

# PLANNING APPLICATION REPORT



**ITEM: I**

**Application Number:** 12/01180/FUL

**Applicant:** Mr I Pugsley

**Description of Application:** Re-develop site by erection of 53 dwellings with new access from the old wharf and associated roads and footways, parking and landscaping (demolition of existing buildings)

**Type of Application:** Full Application

**Site Address:** BOSTONS BOAT YARD, BAYLYS ROAD PLYMOUTH

**Ward:** Plymstock Radford

**Valid Date of Application:** 26/07/2012

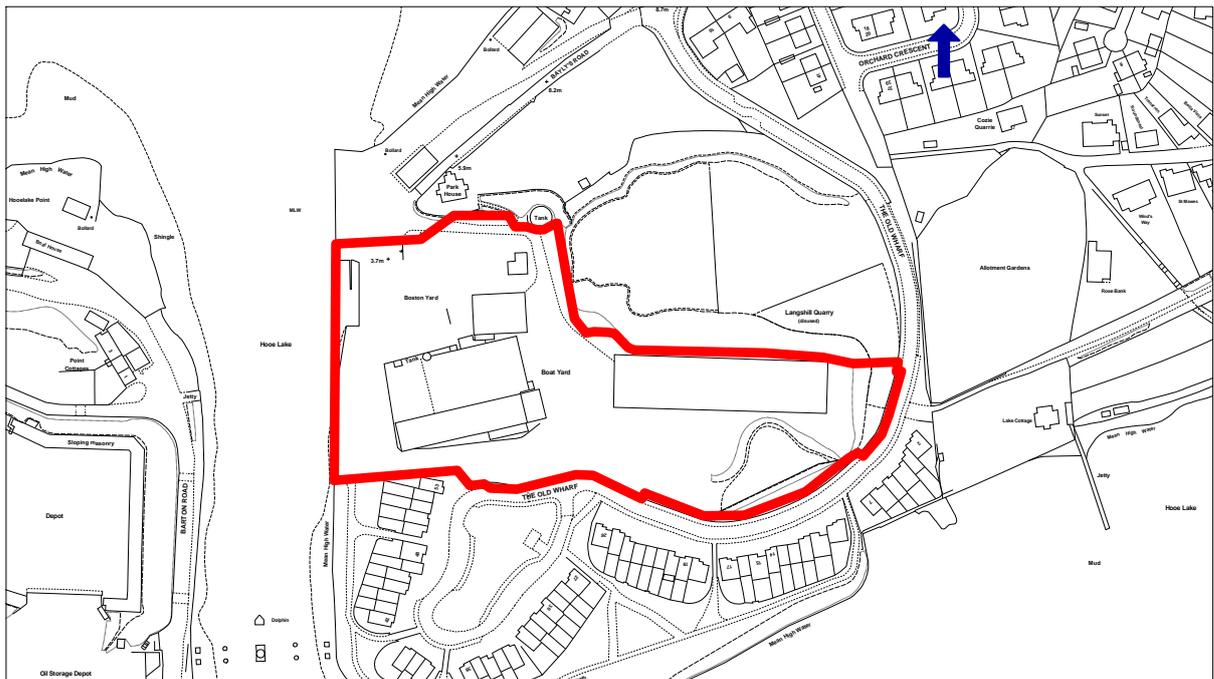
**8/13 Week Date:** 25/10/2012

**Decision Category:** Major - More than 5 Letters of Representation received

**Case Officer :** Robert Heard

**Recommendation:** Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 24 October 2012

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**This application is presented to the committee at the request of Councillor Ken Foster, and due to it generating more than 5 letters of representation.**

### **Site Description**

The site is located within the residential area of Oreston, to the south east of the City Centre. It is close to the eastern edge of the Cattewater and overlooks Hooe Lake.

It is situated within the former Langshill quarry / timber sawmill and has some distinguishing features, with a water frontage onto Hooe Lake to the west and north-west, and the steep quarry face and hill to the east and north east. To the south lies an existing residential development known as the Old Wharf.

The area between the quarry face and the quayside is relatively level, although it does rise gently towards the north. The site also rises gently from its western boundary adjacent to the lake, to its eastern boundary which lies adjacent to the loop road that leads to the Old Wharf. The sole access to the site is currently from Baylys Road, to the north.

The site proposed for redevelopment forms most of the former Baylys Yard site, with a small part of the former boatyard retained by Captain Boston for his Geosa business. This retained element lies adjacent to the northern boundary of the site to which this application relates and contains a detached residential Victorian House, an office building and some workshops. This small retained area, still used by Captain Boston for his existing business, will remain in Marine Employment Use and does not form part of the site to which this application relates.

