

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: I1/01603/FUL

Applicant: Risesign Ltd

Description of Application: Erection of three blocks containing a total of 11 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities

Type of Application: Full Application

Site Address: LAND AT I-56, RAGLAN ROAD PLYMOUTH

Ward: Devonport

Valid Date of Application: 14/11/2011

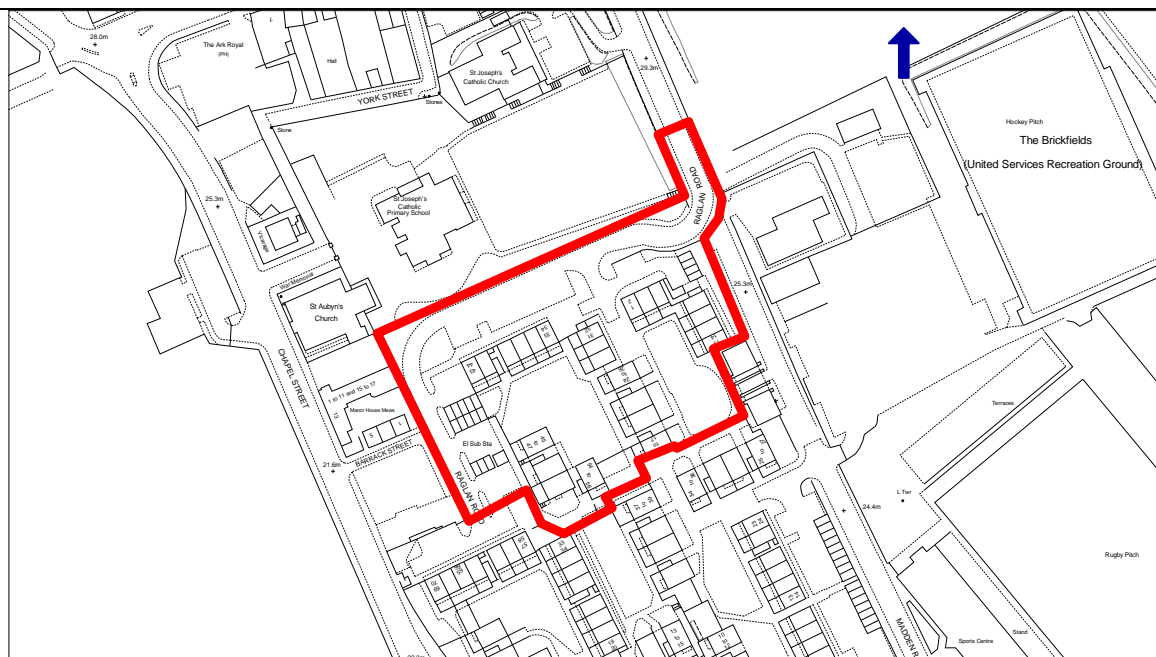
8/13 Week Date: 13/02/2012

Decision Category: Major Application

Case Officer : Carly Kirk

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 08 February 2012

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



Site Description

Located within the Devonport area of the City, the site comprises a 1960s development of 56 flats in total arranged in 5 blocks of three and four storey buildings, with communal garden areas and parking on the northern and western sides. The site is accessed from Raglan Road to the north. From the south, access is closed to vehicles in front of the Listed Gatehouse adjoining the south-east corner of the site. The site adjoins St Joseph's Primary School to the north; historic buildings including St Aubyn Church, Manor House, former barrack wall and public house are situated to the west; residential flats are to the south; and the Listed Gatehouse and Brickfields sports area beyond are to the east.

Proposal Description

Erection of three blocks containing a total of 11 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities.

Relevant Planning History

09/01565/FUL Erection of three blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage facilities- REFUSED.

This application was refused for 3 reasons as summarised below:

- 1) Absence of infrastructure contributions
- 2) No improvement to the range and quality of housing
- 3) Absence of on-site renewable energy production.

The applicant appealed this decision and the appeal was dismissed. Despite the range of refusal reasons given by the Council, the Inspector only dismissed the appeal on the basis that there would be inadequate amenity space due to the extension of the car park, the absence of adequate amenity space for future occupiers, the loss of two additional parking spaces and due to some inaccuracies in the plans relating to the levels shown.

09/00547/FUL Erection of 3 blocks containing a total of 14 two bedroom flats with associated landscaping changes, parking facilities and refuse storage- REFUSED.

