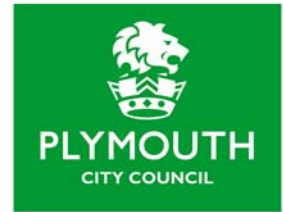


PLANNING APPLICATION REPORT



ITEM: 08

Application Number: 10/01860/FUL

Applicant: Urbis Developments Ltd

Description of Application: Conversion of existing house into two dwellings (including removal of existing two-storey side/rear extension and replacement with two-storey side extension and single-storey rear extension, and erection of 11 new dwellings with associated parking and landscaping (renewal of 07/01397/FUL)

Type of Application: Full Application

Site Address: 273 TAVISTOCK ROAD PLYMOUTH

Ward: Budshead

Valid Date of Application: 18/11/2010

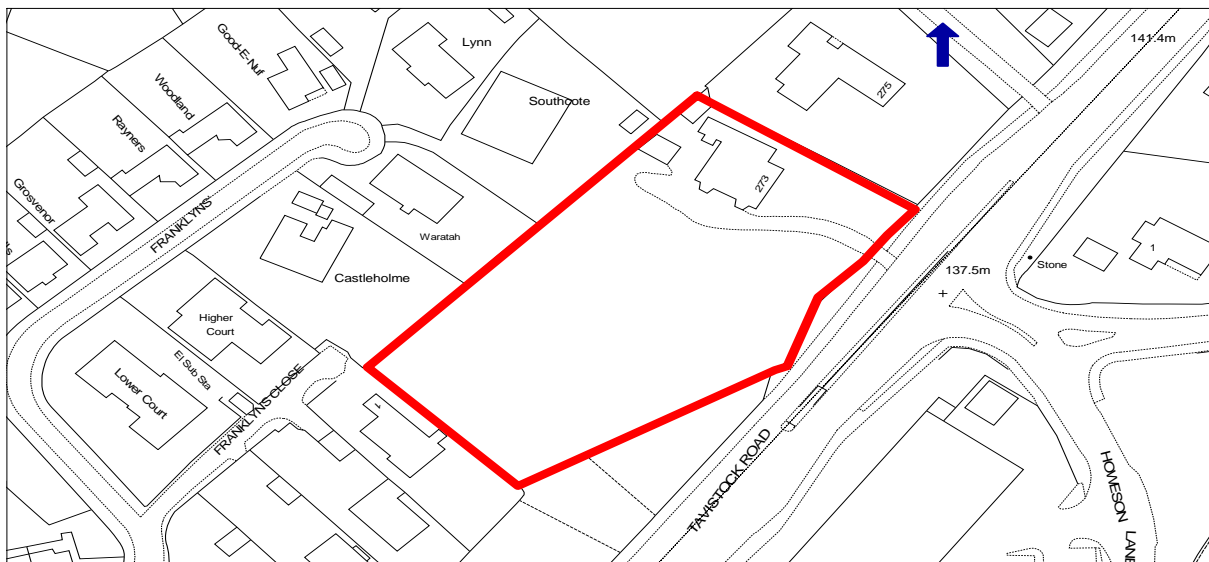
8/13 Week Date: **17/02/2011**

Decision Category: Major Application

Case Officer : Robert McMillan

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 May 2011

Click for Application Documents: www.plymouth.gov.uk



OFFICERS REPORT

Site Description

The site is on the northwest side of Tavistock Road 120 metres north of the Derriford roundabout. It has an area of 0.43 hectare with a frontage to Tavistock Road of 44 metres. There is housing to the north, west and south with the Mercedes Benz dealership to the east on the other side of Tavistock Road.

The site comprises a large imposing Edwardian villa which is double fronted and prominent from the south given its elevated position. There is a large garden to the south which is enclosed by trees, vegetation, hedgebanks and a wall on the four boundaries. The properties in Franklyns to the north west are at a higher level by at least a metre. The property on the southern boundary, 1 Franklyns Close is close to the boundary but shielded by a high Laurel hedge 4 – 5 metres high.