In its wider context, the site is situated on a promontory of coastal land between Cattewater and Hooe Lake, to the South of Oreston Village. It shares the promontory with 52 modern two/three storey terraced townhouses, known as 'The Old Wharf'. These were built in the 1990s and are accessed only from the Old Wharf Road which sweeps down from Baylys Road in an arch encompassing virtually the whole landside perimeter of the site. The top of the quarry is a small nature reserve, closed to the public.

The wider area, to the north and east, is established residential in character with local facilities clustered around Plymstock Road and Orchard Crescent in the centre of Oreston. Traffic, visiting the site, and the Old Wharf development, has to pass through narrow roads in this area, some without pavement / pedestrian refuge, to join the main road network A379, Billicombe Road, at Pomphett roundabout 1km to the north.

Heavy industrial uses, including the Chevron fuel terminal and Origin (formerly IWAS) fertiliser plant, occupy the opposite shore of Cattewater to the north. They provide a gritty industrial panorama, broken only by the Sterling prize shortlisted TR2 propos building.

## **Proposal Description**

This application proposes to redevelop the site by erecting 53 dwellings with new access from the Old Wharf and associated roads and footways, parking and landscaping, and includes demolition of the existing buildings on the site.

A new access is proposed from the Old Wharf through the southern boundary of the site and the areas of the site that are currently part of the Plymouth Biodiversity Network are proposed to be retained. The application provides 37 four bed houses, 9 three bed houses and 7 two bed houses. Five of the proposed 2 bed houses are proposed to be affordable and the application provides 9 Lifetime Homes.

## **Pre-Application Enquiry**

MA/221/PRE - Residential development for up to 60 dwellings including 30% affordable homes at Bostons Boatyard.

Final comments issued following negotiation on a proposed development of 54 dwellings. Comments generally supportive of the proposal and this application has been submitted in accordance with the advice given.

## **Relevant Planning History**

### Appeals

The site has a complex planning history. Two recent planning applications(09/01060 and 08/02268 – details given below) were the subject of appeals and a public inquiry in March 2010.

Both appeals were heard at the same time at a Public Inquiry that took place between 21 – 23 March 2010. Both appeals were against the refusal of outline planning permission, with all matters reserved, for residential led redevelopments of the site (details given below). The main issues considered at the inquiry were whether the site should be reserved wholly or mainly for marine related employment and whether the development of the site as envisaged in the applications would result in an increase in vehicular movements giving rise to prejudice to public safety and convenience or to interference with the free flow of traffic.

The Inspector's Decision was issued on the 1<sup>st</sup> April 2010. The appeal was dismissed on highways grounds only, with the Inspector stating that '*I am not persuaded that the site should be reserved wholly or mainly for marine related employment or that the current proposals would be contrary to Core Strategy CS05. A more efficient use of the land would accord with government guidance. However, I consider that the development of the site as envisaged in the applications would result in a substantial increase in vehicular movements giving rise to prejudice to public convenience and to interference with the free flow of traffic, and that this would outweigh the benefits which would accrue. The extra congestion would be contrary to Core Strategy Policies CS28 and CS34, and I conclude that I should dismiss both appeals on these grounds.*'

In conclusion, whilst the appeals were dismissed, this was on highways grounds only, with the Inspector stating that the site is not a viable employment site and should not be retained by the Council for employment use. However, whilst the Inspector stated that the site should not be retained by the Council for employment use and that a more efficient use of the land (ie for residential purposes) would accord with government advice, no indication was given with regards to the amount of residential development that would be acceptable at the site with regards to highway issues. However, the Inspector did state that *'some modest increase in overall traffic generation should be permitted notwithstanding that it may result in some increase in congestion of the surrounding streets.'*

Discussions with the owner of the site and his agents have continued since the appeals decision was released (under the pre-app reference listed above) and this current application is made following the conclusion of pre-app discussions under the Council's Development Enquiry Service for residential development at the site.

#### Planning Applications

09/01060/OUT - Outline application (with all matters reserved for future consideration) for the erection of 96 residential units, BI (A and B) units, DI units, new buildings for existing geosa oceanographic business and new water taxi pontoon with ancillary café (A3). REFUSED

08/02268/OUT - Outline application (with all matters reserved for later consideration) for the erection of 118 residential units, A2 (offices), A3 (restaurants/cafes) and BI (business) units, water taxi pontoon and new buildings for existing GEOSA Oceanographic busines. REFUSED.

### **Consultation Responses**

#### Highways Department

Support subject to conditions.

#### Public Protection Service

Support subject to conditions.

#### Environment Agency

Support subject to conditions.

### **Representations**

57 letters of representation received. The main grounds of objection are listed below:

- Objections to the proposed footway as it is felt it is not feasible and not needed. The footpaths through the narrowest part of the village are generally inadequate or non-existent.

