

PLANNING APPLICATION REPORT



ITEM: 05

Application Number: 12/02082/FUL

Applicant: Senate Properties (SW) Ltd

Description of Application: Erection of 16 detached dwellings with new access from Springfield Close, associated access road and public open space (Demolition of 27 Springfield Close)

Type of Application: Full Application

Site Address: 27 SPRINGFIELD CLOSE, AND LAND TO REAR
PLYMOUTH

Ward: Plymstock Dunstone

Valid Date of Application: 30/11/2012

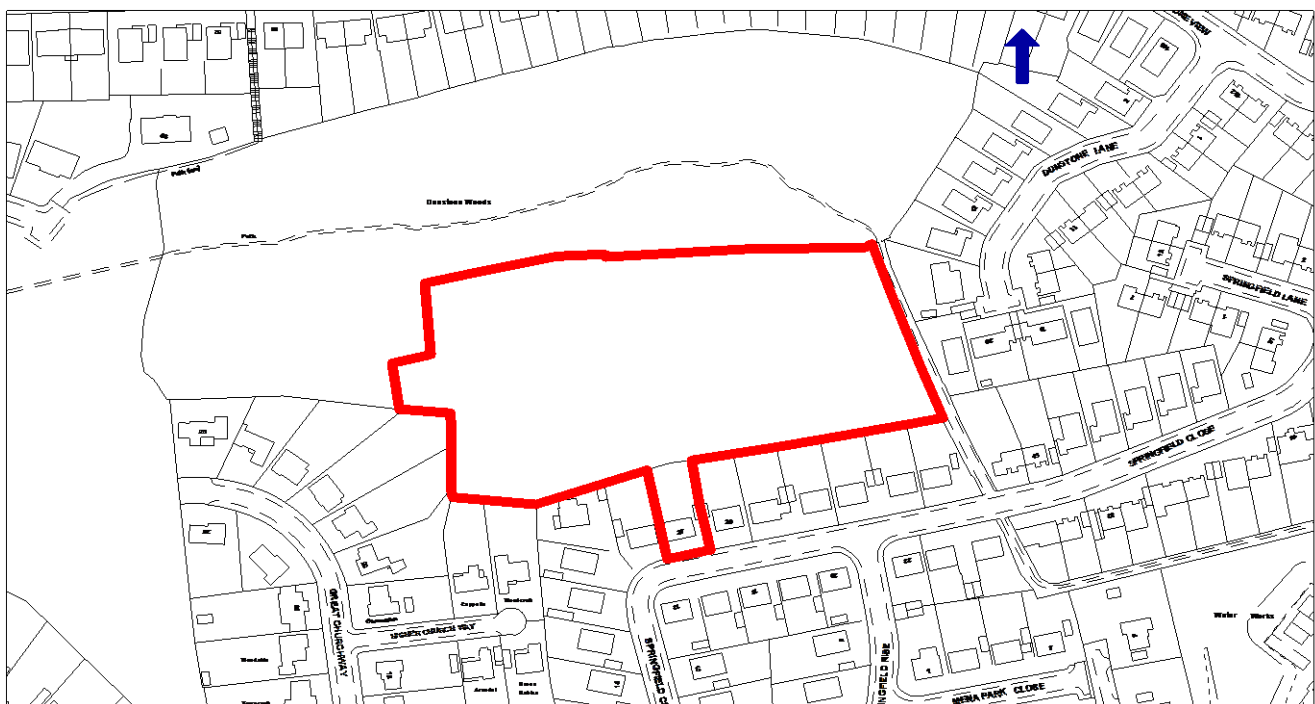
8/13 Week Date: **01/03/2013**

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 26th February 2013.

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Site Description

The site is located within the residential suburb of Plymstock, in the east of the city, immediately to the south of Dunstone Woods. It is currently an open grassed field that is surrounded by heavy woodland to the north, residential development to the east and south and further woodland and an area of public open space to the west. It has previously been used for horse and donkey grazing. The site contains one residential dwelling, no. 27 Springfield Close

The site measures 1.22 hectares in area and the majority of it is rectangular in shape, measuring 150 metres from east to west and 80 metres from north to south. The site is relatively flat although there is a slight fall across the site from east to west and an even slighter fall from north to south.

