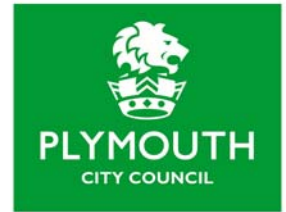


# PLANNING APPLICATION REPORT



**ITEM: 3**

**Application Number:** 11/00018/FUL

**Applicant:** Taylor Wimpey (Exeter)

**Description of Application:** Erection of 14 houses (two-storey in height) with the provision of site access and associated works

**Type of Application:** Full Application

**Site Address:** PENLEE COTTAGE, PLYMBRIDGE ROAD PLYMOUTH

**Ward:** Moor View

**Valid Date of Application:** 18/01/2011

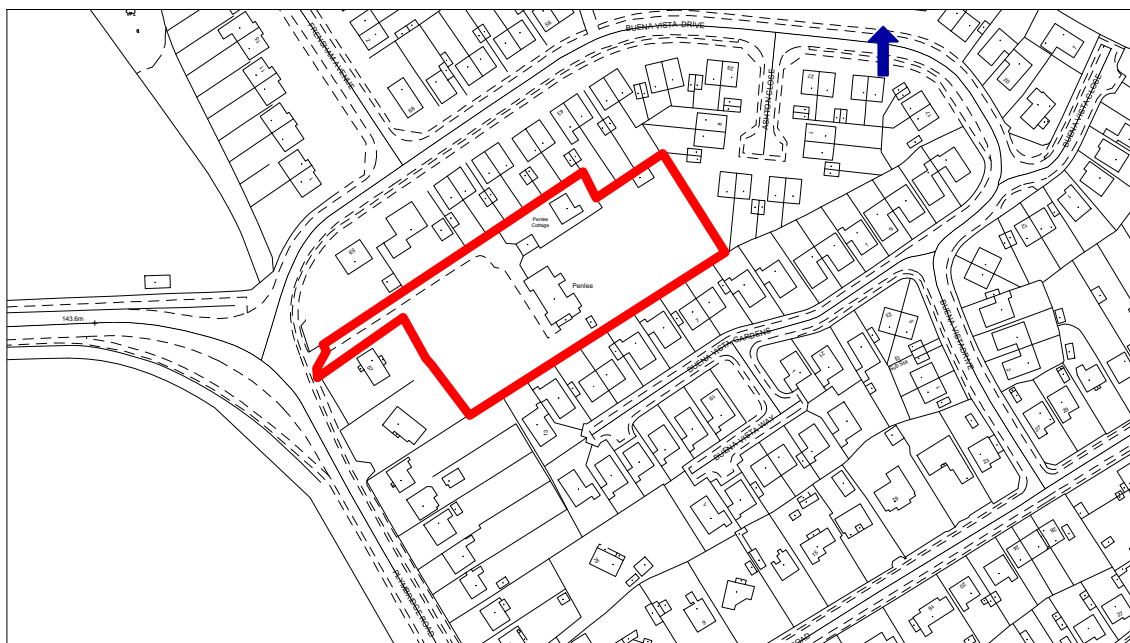
**8/13 Week Date:** **19/04/2011**

**Decision Category:** Major Application

**Case Officer :** Janine Warne

**Recommendation:** Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 18<sup>th</sup> April 2011

**Click for Application Documents:** [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



## **OFFICERS REPORT**

### **Site Description**

'Penlee' is located within the Glenholt district of Plymouth and currently has two bungalows within its grounds. The main property sits in the middle of the site, with a smaller bungalow to the north. Vehicle access is achieved from Plymbridge Road near to the junction with Buena Vista Drive. There is a long narrow drive that is bounded by a traditional hedge bank to one side and some overgrown vegetation to the other. The site is relatively secluded in visual terms, due to it being set well back from the road. It is surrounded by residential properties on all sides and there are a variety of boundary trees that provide screening for the surrounding properties. There is a gentle incline across the site that falls from south-west to north-east.

### **Proposal Description**

It is proposed to demolish the existing buildings on the site and erect fourteen detached houses with associated parking and roads.

