junction of Drunken Bridge Hill, Underwood Road and Dark Street Lane. The proposed new path in Underwood Road and Drunken Bridge Hill will lead to pedestrians crossing the road at a hazardous point. The altered pavement going into Fore Street would narrow it so much it would be very dangerous.

9. The external footpath to dwelling 2 is unnecessary as there is already a safer access via the two entrances and internal footpath.
10. The highway works will increase traffic speeds whereas currently traffic is naturally calmed. The road widening is not necessary as the roads narrow again beyond the site.
11. Doubt as to whether the highway works will be implemented if planning permission is granted.
12. The property at Dorsmouth should be included in the Saltram Countryside Park Master Plan.
13. The development on surrounding protected green space would erode the precious local and regional asset that is Plympton St. Maurice.
14. Impact on designated greenscape area. The upper dwelling would reduce the definition between the existing built environment and the greenscape area and the dwellings would appear as a visually incongruous feature.
15. Potential impact on residents as a result of the removal and relocation of overhead telephone and associated cables.
16. It is not indicated what further or altered drainage requirements and impacts will be encountered by the changes to the roads and pavements or who will finance these engineering works. Any interference to the water table within the Covert will increase the flow onto the road.
17. It is possible that the proposed highway works may create new problems or exacerbate vehicle movements and present further hazards to motorists and pedestrians.
18. There is not enough room for the new pavements.
19. How will parking displaced by the new pavements impact on the immediate area? How will this be mitigated?
20. Construction traffic causing hazard and obstruction.
21. A strip of land next to Drunken Bridge Hill has not been included within the site and it is not clear how this will protect this important boundary.
22. Some of the site, i.e. the frontage out onto the pathway at 147 Underwood Road, is actually within the ownership of other residents and has been maintained by them.
23. Loss of parking spaces in Dark Street Lane and spaces provided by land that was previously set back, which land is owned by the frontagers.
24. Effect on property values.
25. The highway works will change the character of the area from a village/rural one to an urban one.
26. The Section 30 Order is not necessary particularly in this historic setting and would take away needed car parking spaces.
27. Impact of increased surface water drainage and potential for this to seep onto the highway and properties opposite. Nearby culvert is 50% silted up and the development could lead to additional natural springs occurring.
28. Impact on nearby houses and roads.

29. The ecology report is lacking in that: the report does not say it was carried out by a licensee bat worker; the existing building has not been surveyed to confirm the absence of bats; noisy construction activities can disturb bats at the wrong time of year; the report makes no recommendations for enhancement of biodiversity; Certain species of bats can be sensitive to lighting yet no foraging surveys have been undertaken to determine what species use the site.
30. The works will have a devastating impact on wildlife.
31. The proposed dwelling would be approximately 25 feet in front of the bungalow at 147 Underwood Road and would be an eyesore when viewed from that property.
32. The proposals are contrary to Plymouth City Council Plympton St. Maurice Conservation Area Management Plans (Part 4), which aims to limit transport and parking provision to respect the character of the conservation area, and which recognises that there is a severe lack of parking places within the conservation area that results in on-street parking.

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 application turns on policies CS02 (Design), CS03 (Historic Environment), CS15 (Housing Provision), CS18 (Plymouth's Green Space), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Core Strategy of Plymouth's Local Development Framework 2007 and Development Guidelines Supplementary Planning Document 2009 (SPD1) and the main issues are considered to be the impact of the proposals on the character and appearance of the area and associated with that, the impact on the greenscape; the affect on the conservation area; the amenities of neighbours; the impact on trees; the impact on the highway network and the affect of the highway works proposed in the application and the impact on land drainage. The North Plymstock Area Action Plan is also relevant in terms of its reference to the green space and associated proposed countryside park.

Character and appearance of the area

With regard to the character and appearance of the area, the site is not within the Plympton Conservation Area (CA), although the CA does come close to the site's south eastern boundary, on the opposite side of Back Lane. The proposed dwellings are further away from the CA and in themselves are not considered to be harmful to the setting of the CA. The proposed development retains the current site boundaries and despite the removal of some of the lesser trees on site is not considered to alter the relationship of the site to the CA in a detrimental way.