A public path runs adjacent to the east of the site, providing access from Springfield Close to the south east corner of Dunstone Wood. The boundaries of the site are defined by a post and wire fence entwined with dense brambles and undergrowth.

Proposal Description

This application proposes to develop the site for a residential development of 16 detached dwellings with private garages, including associated access road, landscaping and public open space. It is also proposed to demolish no. 27 Springfield Close.

The dwellings proposed can be described as 'executive housing' with large plots and generous gardens, all with private garages and off street parking. The application proposes twelve 4 bed houses and four 5 bed houses. All of the proposed dwellings are detached and either 2 or 2.5 (accommodation in roof space) storeys in height.

The application proposes that the site is accessed from Springfield Close, with a new access road created to serve the development through the plot of the existing number 27 Springfield Close, which is proposed to be demolished. The new access road is in the form of a cul de sac and contains two standard T junctions at both the east and west ends of the site.

It is proposed to create an area of public open space in the north of the site which will act as a buffer to Dunstone Wood. This is described as an 'ecotone' biodiversity area and will be a total of 3522 metres squared in size, along the northern site boundary between the proposed residential development and Dunstone Wood. It would create a buffer zone between the proposed development and Dunstone Wood and maintain suitable habitat for a range of flora and fauna in the long-term. It is proposed to contain a number of habitats, including 881metres squared of wildflower meadow and native planting of an area of 1307.8m² with 20% hazel, 25% hawthorn, 30% beech, 5% holly, 10% blackthorn, 5% goat willow and 5% elder. This area also contains proposed footpath links from Springfield Close into Dunstone Wood and additional tree planting.

Pre-Application Enquiry

MA/262/PRE – Pre-application enquiry made under Development Enquiry Service for 40 dwellings. Discussion over principle of development and density of proposed development.

Relevant Planning History

12/00811/FUL - Erection of 24 dwellings, with new access from Springfield Close and associated access road, car parking, public open space and biomass boiler (demolition of 27 Springfield Close). WITHDRAWN.

11/02028/FUL - Erection of 24 dwellings with new access from Springfield Close and associated access road, car parking and public open space. Demolition of 27 Springfield Close. WITHDRAWN.

Consultation Responses

Highways Officer

No objection subject to conditions.

Public Protection Service

No objection subject to conditions.

Police Architectural Liaison Officer

No objections.

Representations

97 letters of representation received, all in objection to the application. Below is a summary of the reasons raised:

1) Detrimental to the natural habitat of the woods

Concern about the effect of the proposed development on wildlife, flora and fauna in the area. The field is over flown by bats on a frequent basis which is affected by light and noise. The field forms a substantial and effective buffer for Dunstone Wood and is designated Green Open Space. It provides good habitat for small mammals that are predated by Tawny Owls that live in the wood. For the last 6 months, a pair of Kestrels has been regularly feeding in the field. A healthy Slow Worm population can also be found, along with dozens of ant nests. Green Woodpeckers can be seen feeding on the ants. As the field has not been grazed for at least 15 years, it has evolved into a wild meadow that is rich in plant and insect species. Bats are also in abundance and can be observed regularly feeding over the field, boundary hedges and woodland edge. They also roost within the wood which itself supports a significant population of birds and squirrels. Any development of the field would have a disastrous effect on the ecology and wildlife of Dunstone Wood, not only from loss of habitat and disturbance by human encroachment, but by the huge amount of light pollution from the street lighting of such a scheme.

2) Loss of Green Space.

The proposal to provide a small area of 'green space' would in no way alleviate the ecological damage caused by the proposed development, (even if it were to be eventually undertaken by the developer) as it would not replace the scale of natural grassland which has developed over decades. It seems imprudent to approve a development, which will, amongst other things, irreparably harm an area recognised by the Local Authority as valuable green open space in this area, and which may not

even be completed. The site is a Greenfield site and therefore development contravenes planning policy. Local Plans have previously proposed to retain this space.

3) Traffic

The amount of extra traffic using the roads in the area. With the national average of 2.2 cars per house this will mean that there will be approximately another 40 cars using the existing road network in the area which is already used as a rat run for some motorists in a built up area, where people already park on the pavement. The traffic generation associated with the development would cause danger to the local highway network and the proposed access to the site is too close to the bend on Springfield Close.