The access is opposite the junction of Plymbridge Lane with Tavistock Road, there is a bus stop to the north and light controlled pedestrian crossing to the south. There is a central reservation in Tavistock Road which tapers out about 20 metres to the north.

Proposal Description

It is proposed to provide 11 new dwellings on the site (in the form of two terraced rows) comprising eight 4 bedroom houses and three 5 bedroom houses and to convert the existing property into a pair of 3 bedroom houses dwellings (including removal of existing two storey side/rear extension and replacement with two storey side extension and single storey rear extension) with associated parking and landscaping. The materials are render, timber cladding, small brick panels and a slate roof.

Relevant Planning History

07/01397 - Conversion of existing house into two dwellings (including removal of existing two-storey side/rear extension and replacement with two-storey side extension and single-storey rear extension, and erection of 11 new dwellings with associated parking and landscaping – GRANTED , subject to a Section 106 agreement – Not implemented.

There were extensive pre-application negotiations prior to submission to achieve an acceptable scheme. This is the permission the applicant is seeking to renew.

06/01714/FUL - Redevelopment of site (following demolition of house) with 24 flats, in two three storey blocks, with associated access road and car parking areas. WITHDRAWN.

Consultation Responses

Local Highway Authority

No objections subject to the attachment of the previous conditions.

Public Protection Service

No objection subject to conditions relating to ground contamination and code of practice.

Housing Service

Three Lifetime Homes should be provided to comply with policy CS15.

Plymouth City Airport

No objections

South West Water (SWW)

No objection concerning infrastructure capacity. A public sewer crosses the site. The development encroaches within the 3 metre easement and the developer will need to contact SWW concerning the diversion of the sewer.

Representations

The Council received letter from one neighbouring resident raising the following points:

1. To protect his privacy it is essential that the high laurel hedge on the boundary is not compromised during construction and upon completion;
2. Requires some form of additional barrier;
3. He raised these matters with the earlier application with the applicant who stated the hedge would be retained and a timber fence 1.5 m high provided. The applicant also stated that it would transfer the hedge to the neighbour;
4. There should be a maintenance company to manage the common amenity land and boundaries;
5. The left out turn is inconvenient for southbound trips and may generate dangerous U turns. Perhaps a no U turn sign should be placed on the central reservation; and
6. The previous approved layout drawing was not on file,(but was added later and the neighbour later confirmed he had seen it.)

Analysis

This is an application to renew the previous permission for the development granted conditional permission subject to a section 106 agreement in November 2007. The main issues are: the principle of development given the change to the definition of previously developed land in PPS3 Housing; the impact on the character and appearance of the area and visual amenity including design issues; effect on residential amenity of surrounding properties; transport matters; and trees and nature conservation; and changes to methodology in mitigating the impacts of the development by the section 106 planning obligation.

The main Core Strategy policies are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS15 Overall Housing Provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations, CS34 Planning Application Considerations. The guidance in the three Supplementary Planning Documents (SPDs) on Development Guidelines, Planning Obligations and Affordable Housing first review and Design also applies.

Introduction

The procedure to renew unimplemented planning permissions came into force in October 2009. The government states in “Greater flexibility for planning permissions 2009” that its intention is: “to make it easier for developers and Local Planning Authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve.” It is a temporary measure in response to the current economic circumstances and only one time extension per permission will be possible.

Additional information is required only where there has been a change in a statutory requirement, policy or material consideration since the previous grant of permission. In this case the main changes have been the change in PPS 3 Housing to the definition of previously developed land and the publication of the three SPDs in particular the Planning Obligations and Affordable Housing SPD First Review.

Principle of development

When the previous application was determined in 2007 the site was defined as previously developed land (PDL). The Government re-issued PPS3 Housing last year excluding private residential gardens from the definition of PDL in Annex B and deleting the national indicative minimum density of 30 dwellings per hectare (dph) from paragraph 47. These changes are a material consideration in determining applications.