- Objections to the increased traffic along Oreston Road and Oreston village being narrow. The 53 dwellings will generate up to 200 extra traffic movements each day through Oreston village and The Old Wharf. Congestion is already a major problem in & around Oreston, on Plymstock Road and out to Morrisons roundabout. Increase in traffic movements would give rise to prejudice to public convenience and interfere with the free flow of traffic.
- The infrastructure of Oreston will be unable to maintain such a development, increasing the number of vehicles on already heavily congested roads, both in the village and suburb of Plymstock and subsequently significantly increasing the problem of access for the emergency services.
- Overcrowding of a small residential area (the Old Wharf), loss of privacy, overlooking of existing properties, increased noise and general negative impact on the psychological wellbeing of existing residents (by overcrowding etc.). As well as extra noise and environmental pollution for affected residents.
- The play areas on the Old Wharf should be preserved and enhanced. Currently children play unencumbered by traffic, dog walkers walk their dogs and walkers enjoy the traffic-free zone. The proposed main entrance to the development is opposite an area where children play on a daily basis and is currently a safe green space and this would become a very dangerous place with so many additional cars using this area.
- The design and layout is inconsiderate. This development will put an extra burden on existing public facilities including doctors, dentists and school places in the Oreston area which are already overstretched.

## **Analysis**

This application raises a number of key planning issues: the principle of the development; density; design and layout matters; residential amenity standards; contaminated land issues; affordable housing; transport; nature conservation (impact on ecology and protected species); renewable energy; and section 106 obligations and measures to mitigate the impacts of the development.

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.

Relevant national policy guidance comprises of the recently Adopted National Planning Policy Framework. The main Core Strategy policies relevant to the application 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 and CS34 Planning Application Considerations. The guidance in the adopted Development Guidelines and Design Supplementary Planning Documents (SPD) and the adopted Planning Obligations and Affordable Housing SPD First Review apply.

#### Principle of Development

The appeals referred to above in the planning history section of this report established that the site was no longer suitable to be retained for employment uses and that alternative uses such as residential should be considered at the site. This establishes the principle of residential development at the site.

The Sustainable Neighbourhood Assessment (SNA) for Hooe, Turnchapel and Oreston identifies a need to increase the range of different housing types and the amount of social housing in the area. It specifically shows a need for more terraced houses and higher density development, to counter balance the low average density of the area which is 17.7 dwellings per hectare and characterised predominantly by semi detached houses.

The proposal contains a mix of housing types, at an average density of 30.4 dph which is significantly higher than existing density levels in the area, and would meet the requirements of future developments in the area as outlined in the Hooe, Turnchapel and Oreston Sustainable Neighbourhood Assessments. It would also provide 9% of dwellings as Affordable Housing, which is similar to the area average which is under 10%. The Affordable Housing offer is explained further in the main Analysis section of this report, under the heading 'Affordable Housing'.

It is considered that the principle of residential development at the site is acceptable and that the application would comply with the requirements of Policy CS01 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) by helping to meet the needs of the neighbourhood (as identified in the SNA) and by contributing to the provision of a sustainable linked community.

#### Density

Density calculations can be a crude measurement in determining the quality of schemes but do provide a broad benchmark in their assessment. The density of development surrounding the site is low, at an average of just 17.7 dph, as identified in the Hooe, Turnchapel and Oreston SNA. This compares with the applications density level of 32dph (excluding the fairly large undeveloped area of protected biodiversity network in the south and east parts of the site). If including this protected area the density level drops to 26dph. Density alone cannot be a reason for refusal unless it gives rise to manifest shortcomings.

The previous broad brush reference to a density of 30 – 50 dwellings per hectare (dph) in PPS3 has been removed and superseded by the NPPF which states that LPAs should set out their own approach to housing density to reflect local circumstances. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood's centre.

The existence of the cliff face and the importance of ecology issues, in particular the protection of the biodiversity network at the site, make this a difficult site to develop. These constraints further affect the density at which the site can be developed. Given the low density of the surrounding development and the established pattern of development in the area and also the lack of demonstrable harm associated with the amount of development proposed, the density proposed within this application is considered acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2.

#### Design, Massing and Layout

The NPPF states that good design is indivisible from good planning and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Core Strategy policy CS02 promotes well designed developments to promote the image of the city through enhanced city and local gateway locations and key approach corridors.

#### Layout

Access to the site is proposed from The Old Wharf, creating one vehicular access point into the site from the southern boundary. The new access road travels north into the site before then splitting west to the water frontage and east into the site, providing a single vehicular access street that serves as a shared surface and stretches from the eastern end of the site to the western end. There is no vehicular connectivity through the site and the proposed development is designed as a cul de sac with a single vehicular access point from The Old Wharf.