4) Demolition of 27 Springfield Close

The integrity of the Architect's plans for Springfield Close would be violated by removal of this property.

5) Loss of privacy

Ten of the proposed houses will be three storeys in height with a 10 metre height to the roof ridge This will result in a loss of privacy.

6) No affordable houses planned

The development does not include and affordable housing.

7) Residential Amenity

The houses on Springfield Close will be overlooked.

Analysis

As stated above, this application proposes to develop the site for a residential development of 16 detached dwellings with private garages, including associated access road, landscaping and public open space. It is considered that the main issues in the determination of this application are: the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon nearby properties residential amenities; and impact upon the surrounding highway network. These issues will now be addressed in turn:

Principle of Development and Ecology

The site presently comprises of an overgrown field of semi-improved grassland and a residential dwelling (27 Springfield Close). The site was ploughed in January 2012 and a large proportion of the field contains furrows and ridges and is dominated by a range of scrub species including bramble, nettle, broadleaved dock, bracken and hedge bindweed. The dense scrub has resulted in the site being impenetrable in places.

With regards to planning policy history, the superseded 1996 Adopted Local Plan First Alteration identified this site as Urban Open Land (Policy AEVI), and on which development would be granted but only where the proposal does not conflict with the open character and function of the area and is required to be within such an area.

The site was again considered as part of the 2001 First Deposit Local Plan in which it was identified as a Greenspace site under Policy 69. The consultations including Community Planning Studies leading up to the publication of the First Deposit Local Plan resulted in numerous objections to a land owner proposal to develop this site. It was subsequently decided not to proceed with the local plan format, in favour of the then newly introduced Local Development Framework.

This led to further consultation events in preparation for the Sustainable Neighbourhoods Development Plan Document, leading to the receipt of 15 objections lodged against development of this site. Work on the Sustainable Neighbourhoods DPD will now form part of the evidence base of the Plymouth Plan which is in the course of preparation.

Although the potential use of this site has been discussed for a number of years, it has not been formally tested by receipt of a formal planning application. The value of the site as a greenspace is considered in this section and the paragraphs to follow.

With regards to the issue of greenspace, the Elburton and Dunstone Sustainable Neighbourhood Assessment shows the site as a greenspace but it is not identified as being publicly accessible as it is in private ownership.

Whilst the Green Space Schedule (GSS) [2011] identifies the site as not being publicly accessible, it recognizes that it performs functions of visual amenity and as a separation/buffer. The site is also recognized as a biodiversity network feature. The GSS is an update on the Greenspace Assessment which incorporates data collected for the Greenspace Strategy, Playing Pitch Strategy and Green Infrastructure Plan. Concerning planning policy, Policy CS18 (Plymouths Green Space) of the City of Plymouth Local Development Framework Core Strategy (2007) seeks to protect such areas and states that *'Development on or adjacent to a Greenspace Area will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area'* and that development proposals will be required to *'improve the quality and quantity of accessible green space, where appropriate'*.

Greenspace areas can perform a number of functions and within the Greenspace Schedule are recognised for having value in the following eight areas; 1 Informal recreation; 2 Sport and Formal Recreation; 3 Habitats and Species; 4 Visual Amenity; 5 Separation Buffer; 6 Access Corridors; 7 Historical/Cultural and 8 Countryside/Food Growing.

These 8 functions are evaluated and given a scale of importance to determine their value. The scale of importance ranges from Neighbourhood to International Value and the full scale is as follows:

Neighbourhood (least value)
District
City
Regional
National
International (highest value)

Within the Greenspace Schedule the site is confirmed as being of District value for both its recognized functions as a separation buffer and for visual amenity.

The key issue to consider in relation to greenspace is therefore the impact that the development will have on these functions. The proposal includes within the site an area of open, publicly accessible greenspace that provides a separation buffer between the proposed development and Dunstone Wood. The site's value as a separation buffer at District level, in officer's opinion, is therefore retained within the proposal, as a buffer between the development and the woods is provided in the form of an Ecotone Zone, a publicly accessible greenspace with enhanced landscaping and planting.

