

PLANNING APPLICATION REPORT



ITEM: 04

Application Number: 12/00778/FUL

Applicant: Mrs Maureen Lawley

Description of Application: Develop western part of garden by erection of a pair of semi-detached dwellinghouses with integral garages and curtilage parking; improvements to existing path up to parking plateau together with forming a new pavement refuge (outside gate) and pavement crossover opposite (n.b. the application site excludes garden land on the eastern side of Dorsmouth that was granted outline planning permission for erection of a dwelling under reference 10/01814/OUT)

Type of Application: Full Application

Site Address: DORSMOUTH, DRUNKEN BRIDGE HILL PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 09/05/2012

8/13 Week Date: 04/07/2012

Decision Category: Member Referral

Case Officer : Jon Fox

Recommendation: Grant Conditionally

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



This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward Councillor is concerned about the proposals on the grounds that it is development of historical land with tree preservation orders and concerns over the road layout and the natural spring.

Site Description

The site is located on the southern edge of Plympton and is partially within the greenscape area, which includes the adjoining wooded Plympton Covert that lies to the south. The site is bounded to the north west by Drunken Bridge Hill, an old highway that links Plympton with Ridge Road. There are modern, semi-detached houses on the other side of Drunken Bridge Hill, which is characterised by a hedgebank and mature trees on the site boundary and is without footways. The site is bounded to the north east by Underwood Road, Dark Street Lane and Back Lane, which are also without footways in this location. This boundary is also marked by a hedgebank and trees. There are semi-detached bungalows on the other side of the road. There are other trees within the site and the whole site is covered by a tree preservation order.

The land on the site itself slopes down very steeply from the dwelling at Dorsmouth to Underwood Road/Dark Street Lane, and slopes up steeply towards the edge of the Plympton Covert, to the south. The site itself does not include the dwelling at Dorsmouth or the adjoining land running generally south east of the building.

Proposal Description

Develop western part of garden by erection of a pair of semi-detached dwellinghouses with integral garages and curtilage parking; improvements to existing path up to parking plateau together with forming a new pavement refuge (outside gate) and pavement crossover opposite (n.b. the application site excludes garden land on the eastern side of Dorsmouth that was granted outline planning permission for erection of a dwelling under reference 10/01814/OUUT).

Pre-Application Enquiry

None.

Relevant Planning History

10/01814 - Outline application to develop parts of garden by erection of two dwellings, with improvements to existing vehicular access and provision of new footpaths on both sides of Underwood Road. One dwelling is proposed on the site of the old swimming pool, well below the existing dwelling, and the other would be an open land that is situated on the upper part of the site, adjacent to the Plympton Covert. This application was granted permission.

This approval includes a condition that requires the dwellings not to exceed two storeys of accommodation and that the upper storey of accommodation shall be entirely within the roof space of the building above the height of the eaves. The reason for the condition is to maintain the design and scale of the buildings in keeping with the existing dwelling at Dorsmouth and the character and appearance of the area, and to preserve the amenities of neighbouring properties.

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

08/00731/FUL - This application was returned.

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

Consultation Responses

Highway Authority

Unlike the previous application (10/01814/OUT) the site lacks a road frontage onto Underwood Road and therefore the proposed development would not trigger the setting back order under Section 30 of the Public Health Act 1925.

The proposal would improve the existing vehicular access in Drunken Bridge Hill which currently is of a poor standard, and would be altered to provide improved inter visibility between the private driveway and the junction with the road.

The use of an improved private driveway is considered acceptable to meet the needs of the proposed three dwellings (any more than four dwellings would need to be served by a suitable access road in accordance with current standards).

An improved pedestrian footpath link would be provided within the application site with a point of pedestrian access/egress onto Underwood Road. A pedestrian refuge would be provided within the existing carriageway there to safeguard pedestrians using the access, providing a safe place to stand when crossing over Underwood Road. The new pedestrian refuge and crossing point would include drop kerbs and provide a safe link to the wider footway network for occupiers and visitors to the site, and encourage sustainable walking trips.