In the absence of a specific development plan policy preventing the development of the gardens of dwellings it would be unreasonable to refuse permission simply because it is garden land without sound defensible reasons. It is important to state that national and local policies do not rule out development on garden land per se. 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, for example, taking into account the details of the scheme and its effect on the character and appearance of the area.

In the period 2006-2010 only 2% of all dwellings (78 dwellings on 54 sites) completed in Plymouth have been on garden land, thus it has not been the major issue that it has been in other areas.

The site is 0.43 ha which is much larger than those in the immediate surroundings that average about 0.072ha, so it is six times larger.

The existing density of the surroundings is 14 dwellings per hectare (dph). The proposal is 30 dph which is greater but still comparatively low and acceptable in this location. Additionally the Council decided in 2007 that this form of development was acceptable. The change to the definition of PDL is not reason alone to recommend to refuse in particular for an application to renew a previously permitted scheme.

The Sustainable Neighbourhoods (including Key Site Allocations) Issues and Preferred Options DPD is relevant as the site is just outside the AAP area. The relevant findings are that there is a limited choice of house types as they are mainly owner-occupied at low density with little affordable housing. The proposal supports

the possible objectives of: the new housing helping to support local services; and providing a greater variety of housing in the form of terraced houses and two semi-detached houses at an acceptable higher density. Affordable housing is not provided because the number of dwellings is below the threshold of 15.

The proposal complies with policies CS01, CS15 and CS16 of the Core Strategy.

Character and Appearance and Visual Amenity

Policy CS34 refers to siting, layout, orientation, local context and character. The form of existing residential development in the area is mixed. Immediately adjacent to the site there are relatively large properties with generous curtilages, however only slightly further away and within 200 metres of the site there is a more varied mix of housing types. To the north of the site on Tavistock Road there is a recently completed block of 15 luxury apartments and a row of small cottage properties. To the east of the site a new high density three/four storey student housing scheme is under construction (10/01140). Beyond this is the development of 'key worker' accommodation for Derriford Hospital staff in another high density contemporary design.

The proposed development is in the form of 2 terraces of 3 storey properties, providing a mix of eight 4 bed and three 5 bed houses and includes retention of the existing Victorian Villa, which will be split into two 3 bed dwellings. This is a positive aspect of the scheme as, while it is not listed, it is an attractive imposing building in a prominent location when viewed from the south. The layout and massing of the proposed development ensures that the formality of the existing building is not compromised by the terrace, by locating the proposed terrace away from the existing building on a lower part of the site. The provision of 4 and 5 bed houses is in keeping with the type of residential development immediately adjacent to the site (with regards to size/floorspace) and it is considered that the proposed terraces help to add further diversity to the form of residential development in the area and the built environment without causing harm to its character.

Design

Policy CS02 is also relevant and seeks to ensure good design in order to protect the visual quality of the area. As stated above in this report, the applicant and agent have utilised the Council's pre-application advice system and this application is the result of lengthy discussions with officers. The dwellings proposed are contemporary in appearance and utilise a mixed palette of both modern and traditional materials. The dwellings are arranged as two terraced rows which are set away from the existing house and are positioned so that maximum use is made of the existing gardens, creating an inward looking development that helps to ensure that the site is naturally surveyed. The central area that the development creates will be a shared surface that provides a good balance between car parking and landscaping and creates a centre point for the development. The impact of the terrace on the street scene is minimal due to the established high boundary hedge between the site and Tavistock Road and wide verge and the fact that the terrace is stepped down from north to south, following the existing slope on the site. The main terrace elevation (front) contains pedestrian and vehicular access points and articulate the vertical divisions

between dwellings stepping down the site; a recessed brick, timber and glass entranceway break up the terraces into individual houses.

The rear elevations are characterised by an almost entirely glazed façade at ground floor level that utilises a flat green sedum roof in order to integrate into the garden setting, with rendered elevations above. Materials proposed are traditional such as render, brick and slate whilst also introducing timber and areas of glazing. The proposed extensions to the existing dwelling include demolition of very poor previous additions that appear to have been constructed as permitted development. The proposed extensions are contemporary in design and ensure that the character of the original building is retained. It is considered that the proposed development provides high quality contemporary housing that is sensitive to the character of the surrounding area, making a positive contribution to the visual amenities of the area and retaining many of the attractive landscape features of the site.