Whilst the site is also considered to have District value for visual amenity, it is not considered to be an important part of the landscape and does not occupy a prominent position, being hidden from the surrounding areas by existing residential development and Dunstone Wood. Its value with regards to visual amenity is therefore considered to be particularly low. It is considered that the site's value as an area of visual amenity will be enhanced by the proposed development as the area of 'Ecotone' will improve the site with additional planting and landscaping and provide formal access into the surrounding areas of greenspace. The landform, hedgerows and nature of the proposals mean that new housing within the site will be readily assimilated into the landscape and visual context without detriment to the landscape character.

The site is valued at Neighbourhood level for habitats and species and is also part of the local biodiversity network. The application is accompanied by an Ecology Report incorporating a Phase I Habitat Survey, Reptile Surveys and Bat Surveys. An Ecological Enhancement and Mitigation Strategy has also been submitted. The information submitted by the applicant has revealed that the site is of low ecological value and this has been confirmed by officers. The application is considered to enhance ecology at the site through implementation of the applicants Ecological Mitigation and Enhancement Strategy. Officers consider that the proposed development maintains and improves the sites value for habitats and species and ensures that its biodiversity features are also enhanced.

With regards specifically to Ecology, the following reports have been submitted in support of the application:

- Ecological Report - incorporating Phase I Habitat Survey [Aug 2012], Reptile Surveys [Sept 2012] and Bat Surveys [July-Sept 2012]
- Ecological Mitigation and Enhancement Strategy [Oct 2012]

The habitats within the site are considered to be of low ecological value.

Five species of bat were recorded foraging within, and commuting through the site indicating that although not roosting within the site, bats are using the site. However, suitable foraging and roosting habitat is present immediately adjacent to the site and the value of the site to bats is therefore considered to be of moderate importance.

Maximum counts of 31 slow worms have been recorded within the site. This is considered to be a significant population and the site is considered to be of moderate value for slow worms. The linear features, particularly the overgrown hedgerow and areas of scrub vegetation are likely to be used by foraging and nesting birds.

The measures proposed within the applicants Ecological Mitigation and Enhancement to mitigate and enhance biodiversity features at the site are as follows:

Bat roosts

- Five bat access tiles located on all aspects of the development, adjacent to Dunstone Wood and the eastern boundary hedgerow.
- Two access points into cavities on the dwellings within the north-eastern and north-western areas.
- Three combined bat and swift boxes – Schwegler IMF, within the north-eastern and north-western areas
- Ten wooden wedge-shaped bat boxes on mature trees within Dunstone Wood.
- Ten Schwegler woodcrete bat boxes on mature trees within Dunstone Wood

Bird nesting

- Three combined bat and swift boxes – Schwegler IMF within the north-eastern and north-western areas
- Three Ibstock Swift boxes facing suitable habitat along the northern site boundary.
- Two House Sparrow Schwegler GmbH Type 24 boxes facing the existing linear features and new 'ecotone' meadow
- Five wooden robin boxes within Dunstone Wood
- Ten wooden blue tit boxes within Dunstone Wood

Reptiles

- Reptiles will be removed from the site and working areas to areas of suitable habitat outside the site, i.e. the linear site boundaries and Dunstone Wood. The higher value green space will be created [3522m²] and will provide suitable habitat for slow worms in the long-term.

Habitats

- The creation of a native Devon hedgebank 161m in length along the northern boundary of the residential development.
- The creation of a 'ecotone' biodiversity area, 3522m² in area, along the northern site boundary between the residential development and Dunstone Wood. This will create a large buffer zone and maintain suitable habitat for a range of flora and fauna in the long-term. Habitats within this area will include a 881m² area of wildflower meadow and native planting of an area of

1307.8m² with 20% hazel, 25% hawthorn, 30% beech, 5% holly, 10% blackthorn, 5% goat willow and 5% elder.

- Management and maintenance of the hazel and blackthorn hedgerow forming the eastern site boundary. This hedgerow is currently unmanaged. Management such as undertaking hedge-laying would increase the biodiversity value of this feature for a range of flora and fauna.
- Native tree and shrub planting – in addition to those within the ecotone, native trees will also be used for landscape planting within the built development. The following will be planted in the open spaces; 2 beech, 2 silver birch and 3 oak trees, and the following will be planted in the internal street/domestic gardens; 6 silver birch, 6 rowan and 7 bird cherry trees.
- Crown lifting of trees that grow along the southern margin of Dunstone Wood, to enable a more effective 'ecotone' to be established.