### **Relevant Planning History**

It should be noted that the applicants entered into pre-application discussions with the Local Authority (Development Enquiry Service ref: MA/11/PRE).

08/02056/FUL – Erection of fourteen houses (two-storey in height) with the provision of site access and associated works – WITHDRAWN.

08/00211/FUL – Erection of fourteen houses (two-storey in height) with the provision of site access and associated works – REFUSED.

### **Consultation Responses**

Highway Authority – No objections in principle subject to the imposition of detailed conditions.

Public Protection Service – No in principle objection but requires certain conditions to be imposed should permission be granted.

Plymouth City Airport – No objections.

### **Representations**

Twelve letters of representation have been received, all in objection to the application. Material planning reasons for objection centre upon the perceived negative impact on residential amenity in terms of physical impact, loss of privacy and light. Concerns have also been raised regarding the quality of the residential development proposed, including the amount of garden space. Suitability of existing access arrangements and further pressure on the surrounding highway network has been raised, as well as the proposal being out of character with the surrounding development in terms of density and height. There are also concerns regarding the loss of the openness of the site, impacts on wildlife, concerns at the loss of a hedgerow and concerns about drainage. These issues are considered in the report below.

## **Analysis**

### Introduction

As stated above, this planning application proposes to demolish the existing buildings on the site and redevelop it by erecting fourteen two-storey four/five bed houses with associated access road and parking.

Members might recall a similar application for fourteen detached houses at the site which was made in 2008 (ref: 08/00211/FUL). Whilst the principle of development and other detailed issues were considered acceptable the application lacked details of how it would impact upon habitats and did not contain a legal agreement to secure adequate mitigation and deliver the necessary infrastructure required. It was therefore refused on these grounds.

This application turns upon policies CS01 (*Development of Sustainable Linked Communities*), CS02 (*Design*), CS15 (*Overall Housing Provision*), CS18 (*Plymouth's Green Space*), CS19 (*Wildlife*), CS20 (*Sustainable Resource Use*), CS22 (*Pollution*), CS28 (*Local Transport Considerations*), CS33 (*Community Benefits/Planning Obligations*) and CS34 (*Planning Application Considerations*) of the adopted Core Strategy for Plymouth, the adopted Development Guidelines Supplementary Planning Document (SPD), the Planning Obligation and Affordable Housing SPD, and the Sustainable Neighbourhoods (including key site allocations) Issues and Preferred Options Development Plan Document (DPD) for Glenholt. The primary planning considerations are examined in detail below.

### Principle of Residential Development

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 this 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 individual merits.

Your officers consider the proposed scheme to be a sensitive development where the visual and residential amenities and character of the area are safeguarded. In addition the site is not located within a Conservation Area. There are no listed buildings or Tree Preservation Orders in existence. The principle of residential development is acceptable.

As identified in the Sustainable Neighbourhoods DPD, Glenholt has a low housing density, with a low proportion of flats, terraced housing and little social housing. Whilst the proposed development contributes to the further predominance of owner-occupied, detached housing in this neighbourhood, the housing type, layout and density was established by the planning history. Therefore it is not deemed expedient to reconsider the housing type at this stage.

### Neighbouring Residential Amenity

Surrounding the site are predominately bungalow style properties and chalet-type dormer bungalows. In order to protect neighbouring amenity, the Development Guidelines SPD recommends minimal distances; habitable room windows should be 21m apart and blank facing walls should be 12m from habitable room windows. The proposed development accords with these recommended standards.

Existing properties bounding the site in Buena Vista Drive are sited between 23 and 30 metres away from the proposed houses. Along this boundary is an existing hedge bank which is shown to be retained as part of the development. This is felt to represent an adequate relationship with the houses in Buena Vista Drive, so there would not be a significant impact upon these properties residential amenities.

The properties in Ashton Close are sited at an angle to the proposed dwellings and the shared boundary; this ensures that there is not a direct relationship here. The proposed distance between existing and proposed dwellings is deemed acceptable (minimum 20.4m) and the existing boundary treatment will be retained, managed and enhanced.