The whole approach to the layout of the proposed development has been designed to provide active frontages facing all of the main public spaces and routes within the site, and to ensure there is clear distinction between public and private space within the site. The layout therefore provides a continual street frontage to the new shared surface access road. At the western end of the site the height of the built form is increased to maximise views of Hooe Lake and to define this prominent area adjacent to the water frontage with a localised increase in building height.

The development within the site has been designed around the access road and all dwellings face onto the proposed shared surface. There is a small mews court off the proposed access road in the northern part of the site and the dwellings at the western end of the site overlook Hooe Lake.

There is clear distinction between public and private spaces within the site and the proposed layout has been designed so that the rear gardens of the proposed new dwellings either back onto the rear gardens of the other dwellings located within the site or areas that are not publicly accessible. This ensures the provision of a safe and secure environment, omitting the need for small back lanes, and is in accordance with the principles of Secured by Design.

The layout of the site has been designed to ensure that pedestrian permeability is improved and the development includes defined pedestrian links through the site providing easily identifiable pedestrian routes around the development and linking it with the surrounding areas, reflecting the evidence collected within the Hooe, Turnchapel and Oreston Sustainable Neighbourhoods Assessment which encourages developments to be permeable, especially for pedestrians and cyclists. The existing coast path at the western end of the site is safeguarded and a new pedestrian and cycle access only is proposed at the eastern end of the site.

The layout proposed creates a clear street hierarchy which will be easily legible, being reinforced by building height and form, continuity of facades and the structure of landscaping and boundary treatments. It is considered that the layout has achieved a balance between providing an appropriate density and ensuring residents will enjoy a decent level of private amenity space and a good quality public realm.

In summary, it is your Officer's view that the proposals will provide a well thought out development that is easy to get to and move through and around (for both vehicles and pedestrians) and has public and private spaces that are safe, attractive, easily distinguished and accessible. The layout of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of the Design SPD.

#### Design and Appearance

The street scenes within the development are characterised by 2 and 3 storey dwellings, which reflects the scale of the majority of the surrounding development. The mix of 2 and 3 storey dwellings help to provide some variation to the street frontage and massing of the development whilst providing continuity of building height so that the proposal has balance and uniformity with regards to building heights across the site.

The whole site follows the same design approach and the different dwelling types contain some similar features that ensure that the scheme has balance and symmetry, through subtle repetition of features and materials. The contemporary approach is highlighted by the use of simple porches and canopies to define entrances whilst timber clad projecting bay windows add variation to the materials palette and depth to the elevations, helping to give the facades rhythm and distinction. In terms of detailing and materials, the development will use locally recognizable materials including slate, natural stone and render in muted colours. Glazed balconies and terraces are provided to some of the houses in order to introduce further variation to the elevations and to provide views over the waterfront and overlooking of the central square.

It is considered that the proposed development provides a high quality contemporary housing development that in terms of scale, massing and design is sensitive to the existing surrounding development. It blends traditional elements of building design with a contemporary twist that ensures the proposal is not a slavish copy of the local style. The general arrangement of buildings on the site is considered to be the correct approach and is a pragmatic response to the constraints of the site. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the Design SPD.

#### Residential Amenity

It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.

With regards to the relationships created between the new dwellings proposed within the site, the layout has been designed so that all new dwellings will benefit from adequate levels of residential amenity, in accordance with the guidance contained within the Council's adopted Development Guidelines SPD. All of the proposed dwellings that are positioned back to back are more than 21 metres apart and all houses have private amenity space that in terms of area is in excess of the minimum guidelines contained within the SPD.

Most of the existing properties on The Old Wharf are a significant distance from the site and will not be affected by this proposal, with regards to over shadowing or loss of daylight. The closest property to the site is no. 53 The Old Wharf, which is situated close to the southern boundary southern of the site and separated from the site by an existing 2.5 metre high boundary wall, which is proposed to be retained. The closest proposed plots to no. 53 The Old Wharf are plots 51 and 53 and due to the orientation of these dwellings and the separation distances between them and no.53 The Old Wharf, it is considered that the proposed development will not have a significant impact upon the existing dwelling, with the relationships created being in accordance with the advice contained with Council's adopted Development Guidelines SPD.

It is considered that the proposed development provides a good standard of accommodation for future occupiers and that the layout of the site has been arranged so that the relationship between the proposed dwellings within the site is not unacceptable. Each dwelling has its own private rear garden and there is open space within the proposed development for future occupiers of the proposed apartments to use. The application is therefore considered to be in accordance with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within the Development Guidelines SPD.

### Highways Issues

As explained above in the Planning History section of this report, the site has a complex history, and the existing local highway network has previously been a barrier to the sites development.