Whilst 1.1ha of low quality grassland will be lost, the above ecological enhancement measures are, in officers' opinions, sufficient to ensure that protected species at the site are being safeguarded and net biodiversity gain is being provided in line with policy CS19 (Wildlife) of the Core Strategy and the NPPF paragraph 109 which states that the planning system should 'contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible...'. NPPF paragraph 118 also states that when determining applications, local planning authorities should encourage opportunities to incorporate biodiversity in and around developments.

Summary

The development is considered to improve the functionality of the existing green space, through the provision of a reduced but publicly accessible greenspace with enhanced landscaping and biodiversity features. The ecological enhancements proposed and provision of formal access and public open space linking with the adjacent woodland and greenspace ensure adequate mitigation for the loss of a site that is of low value for habitats and species and not publicly accessible. The proposed development is therefore considered to be in accordance with policies CS18 (Plymouths Green Space) and CS19 (Wildlife) of the Core Strategy and with NPPF paragraph 14 which states a 'presumption in favour of sustainable development'.

Impact upon the character and appearance of the area and visual amenity

Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised by residential development mainly comprising of semi-detached and detached properties, on fairly large, generously proportioned plots.

Concerning issues of density and dwelling numbers, the density ratio at the site is 13dph when considering the whole site and 19 dph when considering just the developed area (not including the area proposed as public open space).

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 proposed density level at the site is consistent with the surrounding area, which is characterised by detached and semi detached lower than average density housing. This is considered acceptable, the site is on the fringes of the city and lower density housing with larger plots is most appropriate in these suburban, out of town locations.

Concerning the location of the site and context, the site is located on relatively high ground between existing dwellings and a densely planted Wood. Owing to the wood and built up nature of the context immediately to the east and south of the site, it is not prominent from the areas that are closest and is also well hidden from surrounding areas of the city.

With regards to layout generally, the proposal is reflective of the existing built form in the area by providing detached dwellings in an area that is characterised by semi detached and detached family dwellings with large curtilages. Entrance to the site is formed to the South to link with Springfield Close and is facilitated by the demolition of no. 27 Springfield Close. This allows for the construction of a 5.5m wide estate road flanked either side by a 1.8m wide pavement and grass verges.

Upon entry into the site, the new access road then splits to form two standard T junctions at both the east and west ends of the site with properties built on either side, creating a cul-de-sac with no access through the site. The dwellings provide surveillance of the road to improve security for future residents. The plot sizes are consistent with the existing development in the area and the site layout respects the established pattern of development in this part of Plymstock.

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 adjacent to the east, south and west boundaries of the site back onto the rear gardens of existing dwelling on Springfield Close, Higher and Great Churchway and Dunstone Lane. The dwellings that back onto the new area of 'Ecotone' public open space are double fronted and their rear elevations have been designed to maximise overlooking of the new open space adjacent to Dunstone Wood. This has been achieved by incorporating large areas of glazing and feature balconies on their rear elevation, with low hedging in the form of a Devon Bank used to define their rear boundaries. This ensures the provision of a safe and secure environment, with natural surveillance of all public areas within the site, 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 a clear and defined pedestrian link through the site to the areas of greenspace to the north of the site. The proposal therefore provides improved access to the existing network of local greensapce and a clear pedestrian route that links into the existing network of public footpaths in the adjacent areas of woodland and open space.

It is considered that the layout has achieved an acceptable balance between providing a good quality residential development of executive homes whilst ensuring expansion and improvements to accessible local greenspace.

With regards to massing, design and external appearance, the whole site follows the same design form and the different dwelling types contain some very similar features that ensure that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The different house types proposed provide variation to the streetscenes and have a modern approach to their external aesthetics that the architect has described as 'contemporary executive eco' within the Design and Access Statement. The form, scale and design of the external envelope to the houses is considered complimentary to the surrounding area and form an individual and appealing contemporary design to what will be an executive development of luxury homes.

In summary, it is your Officers' 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 proposed development provides a high quality contemporary housing scheme that in terms of scale, massing and design is sensitive to the character and appearance of the existing surrounding development, making a positive contribution to local visual amenity. The layout and design of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of 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.