Transport would advise that along with a conditional Code of Construction Practice; a Risk Assessment, and also a Method Statement should be provided to cover all aspects of vehicle movements to and from the site including monitoring, management and mechanisms to ensure all vehicle movements to and from the site would be carried out safely and without danger to other highway users, or damage or contamination of the highway.

Transport also recommends incidentally the cutting back of trees and foliage that currently overhang the highway, in the interests of highway safety and convenience.

The conditions recommended by Transport relate to: details of new junction, completion of roads and footpaths, provision of sight lines, preservation of sight lines, driveway gradient, car parking provision and a construction code of practice

Public Protection Service

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

Representations

There are concerns that the proposals do not:

- Alter or effect the environment outside the borders of Dorsmouth
- Mean there will be severe cut-back of trees and shrubs
- Impact the road layout by the widening of the Drunken Bridge Hill junction with Underwood Road, or by the provision of a new pavement refuge outside the gate.
- Result in widening of Underwood Road
- Result in further development or alteration of any kind on this site, nor its boundaries and surrounds.

Other observations are that:

- The width of the Drunken Bridge Hill junction with Underwood Road and Underwood Road on the northern boundary of Dorsmouth, facilitates traffic calming. Any widening of these roads would increase the speed of existing traffic and probably an increase in traffic volume as a consequence.
- Any Section 30 road widening would affect on street car parking.
- The current proposed development for two dwellings behind Dorsmouth must not lead to an increase in the number of dwellings to three (or even four, considering that the one bungalow behind Dorsmouth has now become two houses).

Analysis

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

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

Character and appearance of the area

With regard to the character and appearance of the area, the site is not within the Plympton Conservation Area (CA), the boundary of which is on the opposite side of Back Lane. The proposed dwellings are further away from the CA and in themselves are not considered to be harmful to the setting of the CA. The site occupies a relatively isolated position being physically cut off from the surrounding pattern of development by Underwood Road, Dark Street Lane and Back Lane. This separateness is magnified by the site's connection with the surrounding greenscape. The proposed dwellings are within the greenscape area, but the significant quality of this part of the greenscape is as a biodiversity feature and not as a separation/buffer zone between the countryside and the built-up area. This distinction is made clearer by the wooded Covert, which is above the site of the dwellings and which is considered to be the natural beginning of the separation/buffer zone. In this context it is considered that two dwellings would not be harmful to the character and appearance of the built-up area or the greenscape. In this respect the report on the previous outline permission made the proviso that each dwelling respects the scale and design of the existing bungalow by being designed as single-storey properties, perhaps with larger roofs, similar to Dorsmouth, which could be used for additional accommodation. The current application provides two distinct storeys of accommodation (with garages below), the upper storey of which is only partly within the roofscape. However, it is considered that the height and scale of the buildings would be sufficiently low key, and cut into the slope so as not to result in an uncharacteristically prominent development. With regard to long views of the site it is considered that the retention of trees, and development by dwellings of an appropriate scale and appearance, preserves the visual amenity quality of the site overall. In these respects the proposals are considered to be in accordance with policies CS02, CS03 and CS34 of the Core Strategy.

The proposed materials including natural zinc roof; fascia panels; aluminium windows and doors and stainless steel balustrade provide a modern twist to a fairly traditional design and in these relatively isolated circumstances is considered acceptable in accordance with policy CS02.

Nature Conservation

With regard to nature conservation, the agent is in the process of submitting an updated Ecological Mitigation and Enhancement Strategy (dated 2010). Providing the strategy adequately addresses nature conservation issues this document should be referred to specifically in any grant of planning permission.