A key issue therefore when considering this application is the suitability of the local highway network to accommodate additional significant development. As stated above, access to this site had been an issue for many years; a network of narrow historic streets connects the site with the rest of the highway network namely Orchard Crescent, Plymstock Road, and Oreston Road. These roads contain sections which are narrow and/or lacking in footways, restricting the amount of development that can be accommodated at the site due to the impact that additional trips in the area would have on the local highway network.

Two previous Planning Applications for this site referenced 08/02268/OUT for 118 residential units, other smaller uses laboratory space for the existing occupier (GEOSA Ltd), and 09/01060/OUT 96 residential units, a marine sciences block, the offices and laboratory space for GEOSA Ltd, were refused planning permission in 2008 and 2009 respectively.

The resulting Appeals by the developer were dismissed by a Planning Inspector on 4 March 2010 who noted that *“the development of the site as envisaged in the applications would result in a substantial increase in vehicular movements giving rise to prejudice to public convenience and to interference with the free flow of traffic”*. He also noted that *“development on the site should to some degree be constrained by the standard of its approach roads”* and that *“a level of development such as that now proposed in both appeals ... would not support convenient traffic movement .... or provide for a satisfactory access”*.

However, no limit was set by the Inspector on what future development should be permitted on the site but he noted that *“some modest increase in overall traffic generation should be permitted notwithstanding that it may result in some increase in congestion of the surrounding streets”*. Also he considered that the historical approach of only allowing the equivalent of 70 houses-worth of traffic generation should not necessarily be rigidly applied in the future.

Since the Appeal in 2010 the Applicant has sought to establish what a suitable level of traffic generation might be, which has been assumed to be less than the 118 and 96 dwellings proposed within the previous applications at the site. The current proposal is for substantially less than the 96 and 118 units previously refused planning permission in 2008 and 2009. It is accepted that the residual part of the site occupied by the GEOSA business would still generate some smaller amounts of traffic but, unlike previous proposals, this area is not included as part of the current application.

It is noted that objections to the proposal have been made by residents of Old Wharf on the basis that the Old Wharf access road is unsuitable for the increased levels of traffic. However this road is a relatively new road, conforming to modern standards of design with continuous footways. It is also a much higher standard than other roads in the area particularly Plymstock Road, over which the Inspector noted

that some increase in traffic might be acceptable. In addition the levels of traffic proposed by the development would be in the order of an additional vehicle every 2 minutes which would be difficult to argue constitutes a safety hazard or significantly impacts upon congestion. It is therefore considered that the proposal strikes a balance between the previously refused permissions and that level recommended in the past whilst conforming to the level of development inferred by the Inspectors report.

The Council's Transport Officer has stated support for the application, recommending approval subject to conditions, and commenting that *'In terms of site layout at least two car parking spaces per unit are proposed which is considered sufficient. The site would be accessed by vehicles from Old Wharf and a footway/cycleway connection would be provided at the eastern end of the site which in turn connects with a new footway/cycleway which connects to wider Plymstock area.'*

*The construction and surfacing arrangements of the estate road will be agreed under the provisions of the Section 38 process but the submitted plans give an indication of the mix between adopted and unadopted areas and tarmac and block paved streets. It is requested that the eastern half of the site be similarly block paved as this area is a shared space.*

*The proposal should make provision for sustainable modes of transport and some covered, secure cycle parking should be provided on site to encourage residents to cycle and use sustainable transport for local journeys. This is particularly appropriate for those dwellings without garages.*

*The site lies within walking distance to local shops, services and Public Transport routes. It is considered that there are good opportunities for future residents to use alternative modes of transport to and from the site.'*

The application makes provision for the existing coastal footpath to be continued from the Old Wharf into the site and safeguards a link at the western end of the site next to the waters edge, should the adjacent site ever come forward for development. A pedestrian and cycle link is also provided at the eastern boundary of the site, to improve connectivity. It is not considered appropriate to seek contributions from this development to fund a future foot bridge link across Hooe Lake due to the high development costs that the proposal incurs, which have a significant impact upon the schemes viability.

For the reasons stated above, it is considered that the application would not have a significant detrimental impact upon the local highway network, and that the application is compliant with Policy CS28 (Local Transport Considerations) of the Core Strategy.

#### Public Protection Issues

The Council's Public Protection Service (PPS) has been consulted with regards to the impacts that the development may have on existing residents and also any impact that existing features may have on the proposed development. They have considered impacts from noise, air quality and contaminated land.

Although potential adverse impacts have been identified, PPS has advised that these can be mitigated during the course of development.

During the construction phase the applicant will be required to abide by a Code of Practice for Construction and Demolition, this will address all of the environmental impacts from the development during the construction.