The layout of the site has been arranged in order to minimise impact on the surrounding properties. The properties that are closest to the site, located on Springfield Close, Great and Higher Churchway and Dunstne Lane have 'back to back' relationships with the proposed dwellings adjacent to the east, south and west boundaries of the site. The separation distance between the existing dwellings referred to and the proposed dwellings is in excess of the 21 metres separation distance quoted in the Development Guidelines SPD as being the minimum acceptable distance. In fact most of the dwellings surrounding the site are a minimum of 24 metres from the closest point of the nearest proposed dwelling. The topography at the site, being fairly level, does not present any additional residential amenity issues.

The layout of the site has been arranged so that the relationship between the proposed dwellings within the site is acceptable. In summary, it is considered that there will be no significant residential amenity conflict created between the existing dwellings and proposed development and the application is therefore considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Highways Issues

The application proposes that the site is accessed from Springfield Close, with a new access road created to serve the development through the plot of the existing number 27 Springfield Close, which is proposed to be demolished. The new access road is in the form of a cul de sac and contains two standard T junctions at both the east and west ends of the site.

The proposed new access and road off Springfield Close would take the form of a 5.5m wide estate road (which is of a similar width to Springfield Close) and would comfortably accommodate two-way vehicle movements. The access road would have a 1.8m wide footway either side, with soft landscaped margins of shrubs and trees along the back. There would be a standard 'T' junction at either end of the access road, which would provide satisfactory visibility sight lines as indicated in Section 5.3, 'Access Arrangements' of the applicants 'Transport Statement'.

The application indicates that including garages there would be 66 private parking spaces serving the new development, four spaces per dwelling including the private garages. This would be quite a high car parking provision that should be more than adequate to meet the parking demands of the four and five bedroom dwellings, and is in accordance with current national guidance.

The Council's Highways Officer has been consulted and provided comments, stating support for the application subject to conditions and confirming that *'Overall the proposed standard street design and configuration of the development should provide a practical and satisfactory access, road layout, parking provision, and improved public access to Dunstone Woods. The local road network is generally of a satisfactory and safe standard and has sufficient capacity to accommodate the relatively low level of expected additional traffic movements likely to be generated by the proposed 16 family dwellings.'*

In coming to a view Transport has been mindful of the advice contained within our adopted policy guidance, and the National Planning Policy Framework; (March 2012); in particular the national advice of a 'Presumption in favour of sustainable development', and also that 'Development should only be refused on Transport grounds where the residual cumulative impacts of development are severe'. In this case the transport and highway matters and impacts may only be considered as satisfactory.'

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.

In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roofs of the proposed dwellings. These will be almost flush with the roofline and will only have a minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

Affordable Housing

The proposed development will provide 16 large, luxury, family homes in a high value area of the City. The applicant has submitted a viability report for consideration. Discussions with the applicants and relevant officers in the planning department have concluded that the scheme cannot deliver on site affordable housing.

Whilst it is preferable that affordable housing is provided on site, discussions with Registered Social Landlords (RSL) have revealed that based on the size of the proposed units and location of the development site (which must be considered when determining the affordable rent) the rental per week would be too high for any RSL to provide the dwellings for social rent. With regards to shared ownership units, too large a deposit would be required for any of the units to be made available for shared equity (the deposit would be similar to that required to purchase homes for sale on the open market) due to the high value of the location and the type of housing proposed.

In accordance with the Council's Planning Obligations and Affordable Housing SPD, which confirms that where affordable housing cannot be delivered on site a commuted sum will be provided by the developer to fund affordable housing on another site within the city, a commuted sum of £270,000 was agreed with the applicants following consideration of the viability information that was submitted.

It was considered appropriate to seek a commuted sum for off site provision of affordable housing due to the density and layout of the scheme being dictated by other factors affecting the sites development, and not due to contrived avoidance by the developer. The external factors such as the need to provide accessible greenspace and ecology enhancements at the site have resulted in a scheme where it would not be feasible to provide on site affordable housing. It was agreed by all parties that a sum of £270,000 would be acceptable as a sum payable to the City in lieu of affordable housing delivery on site.

All of the dwellings are large enough to be adapted to Lifetime Homes and a condition is therefore attached seeking details of which dwellings will be adapted to Lifetime Homes standards.

Human Rights

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.

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

£196,663 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.