The site occupies a relatively isolated position being physically cut off from the surrounding pattern of development by Underwood Road, Dark Street Lane and Back Lane. This separateness is magnified by the site's connection with the surrounding greenscape. This means the site effectively has one foot in the countryside and one in the urban area. The proposed dwelling on the southernmost part of the site, closest to the Plympton Covert, is within the greenscape area, but the significant quality of this part of the greenscape is as a biodiversity feature and not as a separation/buffer zone between the countryside and the built-up area. This distinction is made clearer by the wooded Covert, which is above the dwelling site and which is considered to be the natural beginning of the separation/buffer zone. In this context it is considered that two dwellings would not be harmful to the character and appearance of the built-up area or the greenscape, providing that each dwelling respects the scale and design of the existing bungalow by being designed as single-storey properties, perhaps with larger roofs, similar to Dorsmouth, which could be used for additional accommodation. With regard to long views of the site it is considered that the retention of trees, and development by dwellings of an appropriate scale and appearance, would preserve the visual amenity quality of the site overall.

It is accepted that the proposed road works themselves have an impact on the visual qualities of the area. However, the new footways and junction realignments would take place in the existing highway and do not impinge on the site. These works are therefore not considered to be harmful to the character and appearance of the area.

With regard to nature conservation, the submitted Ecological Mitigation and Enhancement Strategy (dated 2010) adequately addresses nature conservation issues and this document should be referred to specifically in any grant of planning permission. With regard to comments on the submitted ecology report the following should be noted:

1. The report was prepared by Dr P Webb MIEEM. The report does not state whether he/she is a licensed bat worker, however they are bound by the code of conduct of the Institute of Ecology and Environmental Managers (IEEM) and no bat licence is required to undertake this level of survey.
2. A Code of Practice will be in force throughout construction with limitations on the hours of work and noise levels.

3. The Enhancement and Mitigation Strategy provides for the installation of 3 bat boxes, 3 bird boxes, removal of exotic plant species and replacement with a native hedgerow.
4. It is considered that the disturbance due to lighting will be minimal as a large area of woodland exists immediately south of the site providing foraging opportunities and connectivity.

The proposals are therefore considered to be in accordance with policies CS01, CS02, CS03, CS18 (in terms of green space), CS19 and CS34 of the Core Strategy.

Residential amenity

With regard to the impact on neighbours, the main issue in letters of representation (LORs) is the proposed highway works, which are considered in Transport Matters, below. Otherwise the main issue is the proximity of the proposed dwelling, nearest to Underwood Road, on the amenities of those on the other side of the street. The separation distance between the proposed dwelling and 147 Underwood Road is 24 metres, which across a road is considered sufficient. In these respects the proposals are therefore considered to be in accordance with policies CS15 and CS34 of the Core Strategy.

Trees

Trees are an integral part of the site's character and it is vital that the defining trees and those other good specimens are retained. There are some discrepancies on the current plans with regard to the positions of some trees and these issues are being addressed. Negotiations are ongoing with regard to the removal of a sycamore tree and a monterey pine. In addition the position of dwelling 1, although indicative, is considered to be too close to a valuable oak, which is scheduled for retention; the dwelling is too large and resulting overbuild, allowance for working space and a likelihood of major excavations close to the oak tree to construct a retaining wall, will impact heavily on this tree. It has also been hinted that trees on the woodland edge would be desirable for reduction to reduce their impact on the dwelling. There is also concern for three prominent Beech trees due to insufficient detail concerning how re-modelling of the drive to provide access to the garage serving Dwelling 2 will be implemented.

In the case of dwelling 1, closest to the Plympton Covert, the agent has responded by stating that the drawing will be amended to show the dwelling moved slightly further away from the canopy of the tree. In addition the construction of the retaining wall, on the western side of the short drive, which serves the garage to dwelling 1, would be constructed without any overburden dig. The agent does not anticipate that the Contractor will need to excavate any more material than is absolutely necessary to be able to construct the wall.

Notwithstanding these measures, the application is in outline with all matters reserved, so the position of the dwellings would be considered under any application for the reserved matters, which includes their layout. Therefore on balance and subject to details regarding the positions of trees and those that could be retained it is considered that the proposals are not in conflict with CS18 in respect of tree retention.

Transport matters

With regard to highway matters there is considerable objection to the proposed alterations to the highway, the provision of new footways and the associated 'adoption' for these purposes of the long standing set back area of land fronting properties in Underwood Road. Some object to the loss of this area because it provides space for visitors' parking. However, those properties would still have the benefit of two parking spaces off the street and, should it be demonstrated as necessary in the future, it should be possible to provide some restricted car parking on the new highway layout. However, it should be noted that such provision is unlikely to be secured by the granting of planning permission.

There is also objection to the loss of on-street car parking as a result of the proposed highway works. However, the finer details of these works have yet to be agreed and it is considered that some modifications to the proposed verge in Dark Street Lane and the eastern end of the proposed footway in Underwood Road/Back Lane would only lead to the loss of approximately three on-street spaces, which is not considered significant in terms of the benefits of the highway scheme overall.