The relationship with the properties in Plymbridge Road is deemed acceptable as there would be between 27.9 and 28.4 metres between the properties and a new native hedgebank planted (the existing overgrown Leylandii trees will be removed). It is considered therefore that these properties residential amenities would also not be significantly affected.

In accordance with the policy guidance, existing bungalows in Buena Vista Gardens would be between 12 and 19 metres away from the proposed properties. The majority of the proposed properties would be gable end on to the bungalows in Buena Vista Gardens. Your Officer's have worked with the Applicant to further improve the relationship with these neighbouring properties; as a result the height and massing of the proposed dwellings has been reduced by incorporating chicket-style dormer features (i.e. the dwellings on plots 6, 7, 10 and 12 have been reduced in height by approximately 0.5m). This further improves the relationship with the dwellings on Buena Vista Gardens. The house on plot 9 backs on to the shared boundary with Buena Vista Gardens; there is approximately 27.6 metres back-to-back, which is considered a more than adequate distance to ensure there is no residential amenity conflict. There will also be a new native hedge bank on this boundary.

Initial concerns regarding the proximity of the garage blocks to the southeast boundary have been addressed by the submission of amended plans. The garages are now set approximately 3m away from the shared boundary and have been reduced in height. In addition, the boundary treatment here will be enhanced.

No windows are proposed within the gable ends of the proposed dwellings and overall the relationship is considered acceptable. The application is therefore considered compliant with Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

### Proposed Residential Amenity

It is considered that the quality of residential accommodation proposed and the relationship between each of the proposed dwellings is acceptable.

The minimum floorspace guideline for 4+ bedroom houses is 106m<sup>2</sup>, as set out in the Development Guidelines SPD. The floorspace of each of the dwellings exceeds this minimum standard and all habitable rooms have sufficient natural lighting and outlook. The minimum guideline for outdoor amenity space for detached properties is 100m<sup>2</sup>. The only plot which falls short of this standard is no.11 (measuring approximately 89m<sup>2</sup>). On balance the amenity of the dwellings and standard of accommodation proposed is deemed acceptable.

The layout of the site has been arranged so that the relationship between the proposed dwellings is acceptable. Initial concerns regarding the separation distances between the rear of plot 8 and the side of plot 9 has been addressed by amended plans. A minimum distance of 10.5m has now been provided here. Your officers consider that all other relationships are acceptable.

The application is therefore considered compliant with the Development Guidelines SPD and policies CS15 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

### Visual Amenity

The layout of the site has been designed to minimise the impact upon surrounding properties' residential amenities. Therefore the development faces inwards and the dwellings have been arranged so that their back gardens are located adjacent to the back gardens of the existing properties that surround the site. This achieves the maximum distance possible between the rear elevations of the existing and proposed dwellings and avoids the creation of unsafe, poorly surveyed public areas.

The proposed dwellings are traditional in appearance, being two-storey with pitched roofs. Hips are used on all of the dwellings to minimise their bulk and reduce their impact on surrounding properties. Materials are in keeping with the surrounding properties, being predominantly a mix of render and natural stone. In accordance with Officer advice, slate has also been incorporated in the design of plot 1 to enhance its visual interest. This is supported as plot 1 is perhaps the most visually prominent dwelling, as it comprises the end-stop to the proposed access road.

The development provides a good standard of accommodation with each dwelling benefiting from dedicated parking and front and rear gardens.

It is considered that the proposal would not harm the character and appearance of the area and would improve visual amenity at the site. The application is considered compliant with Policy CS02 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

## Highways

The site will be accessed via a new residential estate road by way of a new junction with Plymbridge Road, the principle of which was accepted in the 2008 application (ref: 08/00211/FUL). Due to the close proximity of the access to the mini roundabout it is suggested that either a right-turn lane is provided or the pedestrian refuge is extended up to the roundabout to ensure that the development operates a left-in, left-out access. A negative condition is recommended, to agree a suitable arrangement for one of these options before any development takes place on the site. As either option is acceptable in principle the detail can be agreed post-approval.