This application was refused for the five reasons summarised below:

- 1) Absence of infrastructure contributions
- 2) No affordable housing provision
- 3) Inadequate information regarding the risk of contaminated land
- 4) Detrimental to residential amenity
- 5) No improvement to the range and quality of housing

Reasons 4 and 5 detailed below were additional reasons added by members at Planning Committee.

RESIDENTIAL AMENITY

The Local Planning Authority considers that the development would be detrimental to the amenity of residents of existing properties and would fail to provide sufficient levels of amenity for future occupiers. The proposal is therefore considered to be contrary to point 5 of Policy CS15 of the Local Development Framework Core Strategy (adopted 2007).

RANGE AND QUALITY OF HOUSING

The Local Planning Authority considers that the proposal does not improve the range and quality of housing in the area and is therefore contrary to Area Vision 1 of the Local Development Framework Core Strategy (adopted 2007) and Chapter 5 'Improving Housing' of the Devonport Area Action Plan (adopted 2007).

05/00834/FUL Three four-storey buildings providing a total of 16 flats - REFUSED

This application was refused for 9 reasons as summarised below:

- 1) Inadequate parking provision for the parking of vehicles
- 2) Inadequate street details; unacceptable provision for secure storage of cycles, poor pedestrian links to the wider footway network, inadequate street lighting details
- 3) Overdevelopment
- 4) Creation of areas of unsafe/ insecure environment
- 5) Loss of/ impact on amenity areas
- 6) Loss of amenity and outlook to the adjoining dwellings
- 7) Loss of / inadequate provision of refuse and storage facilities
- 8) Loss of protected trees
- 9) Impact on public sewage infrastructure

This applicant appealed this decision and the appeal was dismissed.

Despite the range of refusal reasons given by the Council, the Inspector only dismissed the appeal on the basis that Block C would result in the loss of formal amenity space and would have a detrimental impact on the outlook from neighbouring flats (Nos. 39-44).

Pre-application discussions

The applicant was encouraged to submit an application under the Development Enquiry Service (DES) however no pre-application was received. Despite this, a meeting was offered to the applicant to discuss how we may mitigate the impacts of development. This meeting was offered outside of the DES process due to the site's unique planning history, and the recent appeal conclusions which make this an exceptional case.

Consultation Responses

Highway Authority- no objections subject to conditions relating to parking provision, cycle storage and double yellow lines.

South West Water- no objections.

Strategic Housing Service- supportive of proposals.

Representations

6 letters of representation, all objecting for reasons summarised below:

- Refuse collection is already over stretched.
- The estate is cramped enough.
- The management company is already providing a less than satisfactory service which will become even worse if further flats were allowed.
- Community areas/ facilities will be reduced and there will be no scope to increase them at a later date.
- Additional traffic will make parking problem worse.
- The condition of the roads within the parking areas is already poor and the increased traffic will make it worse.
- Inaccurate information/ lack of detail.
- Concerns regarding the safety of balconies proposed.
- Would not conform to existing design.
- Loss of open space and light.
- Site will become a building site.

Analysis

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

This application follows a series of planning applications. Applications for three residential blocks were refused in 2005, 2009 and 2010, details of which are given in the planning history section of this report.

The main issues for consideration for this proposal are the impact on surrounding residential properties, on the amenities of the community, on the highway and on trees.

The main policies relevant to this application are CS01, CS02, CS15, CS16, CS18, CS28, CS32, CS33 and CS34 from the adopted Core Strategy. Plymouth City Council's Development Guidelines Supplementary Planning Document, Planning Obligations and Affordable Housing Guidelines Supplementary Planning Document., the Devonport Area Action Plan 2006-2021, as well as taking account (with appropriate weight attached) of the Draft National Planning Policy Framework.

This proposal has changed slightly since the last application; it is now 11 units being proposed, previous applications were for 14 units. There has also been a reconfiguration of parking arrangements to remove the two spaces that were previously on highways land, a reduction in the size of Block C to ensure there is no

loss of communal amenity space and the addition of balconies or gardens to all the new flats. In addition to this the refuse storage areas have been enlarged to comply with the Council's Development Guidelines SPD. Despite these differences there are still 3 buildings proposed and their design and general position have not changed from the previous application. Therefore the planning history for this site still holds significant weight in determining this application. The Planning Inspectorate disregarded many of the Council's previous refusal reasons and therefore it would be inappropriate to reiterate these reasons if the circumstances have not changed. The Inspector's findings of both the 2005 appeal and the appeal determined in January 2011 are therefore referred to throughout this report.