There are also claims that the proposed highway works would be unsafe, i.e. by providing a crossing point near the bottom of Drunken Bridge Hill, which would be hazardous for pedestrians. However, the new footway on the southern side of Underwood Road is designed to facilitate crossing of the road from a safe point further to the east and not on Drunken Bridge Hill. Overall the proposed works are considered to provide for a safer environment for drivers and pedestrians and as such are necessary in connection with the planning application for two dwellings, and in this respect are separate from the overriding 'setting back' requirement of Section 30 of the Public Health Act.

With regard to construction, it is vital that the development and highway works are strictly controlled in the interests of amenity and public safety and a code of practice condition is recommended should permission be granted.

Other matters raised in LORs

On other matters, the altered vehicular access would not result in the loss of trees and would not significantly affect the historic wall and bank; the disposal of surface water to soakaways is considered to be appropriate in this location and should not lead to water emanating from the site providing the soakaways are properly designed; the increased comings and goings via the site entrance would not be harmful to highway safety or adversely affect the quieter wooded area; the removal and relocation of telephone apparatus is not considered to be a matter that the Local Planning Authority could overtly influence; the potential impact of the highway works on drainage is not material to the consideration of the planning application;

Section 106 Obligations

None.

Equalities & Diversities issues

None.

Conclusions

The proposals have a marked impact on the character and appearance of the area, which although not in the Conservation Area, would affect an older and well established part of Plympton that stands on the edge of the built-up area. However, the number and scale of dwellings proposed and the nature of the associated highway works are not considered to be harmful to the area's visual qualities or amenity generally and subject to conditions it is recommended that outline planning permission be granted.

Recommendation

In respect of the application dated **25/10/2010** and the submitted drawings, **OS location plan, 944.01B, 944.10B, 944.11B, Habitat Survey, Phase 1 Desktop Study, Tree Report and accompanying design and access statement** , it is recommended to: **Grant Conditionally**

Conditions

APPROVAL OF RESERVED MATTERS

(1) Approval of the details of the layout, scale, appearance, access and landscaping of the dwellings (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 OF RESERVED MATTERS

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 OF DEVELOPMENT

(4) The development hereby permitted shall be begun either before the expiration of five years from the date of this planning permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

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

STREET DETAILS

(5) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development including associated off-site works in Underwood Road within the scope of application plan drawing number 944.10 rev B have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the fronting street in Underwood Road associated with providing safe pedestrian and vehicular 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

(6) All roads and footways forming part of and associated with the development hereby permitted shall be completed in accordance with the details approved under condition 5 above before the first occupation of the penultimate dwelling.

Reason:

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

PROVISION OF SIGHT LINES

(7) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the dwellings are first occupied.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

PRESERVATION OF SIGHT LINES

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

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

DRIVEWAY GRADIENT

(9) The driveway to the dwellings hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable off street parking facilities are provided, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

CAR PARKING PROVISION

(10) 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 Core Strategy of Plymouth's Local Development Framework April 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(11) 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.

TREE PROTECTION DURING CONSTRUCTION

(12) The existing trees and/or hedgerows to be retained shall be specified on a plan to be submitted to and approved in writing by the Local Planning Authority and such trees and hedgerows 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.

UPPER STOREY ACCOMMODATION WITHIN ROOF SPACE

(13) The dwellings hereby permitted shall not exceed two storeys of accommodation and the upper storey of accommodation shall be entirely within the roof space of the building above the height of the eaves.

Reason:

In order to maintain the design and scale of the buildings in keeping with the existing dwelling at Dorsmouth and the character and appearance of the area, and to preserve the amenities of neighbouring properties, in accordance with policies CS02, CS15 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch outside any external door of a dwellinghouse), E (provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such) and F (the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such) 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 preserve residential amenity and the visual qualities of the area, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIODIVERSITY

(15) 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 2010) for the site.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies CS01, CS19 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007 and Government advice contained in Planning Policy Statement 9 (Biodiversity and Geological Conservation)

REPORTING OF UNEXPECTED CONTAMINATION

(16) 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. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Where remediation is necessary a remediation scheme must be prepared, which 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.

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

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 Core Strategy of Plymouth's Local Development Framework April 2007.

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 impact of the proposals on the character and appearance of the area and associated with that, the impact on the greenscape; the affect on the conservation area; the amenities of neighbours; the impact on trees; the impact on the highway network and the affect of the highway works proposed in the application and the impact on land drainage, 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:

PPS9 - Biodiversity and geological conservation
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS21 - Flood Risk
CS03 - Historic Environment
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
SPD1 - Development Guidelines