The applicant has demonstrated, by way of vehicle tracking plots, that the site can be adequately accessed by a refuse vehicle and the layout is in line with current estate road design standards. However, following a meeting with the applicant it is apparent that due to the location of the foul system pump and its necessary easements that the road will not be able to be adopted as Highway by the Highway Authority. As the layout is acceptable the development can remain private. The applicant will be required to provide details of a management company for the site which will then be exempt from the provisions of the Advance Payment Code, Highways Act 1980 - Section 220-225.

Parking provision on the site is shown as two spaces per dwelling. However, in some instances the property has the benefit of a garage. These are generally used for storage as opposed to parking a car so it is not considered that an over-provision of parking has been made, especially when taking into account the size of the properties. The garages will enable cycle storage and the site is within close proximity to the Park and Ride interchange which offers a good public transport service towards the City Centre.

The Highways Officer is supportive of the development, subject to the attachment of appropriate conditions.

## Ecology

As noted above, the previous application at this site (ref: 08/00211/FUL) was refused due to lack of information about the impact that the development would have on protected species. This application is accompanied by an Ecological Impact Appraisal which has been carefully considered.

Your officers consider that the measures outlined to safeguard nature conservation interests at the site are sufficient. A restrictive condition is recommended accordingly to secure all ecological mitigation, whether on site or off-site, in accordance with the proposals outlined in the submitted Ecological Impact Assessment, December 2010; Bat and bird box sketch plan, February 2011; and the Eco-balance, February 2011.

## Trees and Landscaping

Initial concerns relating to plot 4 and the impact on two mature trees (an Oak -T5 and Ash - T6) have now been resolved by an amended layout. The built form has been moved away and there is now more space for the trees.

Your officers support the retention of the Ash to the north-west side of the drive. Any improvement to the entrance will need to be a no-dig construction in the vicinity of this tree; a condition is recommended accordingly.

As previously referred to in this report, the hedgebank on the north-west and north east boundaries are proposed to be retained and enhanced.

The Cupressus Macrocarpa on the southeast boundary with properties in Buena Vista Gardens are in deemed to be in a poor state, some having been reduced and others left. Your officers consider that there would be no public amenity benefit in retaining these trees. There is some lower Yew hedging to the rear of the Cupressus that could be retained and strengthened as part of the boundary treatment here.

Plots 12, 13 and 14 all have gardens that back on to a row of high Leylandii trees that spread approximately 5-6m into the site. They form a screen from the properties behind. However, this vegetation has not been properly managed and dominates this part of the site. Therefore the proposal seeks to remove these trees and plant a native hedgerow along this boundary to create future screening.

#### Sustainable Resources

The application is accompanied by a Sustainability Report which confirms that the development shall focus upon design and construction to reduce energy usage in, and heat loss from, the buildings. In addition, it proposes the use of a solar thermal panel on each house to provide 15% of the CO<sub>2</sub> emissions across the site, in accordance with policy CS20.

#### Land Contamination

Although a Phase I GeoEnvironmental Assessment has been submitted with the application, the Council's Public Protection Service are currently unable to confirm that the risks from contamination have been fully considered. Provisional testing has indicated that contaminants in the soil are on the whole within recommended guidelines and as such no objections have been raised. However, to ensure that the development is safe and suitable for use further information is sought by restrictive conditions.

#### Lifetime Homes

In accordance with policy CS15, 20% of the proposed dwellings shall be constructed to Lifetime Homes Standards. Evidence of compliance with the sixteen Lifetime Homes Guidelines that aspire to provide accessible and adaptable accommodation for everyone has been provided in a supporting letter (addressed from Ben Smith, dated 17<sup>th</sup> January 2011).

#### Drainage

Some of the neighbouring residents are concerned about surface water drainage. 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. The use of soakaways will require satisfactory percolation tests; officers have discussed the matter with the Council's Building Surveyors and are satisfied with the level of information that has been presented at this stage.