Trees

Trees are an integral part of the site's character and it is vital that the defining trees and those other good specimens are retained. Previously the position of dwelling 1 (on application 10/01814), although indicative, was considered to be too close to a valuable oak, which is scheduled for retention; the dwelling was considered to be too large and the resulting overbuild, allowance for working space and a likelihood of major excavations close to the oak tree to construct a retaining wall, would have impacted heavily on this tree. There were also concerns for three prominent Beech trees due to insufficient detail concerning how re-modelling of the drive to provide access to the garage serving Dwelling 2 would be implemented.

The current application shows the proposed building to be in a similar position to the dwelling in the outline application although the main western wall of the proposed building would be moved slightly further north but also slightly further east compared with the old plan. In this respect it is important that the construction of the house wall and retaining wall, on the western side of the short drive, which serves the proposed garages would be constructed without any overburden dig and would not need to require excavations any more greater than is absolutely necessary to be able to construct the walls. In this respect the agent has confirmed that the distance from the tree trunks means that any cutting of the bank would entail the loss of small diameter (less than 2mm) roots and primarily fibrous root material, but that the loss of this material will not lead to the death or decline of the trees (subject to the other control measures). The agent has put forward the following statements in connection with the retaining wall installation:

- 1) The cutting of the bank should be vertical with no battering of the bank beyond the cut line - this will minimise the extent of cut and the impact on the trees.
- 2) The wall will need to be a vertical system; either pre-cast sections or a cantilevered wall - and details of this will require the input of a structural engineer. If a cantilevered wall is used the horizontal supports will need to be installed in trenches that are hand dug with the trench lined with a plastic membrane (DPC or similar) to prevent contamination of the surrounding soil.
- 3) Any roots encountered should be pruned to minimise the area of the cut surface and to enable the tree to respond favourably.
- 4) It is important that the construction process is monitored by a suitably experience and qualified arboriculturist (required by condition) to ensure that any matters that arise are dealt with and the impact on the trees is controlled.

With regard to policy CS18, the impact of the proposed build on the nearby oak tree is considered to be adequately addressed and if planning permission were to be granted it is important that a detailed construction method statement for the build in the proximity of the tree is submitted in accordance with an appropriate planning condition, together with the aboricultural method statement that was the subject of a condition imposed on the outline permission. In these circumstances it is considered that the proposals would not result in demonstrable harm to trees worthy of retention in accordance with policy CS18.

Residential Amenity

The two semi-detached houses would be over 31 metres from the nearest property in Underwood road and would be separated from them by Drunken Bridge Hill. Otherwise the only affected property is Dorsmouth itself, which would be overlooked particularly from the proposed glazed balcony at the front of the two houses, and which are at a higher level than Dorsmouth. If Dorsmouth were not in the control of the applicant there is no doubt that the resulting loss of privacy would be unreasonable. However, given that Dorsmouth does belong to the applicant, and that it is the end elevation of the dwelling that is affected and not the principle north facing elevation and garden, it is considered that the impact on the privacy of Dorsmouth is tolerable in planning terms. The proposals are therefore considered not to be in conflict with policies CS15 and CS34.

Transport Matters

The scheme provides adequate vehicular access and parking for the existing and proposed dwellings as well as a pedestrian link to the wider footway network. Therefore, subject to conditions the proposals are considered to be in accordance with policies CS28 and CS34.

Other Matters

The disposal of surface water to a sustainable drainage system is considered to be appropriate in this location and should not lead to water emanating from the site providing the system, i.e. soakaways are properly designed.

With regard to concerns relating to a natural spring it is considered that some exploratory digging to see what is under the land might be required to ascertain the natural flow of water through the site and that in this respect a condition be imposed that requires the submission of measures to deal with any changes to the way in which water is drained from or flows through the site as groundwater. These exploratory works need not constitute development in themselves.

With regard to the previous outline permission for two dwellings, a question that arises is whether granting the current application would enable not only the approved semi-detached houses to be constructed but would also allow for the a reserved matters application to be submitted for the outline dwelling on the lower part of the site. This would result in three new dwellings, not two. However, practically speaking the granting of the current application could be followed by a further full application for a third new dwelling on the lower part of the site that would be considered on its merits.