Section 106 Obligations

A planning obligation is required to mitigate the impacts of the proposal. The developers have asked for the development to be considered under Market Recovery and thus agree to the restrictions regarding making a substantial start on the development within 2 years of the date of any planning permission granted. A viability report has been submitted and reductions have been applied in accordance with the market recovery plan and conclusions of the applicant's viability report, which has been verified by officers. Impacts will arise in the following areas:

Local Infrastructure

Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is likely to be a deficiency of school places in the locality from 2012 given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £23,990.

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 £3, 500.

Children's 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 £4,854.

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 £10, 304.

Strategic Infrastructure

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 £357.

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 £8,666.

Strategic transport. By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating this impact is £39,173.

Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £1,100.

Negotiated Element

Contribution of £17, 500.00 for ongoing maintenance of 'ecotone' areas shown on submitted plans, payable prior to occupation of the development.

Contribution of £16, 900.00 towards improvements to Dunstone Woods and adjacent area of greenspace.

Affordable Housing

A commuted sum of £270, 000 has been agreed with the applicants for the provision of affordable housing on another site within the city, in accordance with the requirements of CS15 (Housing Provision) of the Core Strategy.

Heads of Terms

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

- a. Local schools: £23,990, to be allocated to the provision of additional school places within the south east locality.*
- b. Health: £3, 500 to be allocated to the provision of improved library facilities in the area.*
- c. Playing pitches: £10,304, to be allocated to the provision of improved playing pitch facilities in the south sub-area, as identified in the Playing Pitch Strategy.*
- d. Local play space: £4,854 to be allocated to the improvement of local play facilities.*

e. *European Marine Site: £357 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.*

f. *Strategic sports facilities: £8,666, to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.*

g. *Strategic transport: £39 173, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan.*

i. *Public realm: £1,100 to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.*

j. *Maintenance of Ecotone. £17, 500 for ongoing maintenance of Ecotone area.*

k. *Greenspace Improvements. £16, 900 towards improvements to Dunstone Woods and adjacent area of greenspace.*

l. *Commuted Sum for Affordable Housing. £270, 000 for off site provision of Affordable Housing.*

Therefore, to mitigate the impacts of the proposal, a total tariff contribution of £396,344 is required.

Equalities & Diversities issues

The application proposes 16 new residential units that on completion should be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated.

Conclusions

To summarise, this application will provide 16 new dwellings with associated car parking, landscaping and public open space also provided as part of the development package. The applicant has agreed to pay the financial contributions considered necessary to mitigate the impacts of the proposal, to pay a commuted sum for the provision of off site affordable housing and to contribute to the ongoing maintenance of the proposed Ecotone greenspace.

It is considered that the application proposes a good quality housing development with a layout that is sensitive to the existing pattern of development in the area and constraints of the site. The design of the dwellings is contemporary although the form of the development is traditional, with consistency in appearance achieved through subtle repetition of key features and materials. The layout is considered to be a positive response to the constraints of the site and the proposal provides publicly accessible greenspace with enhanced landscaping and biodiversity features, to mitigate the loss of this currently inaccessible parcel of land.

Officers consider that the proposed development would not impact significantly upon nearby properties residential amenities due to the layout and orientation of the proposed dwellings and would not harm the surrounding highway network, providing adequate levels of off street car parking. The application is therefore recommended

for approval, subject to conditions and the satisfactory completion of a S106 legal agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by the 27th February 2013.

Recommendation

In respect of the application dated **30/11/2012** and the submitted drawings PSDI Planning support 3D images (Drawing), 732-100 Site location plan (Drawing), 732-101 Existing site survey (Drawing), 732-102A Proposed site layout (Drawing) 732-103 Housetype T1 (Drawing), 732-104A Housetype T1a (Drawing) 732-105 Housetype T2 (Drawing), 732-106 Housetype T2a (Drawing) 732-107 Housetype T2b (Drawing), 732-108 Existing & proposed streetscape (Drawing), 732-109 Existing site sections (Drawing) 732-110 Proposed site sections (Drawing) and accompanying Design & access statement, Ecology Report, Enhancement and Mitigation Plan, Energy Report, Land Contamination Report, Tree Protection Plan and Greenscape and Visual Impact Analysis, 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 26th February 2013.**

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:

PSDI Planning support 3D images (Drawing)
732-100 Site location plan (Drawing)
732-101 Existing site survey (Drawing)
732-102A Proposed site layout (Drawing)
732-103 Housetype T1 (Drawing)
732-104A Housetype T1a (Drawing)
732-105 Housetype T2 (Drawing)
732-106 Housetype T2a (Drawing)
732-107 Housetype T2b (Drawing)
732-108 Existing & proposed streetscape (Drawing)
732-109 Existing site sections (Drawing)
732-110 Proposed site sections (Drawing)

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.