The issue of contaminated land has been subject of a number of technical reports and PPS Officer's have visited the site previously to advise on the best way to ensure that the site is cleansed before development is undertaken. The site is heavily contaminated due to previous uses and the reports submitted with this application identify areas of contamination that will need to be investigated in more detail and outline the most appropriate remedial measures that will be necessary to mitigate the impacts of any previous contamination. In order to secure the necessary mitigation pre-commencement conditions are recommended.

### Affordable Housing

The delivery of Affordable Housing development is one of the top priorities for Plymouth City Council. The policy context is set out in paras.10.17-10.24 of the Core Strategy which supports policy CS15. With such high levels of Affordable Housing need, consistent delivery of Affordable Housing units can cumulatively make a big difference to catering for the City's overall housing need.

The proposed development will provide 53 homes. The applicant has submitted a viability report for consideration, due to the abnormal development costs at this site, which include cleansing due to former uses and netting of the cliff face. Following an initial appraisal, it has been accepted that the scheme can deliver 9% affordable housing, which is below the City's Market Recovery Initiative level, equating to 5 units of intermediate tenure (shared ownership).

Given the location of the development site and limited affordable housing provision in this area, the Housing Delivery Team is keen to seek on site provision in an effort to create a balanced, mixed, sustainable community. However it is also mindful of the need to ensure affordability having regard to local income and house prices. Working with the Registered Provider, residents of the affordable housing units will be able to meet their housing costs.

Whilst the level of affordable housing proposed at this site is slightly less than desired, it is considered that the provision of 5 affordable units on site is acceptable when considering the high abnormal costs associated with the development, which has a significant impact upon the developments viability.

### Letters of Representation

The issues raised in the letters of representation received, which are listed in the Representations section of this report, are considered in the sections above, under the main analysis section of the report and under the relevant sub headings.

### Other Issues

Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off set at least 15% of predicted carbon emissions for the period 2010 – 2016.

The application proposes the use of Air Source Heat Pumps to ensure compliance with policy CS20 and the energy savings that this requires. Air Source Heat Pumps help to eliminate the need for fossil fuel heating systems and are highly efficient with 1 kw of electricity consumption generating 3-5 kw of renewable heat throughout the year. The main advantage of a Heat Pump is that heat energy is extracted from the outside air (even down to -20deg C) and brought inside the dwelling to provide low-cost heat. A heat pump is up to 5 times more efficient than traditional fossil fuel heating methods and can be fitted outside a house or in the roof space.

Heat Pumps are recognised as a renewable heating technology by the European Union and UK Renewable Energy Strategy. They have been classified by BERR as a renewable low carbon technology and 3 manufacturers are listed on the BRE's Green Book as providing "approved products". Air Source Heat Pumps are recognised for ENEC CSH which means it is a credible and recognised Energy Saving device that helps to reduce CO2 emissions. At this site, the savings equate to 15.37%, compared to the policy requirement of 15%, which is compliant with Policy CS20 of the Core Strategy.

Policy CS19 (Wildlife) requires that the application makes provision for protected species at the site and that it delivers a net biodiversity gain. Currently, the site is mainly hard surfaced and has little biodiversity value, so biodiversity enhancement at the site is relatively easy to achieve. The site does contain protected areas that form part of the Plymouth Biodiversity Network and these are retained. The provision of bird and bat boxes within the development, plus the landscaping shown on the submitted drawings would provide a net biodiversity gain at the site, in accordance with the requirements of Policy CS19. A condition is recommended to secure the details of the ecological improvements proposed, in order to bring about a net biodiversity gain at the site.

### **Section 106 Obligations**

Planning obligations have been sought in order to help mitigate the infrastructure impacts of the development and satisfy the policy requirements for the proposal, pursuant to Core Strategy Policy CS33 and the Planning Obligations & Affordable Housing Supplementary Planning Document.

### Infrastructure impacts

1. Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is a deficiency of school places in the locality given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £69, 000.

2. Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the locality of the development is substantially deficient for meeting the needs of the population growth in this area. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £11, 300.

3. Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £5, 699.

4. Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically through the need for green space improvements. The estimated cost of mitigating this impact is £16, 600.

5. Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £30, 100.

6. Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically through the need for play facility improvements. The estimated cost of mitigating this impact is £11, 900.

7. 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 £37, 000.

8. 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 £876.

9. Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £23, 600.

10. Transport. By reason of the increased population facilitated by the development and the increased demand for journeys, the development will have a cumulative impact 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 the impacts on the strategic highway network is £116,600

11. Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £2,800.