Section 106 Obligations

The proposals do not require mitigation under Section 106 of the planning act.

Equalities & Diversities issues

The proposals do not raise equalities and diversity issues.

Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £17,250 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Conclusions

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

Recommendation

In respect of the application dated **09/05/2012** and the submitted drawings I149.LP, I149.02, I149.03, I149.05B, I149.10, I149.11, Phase I Environmental Desktop study report, Aborigicultural Assessment Outline Method statement, Extended Phase I Habitat Survey, and accompanying design and access statement, it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three 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 plans: I149.LP, I149.02, I149.03, I149.05B, I149.10 and I149.11.

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.

DETAILS OF NEW JUNCTION

(3) Development shall not begin until details of the junction between the driveway access 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, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

COMPLETION OF ROADS AND FOOTPATHS

(4) All roads and footpaths (including the pedestrian crossing point in Underwood Road) forming part of the development hereby permitted shall be completed in accordance with the approved details before the first occupation of the penultimate dwelling.

Reason:

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

PROVISION OF SIGHT LINES

(5) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before the development is first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

PRESERVATION OF SIGHT LINES

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

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

DRIVEWAY GRADIENT

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

Reason:

To ensure that safe and usable off street parking facilities are provided, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

CAR PARKING PROVISION

(8) The building shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the details submitted to and approved by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

EXTERNAL MATERIALS

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

Reason:

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

DETAILS OF BOUNDARY TREATMENT

(10) 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 either of the two dwellings are occupied and the development shall be carried out in accordance with the approved details.

Reason:

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

CODE OF PRACTICE

(11) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust and the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE PROTECTION

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

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

ARBORICULTURAL METHOD STATEMENT

(13) Notwithstanding the submitted Arboricultural Method Statement (AMS), an amended AMS shall be submitted to and approved in writing by the Local Planning Authority, which includes a construction method statement for all works, including all retaining structures, and which also details the location of any construction compound.

Reason:

To ensure that trees and hedgerows are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF EXTENDED FOOTPATH ON THE SITE

(14) The new extended footpath within the site shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that trees and hedgerows are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DISPOSAL OF SURFACE WATER AND LAND DRAINAGE

(15) Notwithstanding the submitted plans, development shall not begin until details of the proposals for the disposal of surface water and of land drainage, including measures to deal with any changes to the way in which water is drained from or flows through the site as groundwater, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first brought into use.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on the potential for flooding of surrounding land, including the highway, in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(16) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy (dated 2012) for the site.

Reason

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

LAND QUALITY

(17) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 18 to 21 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 21 has been complied with in relation to that contamination.

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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SITE CHARACTERISATION

(18) An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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 must 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 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'.

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 policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

SUBMISSION OF REMEDIATION SCHEME

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(20) 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 that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(21) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(22) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (enlargement of a dwellinghouse consisting of an addition or alteration to its roof), C (any other alteration to the roof of a dwellinghouse), D (erection or construction of a porch outside any external door of a dwellinghouse), E (provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such) and F (the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such) of Part 1 of the Schedule to that order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to preserve residential amenity and the visual qualities of the area, in accordance with policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - CODE OF PRACTICE

(1) A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites can be adopted either in part or as a whole to satisfy the above condition. It can be downloaded for submission via:

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

It is also available on request from the Environmental Protection and Monitoring Team: 01752 304147.

INFORMATIVE - RISK ASSESSMENT AND METHOD STATEMENT

(2) The applicant is advised that a Risk Assessment, and also a Method Statement should be used to cover all aspects of vehicle movements to and from the site including monitoring, management and mechanisms to ensure all vehicle movements to and from the site would be carried out safely and without danger to other highway users, or damage or contamination of the highway.

Statement of Reasons for Approval and Relevant Policies

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

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD1 - Development Guidelines
- NPPF - National Planning Policy Framework March 2012