Residential Amenity

It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by nearby properties is not unacceptably reduced and that new problems of overlooking are not created. Castlehome, Waratah and Southcote in Franklyns are set well away from the boundary and at a higher level and will not be overlooked. Castlehome, and Waratah are 24 and 21 metres away from the blank gable end of plot 9 the dwelling closest to the boundary with those adjoining properties.

Number 1 Franklyns Close is 11 metres from the terrace but is not visible from the site due to the existing high boundary laurel hedge. The owner of this property is understandably concerned that his privacy will be protected. The drawings show that this hedge will be retained and condition 10 ensures this. There will also be a fence provided next to the hedge on the application site. With the previous application the applicant wrote to the neighbour stating that it would be happy to transfer the hedge to the adjoining property. This is a private civil matter between the applicant and adjoining owner and not material to this application. Due to the proposed layout arranged as 2 terraces, siting and enclosed nature of the site there are no direct problems of overlooking or over-dominance to adjoining properties or between the new houses.

Highways Issues

Vehicular and pedestrian access at the site is proposed to be kept in the current location, being the north-east corner. The access is proposed to be widened to 5.5 metres with a separate pedestrian pavement into the site. The surface of the access road is proposed to be tarmacadam but once into the site this changes to a permeable paving in order to give priority to pedestrians and enhance the quality of the shared areas within the site. A vehicle turning area is proposed at the end of the access road and each dwelling has an allocated parking space, with shared spaces that equate to 1.5 spaces per dwelling and 4 allocated visitor spaces.

The Transport and Highways Officer was involved in the pre-application negotiations that took place and is supportive of the application, recommending approval subject to conditions.

Landscaping Trees and Nature Conservation

The trees on the site are protected by a Tree Preservation Order. There are trees on the boundaries and within the site. Those on the boundary will be retained. There are other trees within the site and a group on the western part of the site will be managed and retained as a landscaped feature. The previously approved development included the removal of the trees set in from the south eastern boundary. Additional planting will occur as compensation particularly along the north western boundary to be secured through the landscaping condition.

Since the previous decision residents informed officers that badgers might be present. The applicant carried out an ecological survey and identified a sett in the south east corner of the site in the garden area of plot 13. It is an outlying sett used at most on an occasional basis. The applicant's ecologist is proposing to close the sett stating that retaining it within a small domestic garden is not desirable and is unlikely to be sustainable. If this happens this will under the appropriate licence from Natural England to comply with the Protection of Badgers Act 1992 and Wildlife and Countryside Act 1981. The treatment of the outlying sett will be resolved in accordance with the mitigation measures in condition 21. The applicant will need to submit and have approved nature conservation measures prior to work starting on the development. These will include: details of mitigation measures for protected species; details and measures to eradicate Japanese Knotweed; and measures to achieve biodiversity gain in order to comply with policy CS19.

Other matters

To comply with policies CS15 and CS20 the development will need to provide three Lifetime Homes and 15% on-site renewable energy production that is secured by appropriate conditions.

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

Impacts

The applicant has opted for the application to be subject to the Market Recovery Scheme and as it is a renewal application previously dealt with as a brownfield site in this case the 50% discount is reasonable and justified. The prioritisation exercise identified the major impacts of the development to be mitigated are: local schools infrastructure and the strategic infrastructure of green space, European Marine Site and transport. The justification is as follows:

Local infrastructure

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 from 2014 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £24,506.

Strategic infrastructure

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 £13,097.

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 £803.

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 unless there is adequate mitigation. The estimated cost of mitigating this impact is £41,945.

The management fee is £5,278.

The combined contribution is £85,629.

To benefit from the Market Recovery Scheme the permission will be conditioned for two years and there must be a substantial start on the development within two years from the date of the permission.

If a substantial start is not made in time the development would not benefit from the Market Recovery Scheme and the full impacts of the development on the local and strategic infrastructure would have to be mitigated. This would result in a contribution of £165,980.