Layout, Scale and Design

The introduction of these three residential blocks is still considered to result in overdevelopment and to create a cramped appearance. However the Inspector previously concluded in the 2005 application that 'the defining characteristic of the estate is one of enclosure' and the 'overall effect of the proposed development would be to reinforce this enclosure'. He did not consider that the development would appear cramped and hence officers consider that the application should not be refused on these grounds.

The buildings would not impact on the setting of any listed building; they are a sufficient distance away and are within the envelope of the site where there are existing blocks of flats. A road and high boundary wall would separate the block from the adjacent Manor House.

The scale of the blocks is very similar to those previously proposed, the only difference being that Block C has been reduced slightly in size; none of the buildings would be higher than the adjacent existing blocks and the scale is considered appropriate in accordance with policies CS15 and CS34 as was deemed by the inspector previously.

The floor areas of the units are slightly different in each block. In Block A they are approximately 57.6 m², in Block B 55.02 m² and in Block C 60.34 m² and 53.55m². The floor areas are considered to be adequate, in accordance with the Development Guidelines SPD which gives a guideline of 55m² for 2 bedroom flats. All of the units proposed would also have adequate amenities and natural lighting to all habitable rooms.

The design of the blocks in this application and the previous application have remained largely unchanged from the 2005 application; however the drawings do show a greater level of detail. The Inspector's comments in 2005 regarding the design were that, while the proposed design was 'unremarkable', the blocks would 'integrate sympathetically and unobtrusively with the simple form and proportions of existing development'. This opinion is supported by officers; the design could not be considered outstanding, however it is deemed acceptable in this case and would accord with policy CS02.

The materials to be used have not been detailed and therefore if permission is granted a condition would need to be attached to ensure that these details are

agreed before works commence. The materials used should be sympathetic to those used in the existing residential blocks.

Overlooking/ loss of light

Block A is joined to the east of flats 5 and 6 with a core link block and the high level deck access fits into the upper level of the new core. There are no windows on the adjacent blocks that would be affected by Block A and therefore there would be no loss of privacy, light or outlook as a result of this block.

Block B is as proposed in the previous application. It is noted that this block would have some impact on the amenity of residents and may result in some loss of light, however its impact would not be significantly different to that in the previous 2005 application where its principle was accepted, it is not therefore considered by officers that the application could be refused on this basis. It may also affect access to some residents' sheds which are sited directly opposite the proposed block, however as stated in the Inspectors January 2011 decision 'the store access is essentially an estate management matter'.

Block C does not create any concerns of overlooking, there are no windows on the east elevation of Block C and although some degree of overlooking may be possible from the windows and balconies on the south elevation of Block C the nature of these buildings means that a degree of overlooking already exists and the development would not create any new overlooking concerns. Plans have now been provided to show ground levels and although ground levels vary, Block C would be no higher than the adjacent block.

Refuse Storage

The existing bin store will be demolished to make way for Block A. A new communal bin store is to be provided adjacent to and to the north-west of Block A. It is accessed from Raglan Road but will open into the site for easy access by residents. A second bin store will also be provided adjacent and to the north-west of Block C. The bin stores have now been increased in size since the previous application, and they now fully comply with Plymouth Council's requirements as detailed in the Development Guidelines SPD.

The bin stores are to be constructed of brick and timber; detailed designs shall be secured by way of condition.

Amenity Areas

As a result of the buildings proposed, some areas would be lost which the local community say are utilised by children playing. The residents object to the position of Block B as it would involve the loss of a planting area and 'the anchor' (a piece of street art). These concerns are noted, however the inspector previously deemed that such reasons would not justify refusal, the inspector stated in the earlier appeal that the loss of this area along with the area lost to Block A contribute little to the estate in terms of amenity space'.

In the recent appeal decision (January 2011), one of the outstanding issues was the impact on living conditions of existing and proposed residents due to deficiencies in amenity space caused by Block C. The Inspector commented that 'the proposed

development would unacceptably harm the living conditions of adjoining occupiers due to the resultant reduction in the size of the existing communal amenity area by extension of the car park and no adequate provision would be made for future occupiers'. As a consequence of this Block C has now been reduced in size (resulting in three less flats overall) and the parking layout has been reconfigured to ensure that none of the existing communal amenity space is lost. In addition, all of the proposed flats will have a private amenity space in the form of a balcony or garden. This equates to a provision of 93.73 sqm of new amenity space compared to the last application with the existing amenity space unaffected. The balconies would not overlook any other dwelling and therefore the proposals now comply with policy CS15 and Plymouth's Development Guidelines SPD.