CODE OF PRACTICE

(3) 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, piling and noisy operations, control of mud on roads and the control of dust.

Reason:

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

CONTAMINATED LAND

(4) 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 shall not take place until sections 1 to 3 of this condition 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 section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment 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'.

Section 2. Submission of Remediation Scheme

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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, 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 section 3.

Reason:

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

ACOUSTIC BARRIERS

(5) Prior to commencement of the development hereby approved, the applicant must submit for written approval of the LPA, specifications and locations of acoustic barriers along the access road to the site. The acoustic barriers must be erected and remain in place for the life of the development.

Reason:

To protect the amenity of residential properties affected by the proposed new access road and to avoid conflict with Policy CS22 of the Plymouth Local

Development Framework Core Strategy (2006-2021) 2007.

STREET DETAILS

(6) No development shall take place 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

(7) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GARAGE DOOR TYPE

(8) Where driveways are less than six metres in length the door to the garage hereby permitted shall be of a type that does not project beyond the face of the garage when opened or being opened. Any driveway shall not be less than five metres in length.

Reason:

In order that the garage door can be opened even when a car is parked in front of it, due to the limited length of the driveway; and in the interest of highway safety.

PROVISION OF PARKING AREA

(9) 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; and to ensure driveways do not drain onto the highway.

PROVISION OF PUBLIC FOOTPATHS

(10) No work shall commence on site until details for the construction of the public rights of way footpaths (both on and off the application site) between the proposed new streets and the existing public rights of way in Dunstone Woods have been submitted for approval in writing to the Local Planning Authority. The public rights of way footpaths shall thereafter be constructed in accordance with the approved details.

Reason:

To improve public access and amenity, in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIODIVERSITY

(11) 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 October 2012 for the site. An Ecological Management Plan for the site will be submitted and agreed in writing with the Local Planning Authority to ensure that site is managed in perpetuity.

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 MATERIALS

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

Reason:

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

DETAILS OF BOUNDARY TREATMENT

(13) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

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

LANDSCAPING

(14) Landscaping at the site shall be carried out in strict accordance with Drawing No. 1453_20110/P08a with further details to be submitted and approved in writing by the Local Planning Authority prior to development commencing on site showing:

- Details of all landscaping, minor artefacts and structures either side of the new access road.

Development shall be carried out in accordance with the approved details.

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.

LANDSCAPE WORKS IMPLEMENTATION

(15) All hard and soft landscape works shall be carried out prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing 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

(16) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation 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.

PROVISION OF DRAINAGE WORKS

(17) No development shall take place until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACE WATER DISPOSAL

(18) No development shall take place until details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the building hereby permitted is first occupied.

Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABLE RESOURCE USE

(19) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the Energy Report written by Energy Compliance Ltd. This identifies and proposes the use of Photovoltaic Cells 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 Photovoltaic Cells) shall be provided in accordance with the afromentioned report and a plan to be submitted and approved in writing by the Local Planning Authority showing the precise location of all PV cells on each individual dwelling. The approved PV Cells shall be installed 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.

LIFETIME HOMES

(20) A minimum of 3 Lifetime Homes shall be provided on the application site. Full details of the Lifetime Homes showing how they meet all the criteria for Lifetime Homes shall be submitted to and approved in writing by the Local Planning Authority before work begins on the development hereby permitted.

Reason:

To ensure that 20% of the dwellings on site are built to Lifetime Homes standards to comply with policy CS15 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(21) 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 commencement of development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned 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.

© The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

TREE PROTECTION DURING CONSTRUCTION

(22) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with 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 levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

INFORMATIVE: CODE OF PRACTICE

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

a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;

- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant, including pre-application discussions, and has negotiated amendments to the application to enable the grant of planning permission.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the principle of development, highway safety, the impact of the proposal on visual and residential amenity and impact upon Ecology, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (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
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- NPPF - National Planning Policy Framework March 2012