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 proposed development would have direct impacts on local and strategic infrastructure and the environment requiring mitigation. This mitigation will be achieved through a combination of planning conditions and planning obligations identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

The impacts relate to the following areas:-

#### **1. Primary schools.**

The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality ('Central and North East') from 2014 given projected population growth. The development at Penlee Cottage is within 1 mile of three primary schools; Widewell Primary School, Thornbury Primary School and Oakwood Primary School (which falls within the neighbouring locality: 'North West'). Widewell Primary School is currently oversubscribed and Thornbury and Oakwood will reach capacity in about 2 years time. Furthermore, every primary school in the city will be full at reception by the end of 2011. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £37,000.

#### **2. Local green space.**

By reason of increased population facilitated by the development it will contribute to the cumulative impact on existing green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £8,607.

#### **3. Local play space.**

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £6,160.

#### **4. Playing Pitches.**

The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £15,613.



5. Strategic green space.

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £19,198.

6. European Marine Site.

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £454.

7. Strategic sports facilities.

By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £12,263.

8. Strategic public realm.

By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £1,467.

9. Strategic transport.

By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution, particularly in the northern corridor, unless there is adequate mitigation. The estimated cost of mitigating this impact is £63,172.

10. Site specific biodiversity impacts.

The development will have an impact on protected species, as identified in the submitted Ecological Impact Assessment. Most of these impacts can be dealt with on site, however the impacts on protected reptiles requires mitigation off-site. This can be achieved through the translocation of slow worms to the nearby Southway Valley Nature Reserve which is in the ownership of Plymouth City Council.

A restrictive condition is recommended to ensure that all ecological mitigation, whether on site or off-site, shall be carried out in accordance with the proposals outlined in the Ecological Impact Assessment, December 2010; Bat and bird box sketch plan, February 2011; and the Eco-balance, February 2011

The total estimated cost of mitigating these impacts would be £163,932 if this is to be delivered through financial contributions.

### Market Recovery

The applicant has indicated that they wish to have the application considered under the Council's Market Recovery Scheme, and are prepared to accept the terms of that provision to make a substantive start on site within 2 years. The early delivery of this project is considered to be a weighty material consideration in its own right, sufficient to justify a limited relaxation of the Council's policy requirements for mitigation of development impacts, in accordance with the Market Recovery Scheme.

The Market Recovery Scheme 2010/11 sets out the following measures:

- Up to 50% discount on tariff for development on Brownfield sites
- Up to 25% discount on tariff for development on Greenfield sites

Domestic gardens are no longer defined as brownfield, or previously-developed land (in accordance with PPS3). Therefore, whilst part of the application site is occupied by two dwellinghouses, the majority of the site is now classified as 'greenfield' land. Given this, an acceptable compromise appears to be a 37.5% reduction in this case. On the basis of this, the Market Recovery Scheme provides for a total contribution of £102,458 for mitigation of the development's impacts on infrastructure.

Given that the development will not provide for the complete mitigation of its impacts, it is necessary to ensure that the planning contributions are allocated to the address the impacts of greatest need. The following priorities are recommended, having regard to priority strategic infrastructure requirements and the specific needs of the neighbourhood within which the development is located.

#### 1. Strategic Transport

The Glenholt neighbourhood borders the site covered by the pre-submission draft Derriford and Seaton Area Action Plan (AAP). There are considerable existing transport pressures in this area and a substantial amount of new development is also proposed. The delivery of strategic transport improvements in the northern corridor is therefore of critical importance.

#### 2. Primary Schools

Given the considerable capacity issues relating to primary schools in the city referred to earlier in the report, including specifically within the locality of this development, it is considered appropriate to prioritise schools infrastructure in the allocation of contributions. This capacity issue is also reflected in the Sustainable Neighbourhoods DPD Issues and Preferred Options consultation pamphlet for Glenholt.

#### 3. European Marine Site

The impacts of the development upon the Europe Marine Site are recommended as priorities given the Council's obligations in relation to the Habitats Regulations.

#### 4. Strategic Greenspace

The impacts of the development upon the strategic green infrastructure are recommended as priorities given the Council's obligations in relation to the Habitats Regulations.