Landscaping

A tree survey has been submitted with this application and a further drawing provided to clarify the trees on site that would be lost. Two trees would be lost as a result of this development compared to three in the previous application and it is not considered by officers that either of these trees is of intrinsic value. The applicant has not provided planting details to mitigate against the loss of trees. Therefore in order for the proposal to accord with policy CS18 it would be necessary for conditions to be attached to any grant of approval to ensure protection during construction of those trees to be retained, and to agree details of replanting to mitigate for those trees lost.

Safety and Security

Previous schemes have raised safety concerns, and it is still considered by officers that some unsafe spaces would be created such as in relation to the passageways that would be formed between Block B and the existing buildings. For this reason is not deemed that the proposal would accord with Policy CS32; however it would not be prudent to refuse the application for this reason. The inspector stated in relation to the 2005 application that such concerns could be dealt with by 'means of appropriately worded planning conditions', the current application shall therefore be dealt with in this way, adding conditions to agree door and window fittings through the external materials condition and a condition to agree the gate details for the footpath adjacent to Block B.

Drainage & Sewerage

A reason for refusal in the 2005 application and a concern raised by residents relates to the fact that Block B will be built over a public sewer. The applicants have failed to provide sufficient information to demonstrate that the drainage, waste water and sewerage infrastructure capacity is maintained and where necessary enhanced, which is contrary to policy CS34. However no objections have been raised by South West Water and in light that this refusal reason in the 2005 application was again not upheld it is not considered that this should form a refusal reason. Such infrastructure requirements are covered by alternate legislation and therefore it is considered that the best way of highlighting these concerns in this instance would be by attaching an informative to the decision notice.

Contaminated Land

A comprehensive contaminated land assessment has now been submitted with the application and the Council's Public Protection Service is satisfied that the application can be approved subject to conditions. The proposal is therefore considered to comply with policy CS22.

Highway Considerations

The 2005 application was refused for a number of reasons including insufficient parking provision; however this reason was not upheld by the Inspector in the subsequent appeal. Following this decision no transport objections were raised to either of the 2009 applications, however in the most recent appeal, it was confirmed by the Inspector that two parking spaces located within a turning head on the public highway could not be counted towards the overall parking provision for the estate. The Inspector also noted that the loss of these two further spaces 'would have resulted in two flats not having an allocated parking space, and this adds some limited weight against the proposed development'. It is therefore considered that the development should provide one car parking space per unit and that the two spaces shown within the existing highway cannot be counted towards the overall provision.

The plans initially submitted did not provide this level of parking as the applicant had counted the parking spaces in the turning head. Some of the parking spaces shown were also of substandard width. Amended plans have now been received, the parking spaces in the turning head have been removed and two additional spaces added to the south of Block C, all spaces are also now of an adequate size. The parking ratio is now 1:1 and therefore this can be accepted.

The details shown for cycle parking are not satisfactory as the units should be secure as well as covered. No means of securing the cycle parking areas has been provided and therefore details of this shall be secured by way of condition.

The proposals are now deemed to accord with Policy CS28.

Renewable Energy

The applicant previously failed to submit a renewable energy statement with the application. However a statement has been submitted with this application to demonstrate that 15% of the carbon emissions for which the development is responsible will be off-set by on-set renewable energy production using photovoltaics. The report submitted is deemed acceptable by officers and therefore the proposals would comply with Policy CS20.

Letters of Representation

The points made in the letters of representation have been dealt with in the above report, the refuse collection areas have been improved, and points regarding the estate becoming cramped, parking problems and impact on some amenity areas have already been established as acceptable through the Inspector's previous conclusions. A code of practice condition has been attached so that construction works can be controlled to provide minimum disturbance.

Points regarding the management company, condition of existing roads and the safety of balconies are not material planning considerations and accurate information and detail has now been received to assess the proposals.

Section 106 Obligations

In considering the need for planning obligations to address any adverse impacts of the development, pursuant to Core Strategy Policy CS33, it is important that Members note the need to take into account the complex planning history, including the recent appeal decision which did not support the Council's grounds of refusal previously on the basis of infrastructure impacts.