Heads of terms

The following Heads of Terms are 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:

Local schools tariff: £24,506, to be allocated to the provision of additional school places within the Central and North East locality.

Strategic green space tariff. £13,907, 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.

European Marine Site tariff. £803, to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.

Strategic transport tariff. £41,945, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan Northern Corridor Whole Route Implementation Plan.

Planning Obligations Management Fee. £5,278, to be used to meet the Council's costs in administering and monitoring implementation of the Section 106 Agreement.

Negotiations

The applicant wishes to make the contributions in phases and is querying the definition of "substantial start" which is critical to the agreement. Officers were still negotiating these terms when the report was prepared and will update members on progress. Officers would hope that the applicant will agree to a compromise in order that the recommendation remains favourable. There is a risk that if agreement can not be reached the negative alternative in the recommendation could be applied.

Equalities & Diversities issues

The houses will be available for all equality groups and three of the properties will be Lifetime Homes suitable for people with disabilities and the elderly. There are no affordable homes as the development falls under the threshold of 15 dwellings.

Conclusions

The application is to renew the scheme permitted in 2007. The development is acceptable in visual, residential amenity, transport and trees and nature conservation terms. The main changes since 2007 to consider are the amendment to the definition of previously developed land in PPS3 and the Council's new approach to planning obligations in mitigating the impacts of development. The fact that part of the site is now considered green field is not reason alone to refuse permission for a well designed scheme that does not harm visual or residential amenity and is at a reasonable density. The section 106 obligation to mitigate the impacts of the development was negotiated on the basis of the SPD First Review and Market Recovery Scheme. The applicant was challenging the previously agreed heads of terms when the report was drafted. Officers hope that a successful outcome can be achieved. The proposal is acceptable, subject to this important proviso and officers will update members on these late section 106 negotiations at the meeting.

Recommendation

In respect of the application dated **18/11/2010** and the submitted drawings Design and Access Statement, Transport Statement, Tree Survey and Ecological Report., 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 May 2011

Conditions

TIME LIMIT

(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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents: 0041/001, 0041/020/B, 0041/021/B, 0041/022/B, 0041/024, 0041/025, 0041/030/A, 0041/031/A, 0041/032/A, 0041/033/A, 0041/010/H, 0041/023/C and accompanying Design and Access Statement, Transport Statement, Tree Survey and Ecological Report.

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.

STREET DETAILS

(3) 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 policy CS28 of

ACCESS

(4) 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 to comply with policy CS28 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

PEDESTRIAN ACCESS

(5) The building shall not be occupied until a means of access for use by pedestrians has been constructed in accordance with the approved plans.

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 City of Plymouth adopted Core Strategy Development Plan Document, 2007.

DETAILS OF NEW JUNCTION

(6) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity to comply with policy CS28 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

CAR PARKING PROVISION

(7) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for a maximum of 23 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices to comply with policy CS28 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

PROVISION OF PARKING AREA

(8) 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 City of Plymouth adopted Core Strategy Development Plan Document, 2007.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(9) 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

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

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

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with 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 adopted City of Plymouth Local Development Framework Core Strategy (2007) are protected during construction work and thereafter are properly maintained, if necessary by replacement.

RETENTION OF HEDGE ON SOUTH WEST BOUNDARY

(10) The existing hedge on the south west boundary with I Franklyns Close shall be retained to a height of between four to five metres above ground level permanently.

Reason:

To protect the privacy and residential amenity of the adjoining property to comply with policy CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

DETAILS OF BOUNDARY TREATMENT

(11) 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 CS18 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

LANDSCAPE DESIGN PROPOSALS

(12) 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 artifacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) and proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.).

Reason:

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

SOFT LANDSCAPE WORKS

(13) 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.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policy CS34 of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

LANDSCAPE WORKS IMPLEMENTATION

(14) 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 adopted City of Plymouth Local Development Framework Core Strategy (2007).

EXTERNAL MATERIALS

(15) 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 adopted City of Plymouth Local Development Framework Core Strategy (2007).