#### Heads of Terms

The following Heads of Terms are therefore proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Strategic transport tariff. £53,995.00, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan, specifically the Northern Corridor Whole Route Implementation Plan*
- ii. Local schools tariff: £31,660.00, to be allocated to the provision of additional school places within the vicinity of the development.*
- iii. European Marine Site tariff. £410.00, to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.*
- iv. Strategic green space tariff. £16,393.00, to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.*
- v. Planning Obligations Management Fee. £6,163.83, to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.*

#### **Equality and Diversity**

No negative impact to any equality group is anticipated.

#### **Conclusions**

It is concluded that the development itself can be accommodated within the site without causing demonstrable harm to the nearest neighbours. Previous concerns regarding biodiversity have been addressed, and the application has been accompanied by a S106 Heads of Terms to mitigate the impacts on local and strategic infrastructure and the environment.

The application is therefore recommended to grant conditionally subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 18 April 2011.

## Recommendation

In respect of the application dated **18/01/2011** and the submitted drawings 0388/100 - Topographical Survey, 0388/101 - Location Plan, 0388/102 Rev.G - Planning Layout, 0388/103 Rev.B - Street Scenes, 0388/104 Rev.F - External Works Layout, 0388/105 Rev.F - Vehicle Tracking Layout, 0388/106 - External Detailing, 0388/108 Rev.F - Materials Layout, 0388/109 Rev.A - Garages, 0388/110 Rev.A - Garden Area Plan, 0388/200 Rev.C - Plans and Elevations - Plot 1, 0388/201 Rev.A - Elevations - Plot 5 and 14, 0388/202 Rev.A - Plans - Plots 5 and 14, 0388/203 Rev.A - Elevations - Plot 8, 0388/204 Rev.A - Plans - Plot 8, 0388/205 - Plans and Elevations - Plot 9, 0388/206 Rev.A - Plans and Elevations - Plots 7 and 12, 0388/207 Rev.A - Plans and Elevations - Plots 6 and 10, 0388/208 - Plans and Elevations - Plot 11, 0388/209 - Plans and Elevations - Plots 2, 3 and 13, 0388/211 Rev.C - Plans - Plot 4, 0388/212 Rev.C - Elevations - Plot 4, 0388/302 Rev.B - Road and Sewer Long Sections, 0388/320 Rev.C - Drainage Strategy Plan, accompanying Design and Access Statement, Sustainability Report, dated 17th January 2011, 0388/2001 - Site Waste Management Plan, 4546-L-01 Rev.D - Soft Landscape Scheme, ACD228 - Assessment Report, Statement of Community Involvement, Arboricultural Constraints Report and Tree Protection Plan, dated 24th December 2010, Ecological Impact Assessment, dated December 2010, Habitat and Bat Survey, Bat and Bird Box Sketch Plan, dated February 2011, EcoBalance, dated February 2011, Flood Risk Assessment, 'Clarke Bond' Site Investigation Report, dated June 2010, Life Time Homes Statement, dated 17th January 2011, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 18<sup>th</sup> April 2011.**

## 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.

### APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0388/100 - Topographical Survey, 0388/101 - Location Plan, 0388/102 Rev.G - Planning Layout, 0388/103 Rev.B - Street Scenes, 0388/104 Rev.F - External Works Layout, 0388/105 Rev.F - Vehicle Tracking Layout, 0388/106 - External Detailing, 0388/108 Rev.F - Materials Layout, 0388/109 Rev.A - Garages, 0388/110 Rev.A - Garden Area Plan, 0388/200 Rev.C - Plans and Elevations - Plot 1, 0388/201 Rev.A - Elevations - Plot 5 and 14, 0388/202 Rev.A - Plans - Plots 5 and 14, 0388/203 Rev.A - Elevations - Plot 8, 0388/204 Rev.A - Plans - Plot 8, 0388/205 - Plans and Elevations - Plot 9, 0388/206 Rev.A - Plans and Elevations - Plots 7 and 12, 0388/207 Rev.A - Plans and Elevations - Plots 6 and 10, 0388/208 - Plans and Elevations - Plot 11, 0388/209 - Plans and Elevations - Plots 2, 3 and 13, 0388/211 Rev.C - Plans - Plot 4, 0388/212 Rev.C - Elevations - Plot 4, 0388/302 Rev.B - Road