### Policy requirements

In addition to these infrastructure impacts, consideration needs to be given to the seeking of planning obligations in relation to relevant policy requirements, most particularly:

1. Provision of affordable housing, in accordance with Core Strategy Policy CS15. The application provides for 5 affordable homes, which represents 9% of the total development.

### Other considerations

The applicants have asked for the application to be considered under the Council's Market Recovery Scheme, which allows reductions to the contributions required to mitigate the impacts of the proposal and for Affordable Housing levels to be reduced from 30%, subject to the findings of a viability report. The applicants submitted a viability report that demonstrated that the site incurred abnormal development costs and this was found to be sound by the Local Planning Authority.

The abnormal costs associated with cleansing the site and netting the cliff face have severely impacted upon the proposed developments ability to return a profit.

Whilst discussions are ongoing with regards to viability, in particular the proposed phasing of payments, there is considered to be a strong case for relaxing the level of mitigation sought to be able to secure delivery of this project. In such circumstances, it is necessary to consider prioritising the obligations having regard to evidence of key issues in the neighbourhood and the strategic impacts generated by development. In this context the most significant impacts and policy needs are considered to be in relation to affordable housing, local schools, sport facilities (in particular in relation to swimming) and transport. In addition, it is important to address the Council's legal responsibilities relating to the growth of the city particularly in relation to the European Marine Site. The recommended head of terms set out below reflect these priorities.

### Recommended heads of terms

The Heads of Terms have been agreed with the applicant. This section sets out the agreed position. 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:

a. Local schools: £45, 000 to be allocated to the provision of additional school places within the vicinity of the application site.

b. Playing pitches: £20, 500 to be allocated to the provision of improved playing pitch facilities in the Central and North Eastern sub-area, as identified in the Playing Pitch Strategy.

c. Local health: £11, 300 to be allocated to improvement of primary care health capacity in Plymstock.

d. Strategic green space: £25, 000 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.

e. European Marine Site: £876,.00 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.

f. Strategic sports facilities: £17, 750 to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.

g. Transport: £90, 000 to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan - Eastern Corridor Whole Route Implementation Plan (specifically the Eastern Gateway Project). £13, 250 (£250 per dwelling) which can be used towards the purchase of either, a bicycle, a bus ticket or a ferry concession ticket.

h. The provision of 5 Affordable Housing units.

The applicant's provision of 5 affordable housing units is welcome. The type, size and location will be finalised as part of the section 106 agreement. The other agreed mitigation measures equate to £210, 426.

Each planning obligation sought has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010.

### **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 £544,849 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.

### **Equalities & Diversities issues**

The application provides a range of house types and will be available to all equality groups including affordable units suitable for young families and people on lower incomes. Properties will comply with Lifetime Homes standards suitable for people with disabilities and the elderly and frail. The application therefore does not have any adverse impacts on any equality groups.

### **Conclusions**

The proposal supports the city's ambitious growth agenda in providing 53 new dwellings, much needed homes of different sizes including 5 affordable dwellings. This would increase the catchments for the local centres and help in part in creating sustainable linked communities, in order to comply with Core Strategy policies CS01, CS15 and CS16.

The applicant has agreed to sign up to a Section 106 Agreement to mitigate the impacts of the development on the local and strategic infrastructure. These include contributions of nearly £ to comply with Core Strategy policy CS33.

There are difficulties developing the land given the site's constraints, being a restrictive local road network, significant contamination of the site and the cliff face which requires netting in order to be made safe. The applicant has worked with officers to address these areas of concern. The principles of the design, layout and appearance have been agreed. Highways issues have now been resolved. On-site renewable energy production will be provided in compliance with Core Strategy policy CS20.

For these reasons the application is recommended for approval. However, if the Section 106 agreement is not completed by 12<sup>th</sup> May 2012, delegated authority to refuse is recommended because the application would not mitigate the infrastructure impacts of the development.

## Recommendation

In respect of the application dated **26/07/2012** and the submitted drawings 0435 - 100, 0435 - 101, 0435 - 102 H, 0435 - 103 A, 0435 -104-1 D, 0435 -104-2 C, 0435 - 105 D, 0435 - 106, 0435 - 107 D, 0435 - 108 D, 0435 - 109 A, 0435 - 110 F, 0435 - 111 D, 0435 - 112 D, 0435 - 113 D, 0435 A, 5048, 5048 L-02, 11-05-151 - 051 P02, 11-05-151 - 100 P04, 11-05-151 - 110 P02 and accompanying Housetype Drawings, Design and Access Statement, Flood Risk Statement, Archaeological Report, Planning Statement, Ecological Impact Assessment, Ecological Mitigation and Enhancement Strategy, Energy Report, Rock Face Report, Waste Management Plan and Arboricultural 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 24 October 2012.**

## Conditions

### DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

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

#### Reason:

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

### APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0435 - 100, 0435 - 101, 0435 - 102 H, 0435 - 103 A, 0435 - 104-1 D, 0435 -104-2 C, 0435 - 105 D, 0435 - 106, 0435 - 107 D, 0435 - 108 D, 0435 - 109 A, 0435 - 110 F, 0435 - 111 D, 0435 - 112 D, 0435 - 113 D, 0435 A, 5048, 5048 L-02, 11-05-151 - 051 P02, 11-05-151 - 100 P04, 11-05-151 - 110 P02.