RESTRICTIONS ON PERMITTED DEVELOPMENT

(16) 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 - E shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect the residential amenities of the area and to prevent overdevelopment of the site in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE

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

Reason:

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

GROUND CONTAMINATION

(18) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken. 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 to comply with policy CS22 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

LIFETIME HOMES

(19) Details shall be submitted to and approved in writing by the local planning authority identifying and demonstrating how three properties can be built to Lifetime Homes standards before work begins on the development hereby permitted. The Lifetime Homes shall be built in accordance with the approved details.

Reason:

To ensure that a minimum of 20% of the properties are built to Lifetime Homes standards to comply with policy CS15 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

RENEWABLE ENERGY

(20) No work shall begin on the development hereby permitted until a report on site renewable production has been submitted to and been approved in writing by the local planning authority. The report shall identify how a minimum of 15% of the carbon emissions for which the development is responsible are off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations. If such requirements are to be provided by means of a biomass boiler in full or part, details shall also be provided to demonstrate that the boiler will be used, which shall include a commitment to maintain the boiler and details of how a long term fuel supply can be secured and delivered. The proposed solutions should be considered in the light of the Derriford Sustainable Energy Strategy. The approved scheme shall then be provided in accordance with these details prior to the occupation of the dwellings and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To provide on site renewable energy production to off-set 15% of predicted carbon emissions comply with Policy CS20 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

NATURE CONSERVATION

(21) Details of a nature conservation mitigation and enhancement strategy shall be submitted to and approved in writing by the local planning authority before work begins on the development hereby permitted. The details shall include: the methodology and mitigation measures required for protected species on site including badgers; details of the measures to eradicate Japanese Knotweed from the site; the measures to achieve a net biodiversity gain on the site; and timings when the measures shall be carried out. The mitigation and enhancement measures shall be implemented in accordance with the approved details.

Reason:

To ensure that the nature conservation interests on the site including the protected species are safeguarded to comply with policy CS19 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

RESTRICTION ON USE OF ROOFS OF GROUND FLOOR EXTENSIONS

(22) The roofs of the rear ground floor extensions of plots 3-13 shall not be used as balconies, decks or outdoor living areas without the prior written permission of the local planning authority.

Reason:

To protect the privacy and residential amenity of adjoining properties to comply with policy CS34 of the City of Plymouth adopted Core Strategy Development Plan Document, 2007.

CODE OF PRACTICE INFORMATIVE I

The management plan required by condition 17 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

INFORMATIVE 2

The applicant/developer is advised to contact South West Water regarding the diversion of the sewer that crosses the site before work begins on the development.

INFORMATIVE 3

The applicant is advised that this grant of planning permission does not override the applicant/developer's obligations under the Wildlife and Countryside Act 1981 and Protection of Badgers Act 1992 in relation to the protected species and the requirements to obtain licences from Natural England if protected species are affected.

Statement of Reasons for Approval and Relevant Policies

The main changes since 2007 to consider for this renewal application are the amendment to the definition of previously developed land in PPS3 and the Council's new approach to planning obligations in mitigating the impacts of development.. The fact that part of the site is now considered green field is not reason alone to refuse permission for a well designed scheme that does not harm visual or residential amenity and is at a reasonable density. The section 106 obligation to mitigate the impacts of the development was negotiated on the basis of the Planning Obligations and Affordable Housing SPD First Review and Market Recovery Scheme. The impacts on trees and nature conservation are dealt with adequately by design and appropriate conditions.

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
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS22 - Pollution
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision

CS16 - Housing Sites
SO11 - Delivering a sustainable environment
SO2 - Delivering the City Vision
SO3 - Delivering Sustainable Linked Communities
SO4 - Delivering the Quality City Targets
SO10 - Delivering Adequate Housing Supply Targets
SO14 - Delivering Sustainable Transport Targets
SO15 - Delivering Community Well-being Targets
SPD2 - Planning Obligations and Affordable Housing
SPD1 - Development Guidelines
SPD3 - Design Supplementary Planning Document