and Sewer Long Sections, 0388/320 Rev.C - Drainage Strategy Plan, accompanying Design and Access Statement, Sustainability Report, dated 17th January 2011, 0388/2001 - Site Waste Management Plan, 4546-L-01 Rev.D - Soft Landscape Scheme, ACD228 - Assessment Report, Statement of Community Involvement, Arboricultural Constraints Report and Tree Protection Plan, dated 24th December 2010, Ecological Impact Assessment, dated December 2010, Habitat and Bat Survey, Bat and Bird Box Sketch Plan, dated February 2011, EcoBalance, dated February 2011, Flood Risk Assessment, 'Clarke Bond' Site Investigation Report, dated June 2010, Life Time Homes Statement, dated 17th January 2011.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(3) No development shall commence on site until the proposed access and improvements to the existing highway shown on plans to be submitted to and approved in writing by the Local Authority have been completed.

Reason:

In the interests of highway and pedestrian safety, in accordance with policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### STREET DETAILS

(4) 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

(5) 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

(6) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 4 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)

(7) 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.

#### EXTERNAL MATERIALS

(8) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason:

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

#### DETAILS OF BOUNDARY TREATMENT

(9) 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 the dwellings hereby approved are occupied. Development shall be carried out in accordance with the approved details.

#### Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

(10) 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.

#### RENEWABLE ENERGY

(11) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2016, a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by low carbon 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 up to 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.

#### LIFETIME HOMES

(12) At least 20% of the dwellings hereby approved shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards. No development shall take place until details of the design and location of the dwellings demonstrating the achievement of such standards has been submitted to and agreed in writing with the Local Planning Authority. Such agreed details shall be strictly adhered to during the course of development and thereafter maintained.

Reason:

To ensure that the development delivers 20% of the residential units to Lifetime Homes Standards in accordance with Policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government advice.

#### BIODIVERSITY

(13) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment, December 2010; Bat and bird box sketch plan, February 2011; and the Eco-balance, February 2011 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 and

CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in PPS9.

#### CODE OF PRACTICE

(14) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust.

#### Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### NO FURTHER WINDOWS

(15) 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), and Class A of Part 1 of Schedule 2 to that order, no windows, doors or other openings (except for the windows shown on the approved plans) shall at any time be constructed in the side elevation of the dwellings on plot 2, 6, 7, 9, 10, and 12 hereby approved.

#### Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwellings in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LAND QUALITY

(16) 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 17 to 19 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 20 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



(17) 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

(18) 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

(19) 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**

(20) 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 17, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 18, 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 19.

**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.

**TREE PROTECTION DURING CONSTRUCTION**

(21) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with drawing no.4546-L-01 Rev.D 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.

#### TREE PROTECTION - ACCESS/DRIVEWAY CONSTRUCTION

(22) Prior to the commencement of the development hereby approved, an arboricultural method statement in accordance with BS:5837 Trees in Relation to Construction 2005 shall be submitted to and approved in writing by the Local Planning Authority. This shall set out in detail how the trees on site are to be protected, with specific reference to the use of ground protection over the Ash trees rooting area at the entrance to the site to prevent compaction from loaded lorries and to prevent lower canopy damage by high sided construction vehicles. It should also provide details of the final surfacing for the access road which should be constructed using a no-dig load bearing permeable solution (such as a cellular confinement system) for the area of drive beneath the Ash.

Reason:

To ensure that the trees on site are protected during excavation and construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### INFORMATIVE - CODE OF PRACTICE

(1) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites is available from <http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm> or on request from the Environmental Protection and Monitoring Team.

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

Having regard to the main planning considerations, which in this case are considered to be: impact upon existing residential properties, visual amenity issues, highway matters and ecology, 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  
PPS23 - Planning & Pollution Control  
CS28 - Local Transport Consideration  
CS33 - Community Benefits/Planning Obligation  
CS34 - Planning Application Consideration  
CS22 - Pollution

CS18 - Plymouth's Green Space  
CS19 - Wildlife  
CS20 - Resource Use  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
SPD2 - Planning Obligations and Affordable Housing  
SPD1 - Development Guidelines