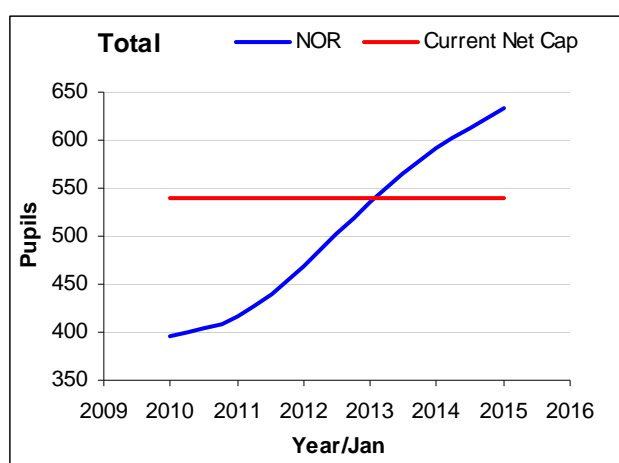
Members also need to take into account that the applicant's viability appraisal identifies that development is unviable even before impact mitigation is taken into account.

Notwithstanding the planning history and the viability constraints, the development is of a scale and nature that would normally generate contributions to address impacts in relation to primary schools, playing pitches, open space and play area management together with strategic green infrastructure, European marine site impacts, strategic sports and leisure facilities, and strategic transport. This is because the development will lead to an increase in the population in this area which will place additional strain on infrastructure and pressure on environmental resources.

However, when considered in this wider context there are considered to be two main local impacts against which it remains appropriate to seek planning obligations, namely to address capacity issues in local primary schools and playing pitch provision.

I. Schools

This development sits within the vicinity of three primary schools: St Josephs RC Primary, Mount Wise Primary & Marlborough Primary School. Although each school has some spare capacity in the later years, they are full at Reception. Furthermore by January 2013 all current spare space will be used, as shown in the graph below:



This shows that when combining the total school rolls and current capacities, these schools will be full from Jan 2013 onwards. Therefore any development that will potentially house children that could apply for a place within these schools will need

to mitigate its impact on the local education infrastructure by providing or assisting the provision of additional school places.

The estimated cost of mitigating this impact is £22,462.

2. Playing Pitches

The Plymouth Playing Pitch Strategy 2007-2016 identifies that the South Sub Area of the city is deficient in terms of access to playing pitches. The proposed development falls within this Sub Area (South of the Parkway and West of the River Plym).

The Playing Pitch Framework Group have identified a clear numerical shortage of playing pitches in Plymouth in conducting a review of Plymouth's Playing Pitch Strategy. This is not helped when considering the topography of the City, a growing population and that many of our pitches are of poor quality.

There is therefore an impact on infrastructure requirements arising as a result of the development, namely the provision of improved access to playing pitches.

The estimated cost of mitigating this impact is £9,085.

The development appraisal has clearly demonstrated that the scheme is unviable even before impact mitigation is taken into account. However, officers have negotiated a package within the context of the Market Recovery Scheme which would respond to the most significant impacts firstly on schools and secondly on playing pitches. These measures are considered sufficient to justify a grant of planning permission when considered within the context of the planning history of this site.

The particular provisions of the Market Recovery Scheme utilised are those which enable an extended period for the consent (5 years in this case) and clawback provisions to recoup up to the full impact cost of the mitigation measures being sought should development viability improve. The market recovery measures relevant to the extended permission are those to help developers respond quickly to economic recovery by having an 'oven-ready' consent, this would allow extended planning permission periods up to 7 years so that developments can commence when the market improves. 5 years was agreed in this case with the clawback provision to secure further S106 provisions should development viability improve.

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:

- £15,000 to local schools provision to be allocated to the provision of additional school places in one of the following schools; St Josephs RC Primary School, Mount Wise Primary School, Marlborough Primary School.
- A clawback provision that requires a jointly commissioned viability assessment, based on actual sales, to be executed at any point between practical completion and occupation of the development. Further contributions to education and playing pitch infrastructure, up to the

maximum contribution for mitigating the impacts, shall be paid if the appraisal determines that this can be done within the viability constraints of the scheme (i.e. a further £7,462 for primary schools, and £9,085 for playing pitches).

The above Heads of Terms have been agreed with the applicant.

Having taken into account the specific merits of this case, including the nature and scale of the development's impacts, the complex site history, the viability constraints and the negotiations that have taken place, officers now consider that this is an acceptable package of mitigation which enables a recommendation of approval for the scheme to be made.