#### 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.

### SITE CHARACTERISATION

(3) 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,
  - archaeological 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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

**SUBMISSION OF REMEDIATION SCHEME**

(4) 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 2009 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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

**IMPLEMENTATION OF APPROVED REMEDIATION SCHEME**

(5) 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.

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 policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

#### REPORTING OF UNEXPECTED CONTAMINATION

(6) 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

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 policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

#### NOISE

(7) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason: To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

#### NOISE VERIFICATION

(8) Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason: To ensure that the above noise insulation standards are met to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

## CODE OF PRACTICE

(9) 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 management plan 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. The development shall be constructed at all times in accordance with the approved 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.

## STREET DETAILS

(10) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

### Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## ACCESS

(11) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## DETAILS OF NEW JUNCTION

(12) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CYCLE PROVISION

(13) No dwelling shall 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 20 bicycles to be parked.

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.

#### CYCLE STORAGE

(14) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building, in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DETAILS OF NEW JUNCTION

(15) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TRAVEL PLAN

(16) No dwelling shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage staff to use modes of transport other than the private car to get to and from the development site. It shall also include arrangements for monitoring the use of provisions available through the operation of the RTP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of first occupation the developer shall operate the approved RTP.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PROVISION OF PARKING AREA

(17) 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 in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

#### GRAMPIAN

(18) No dwelling shall be occupied until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

Reason:

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

#### LANDSCAPE DESIGN PROPOSALS

(19) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation for the whole site including the woodland area 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 artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant].

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SOFT LANDSCAPE WORKS

(20) 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 where appropriate; the implementation programme].

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.

#### LANDSCAPE WORKS IMPLEMENTATION

(21) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### LANDSCAPE MANAGEMENT PLAN

(22) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas including the woodland area based on the Management and Enhancement Plan dated 4 November 2011 other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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.

#### SUSTAINABLE RESOURCE USE

(23) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the Carbon Reduction Strategy by Stuart Milne dated 31st May 2012. This identifies and proposes the use of Air Source Heat Pumps as the preferred method of incorporating onsite renewable energy production.. 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 (in this case Air Source Heat Pumps) shall be provided in accordance with details to be submitted and approved in writing by the Local Planning Authority prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 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.

#### EXTERNAL MATERIALS

(24) No development shall take place until a schedule of materials to be used in the construction of the external surfaces of the development hereby permitted has 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.

#### BOUNDARY TREATMENT

(25) 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 in accordance with a timetable to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

#### FURTHER DETAILS

(26) 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:-

Further details of the proposed anchoring and netting required to stabilize the rock face as outlined in the report produced by Vertical Technology dated 15th March 2012.

The works shall conform to the approved details and be permanently retained.

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.

## BIODIVERSITY

(27) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation Strategy for the site. Prior to development on site commencing, a Construction Environment Management Plan (CEMP) and Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the approved details.

### Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF.

## EXTERNAL LIGHTING

(28) Prior to development on site commencing, details of any proposed external lighting/floodlighting shall be submitted to and agreed in writing with the Local Planning Authority. The agreed details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the LPA is provided to any alternative external lighting/floodlighting.

### Reason:

To minimise the impact of light pollution on foraging bats in the locality in accordance with the provisions of Core Strategy policies CS01, CS02, CS19, CS22, CS34 and relevant Government advice in the NPPF.

## LIFETIME HOMES

(29) The development shall be constructed strictly in accordance with drawing no. 0435 - III D showing 11 units within the development to be constructed to Lifetime Homes standards. The layout of the floor plans hereby approved shall be permanently retained for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

### Reason:

In order to provide 20% Lifetime Homes at the site, in accordance with Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

## INFORMATIVE: SECTION 38 AGREEMENT

(1) Any of the roadworks included in the Application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980.

## INFORMATIVE: SECTION 278 AGREEMENT

(2) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The Applicant should contact Plymouth Transport and Highways for the necessary approval.

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

Having regard to the main planning considerations, which in this case are considered to be the impact of the proposal on the local highway network and local visual amenity, 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 (1) 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
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS19 - Wildlife
- CS20 - Resource Use
- CS21 - Flood Risk
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- NPPF - National Planning Policy Framework March 2012