Equalities & Diversities issues

The applicant has demonstrated that all of the flats have been designed to lifetime homes standard and officers are satisfied with the evidence provided.

Cycle storage sheds also form part of the proposal.

Conclusions

This proposal still creates concerns in respect of overdevelopment, parking provision and on the whole what is deemed to be a negative impact to the local community and existing residents. Improvements have however been made to the scheme submitted, such as additional private amenity space, improved refuse storage proposals and contributions to mitigate the impacts of development. Therefore in light of these improvements and the Inspector's previous conclusions, which hold significant weight, it is not considered that the application could again be refused on these grounds.

The reasons upheld in the Inspector's most recent appeal decision relate to parking provision and amenity space, both of these issues have been dealt with in this application and a S106 contribution has also been agreed in addition.

For these reasons it is recommended that the application be approved conditionally.

Recommendation

In respect of the application dated **14/11/2011** and the submitted drawings Site location plan, 100 H, 101 D, 109 B, 103 C, 109 A, 15753A/1-R1, 3253/SK02 A, 15753A/ 1- R1, 3253/SK/201 and accompanying Design and Access Statement, Renewable Energy Strategy, Tree Survey Report, Land Contamination Assessment and Lifetime Homes Statement, 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 8th February 2012.**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, I00 H, I01 D, I09 B, I03 C, I09 A, I5753A/I-R1, 3253/SK02 A, I5753A/ I- R1, 3253/SK/201

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.

DEVELOPMENT TO COMMENCE WITHIN 5 YEARS

(2) The development hereby permitted shall be begun before the expiration of five years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures

LAND QUALITY

(3) 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 4 to 6 have been complied with. If unexpected contamination is found after the development hereby approved has commenced, development shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 7 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

(4) 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

(5) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(6) 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

(7) 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 6.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE

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

Reason:

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

LIFETIME HOMES

(9) 20% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

Reason:

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

RESTRICTIONS ON PERMITTED DEVELOPMENT

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, E and F of Part I of the Schedule to that Order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

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

EXTERNAL MATERIALS

(11) No development shall take place until details 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.

REFUSE STORAGE DETAILS

(12) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- refuse storage details. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they 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.

SUSTAINABLE RESOURCE USE

(13) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(14) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the last dwelling forming part of the development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with 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 the approved plans and particulars (or 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 Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

PROVISION FOR TREE PLANTING

(15) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

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.

CAR PARKING PROVISION

(16) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan ref 3253/SK02 Rev A for a maximum of 67 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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.

CYCLE PROVISION

(17) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted and approved in writing by the Local Planning Authority for 12 bicycles to be parked in a secure and covered location.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DOUBLE YELLOW LINES

(18) Prior to occupation of the development hereby permitted the developer shall begin the process and seek to implement a Traffic Regulation Order in a timely manner to provide on-street car parking restrictions in the form of Double Yellow Lines (DYL's) around the public turning head and linking with the existing yellow lines in the street, the associated costs to be bourn by the applicant; the details of which shall be submitted for approval in writing to the Local Planning Authority.

REASON

To preserve the function and safety of the local highway network and convenience to the public.

DETAILS OF GATES

(19) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the gates proposed for the footpath alongside Block B. Development shall conform to the approved details and shall be completed before the development is first occupied. These gates shall not be altered or removed without the prior consent of the Local Planning Authority.

Reason:

To ensure that the unauthorised access is prevented in accordance with Policy CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 7 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

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

SOUTH WEST WATER

(2) The applicant should note that South West Water will only allow foul drainage to be connected to the public foul or combined sewer. Should no separate storm system be available, details of the means of disposal must be submitted for prior approval. The use of soakaways will require satisfactory percolation tests to have been undertaken. If soakaways are not an acceptable solution, South West Water request that they be contacted for further information.

The applicant should also be aware that no development will be permitted within 3 metres of the sewers, and South West Water request that ground cover is not substantially altered to ensure the security of their apparatus. Should the development encroach on the 3 metre easement, the sewers will need to be diverted. The applicant/agent is advised to contact South West Water to discuss the matter further.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the design and amenity of the dwellings proposed, their impact on neighbouring properties, the impact on the highway, to trees and to the character of the area, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPS3 - Housing
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS01 - Sustainable Linked Communities

CS02 - Design
CS15 - Housing Provision
CS16 - Housing Sites
SPDI - Development Guidelines
NPPF - Draft National Planning Policy Framework 2011
Devonport Area Action Plan