

PLANNING APPLICATION REPORT



ITEM: 08

Application Number: 13/01363/FUL

Applicant: Leander Developments Ltd

Description of Application: Demolition of existing dwelling and erection of seven detached houses with new access off Hill Lane and associated landscaping

Type of Application: Full Application

Site Address: 5 HILL LANE PLYMOUTH

Ward: Compton

Valid Date of Application: 29/08/2013

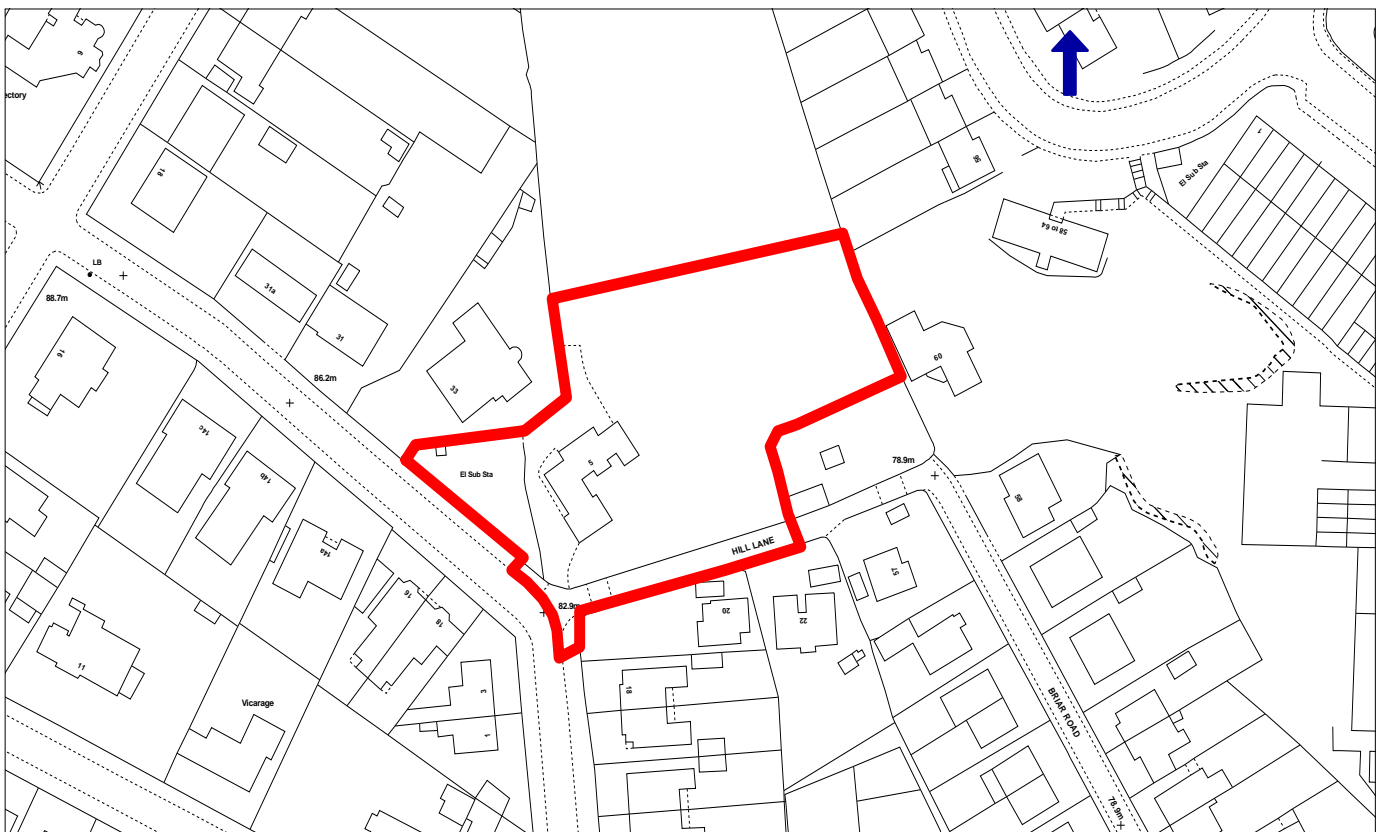
8/13 Week Date: **24/10/2013**

Decision Category: Member Referral

Case Officer : Olivia Wilson

Recommendation: Grant Conditionally

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OFFICER'S REPORT

This application has been called to Planning Committee by Councillor Ted Fry

Site Description

The site comprises the open space adjacent to 5 Hill Lane, formerly the garden of 5 Hill Lane in the Hartley and Mannamead area of the city. It is bounded by the un-made Hill Lane to the south; the large garden of 32 Lockington Avenue to the north; 33 Russell Avenue to the west; and 60 Briar Road and 56 Lockington Avenue to the east. The site contains many mature attractive trees including eight that are protected by TPOs. In addition, there are hedges, water features, beds and lawns, including a spring that runs through the site. The land falls from the southwest to the northeast with a maximum drop of approximately 10 metres. It has an area of 0.33 ha.

Proposal Description

Demolition of existing dwelling and erection of seven detached houses with new access off Hill Lane and associated landscaping.

Pre-Application Enquiry

Pre-application advice was sought. The Council's advice was that the proposal would be acceptable in principle subject to adequate protection of trees, landscaping, access, design and residential amenity.

Relevant Planning History

87/01750/FUL - Change of use and conversion of outbuilding to dwelling - permitted.

06/00744/OUT - Outline application to redevelop site by erection of 11 detached dwellings and garages, with associated access road – refused.

08/01634/FUL – (Part of garden of 5 Hill Lane) Develop part of garden by change of use, conversion, two-storey extension and single-storey extension of store to form dwelling – permitted.

09/01906/FUL - Develop site by erection of five detached dwellings with associated works, including access road – refused (sub-standard access, neighbouring amenity, positioning of access road, nature conservation impact, lifetime homes and insufficient information).

10/01049/FUL- Erection of five detached houses in the garden and conversion of 5 Hill Lane into four flats, associated access, access road and parking – refused (visual and residential amenity, sub-standard access, insufficient information, community benefits).

12/01734/FUL - Erection of four detached, 2-storey dwellings and associated development including formation of new access road, landscaping and removal of part of boundary hedge and wall – withdrawn.

Consultation Responses

South West Water has no objection because there is sufficient capacity to serve the development proposal. It notes that the use of soakaways will require satisfactory percolation tests to be undertaken.

The Public Protection Service has no objection but requests that a code of practice for construction is applied to protect neighbours during construction, a condition requiring the houses to be built to good room criteria standard and also land quality conditions requiring further ground investigation prior to construction.

The Highway Authority has no objection to this application. It notes that earlier applications met with objections as insufficient details were provided in relation to access. The applicant has now demonstrated that a suitable access can be achieved. Hill Lane will be widened and upgraded to meet adoptable public highway standards from the point of access to the site to the junction with Russell Avenue, with provision for pedestrians in the form of a footpath alongside the upgraded road. The existing access to 5 Hill Lane will be removed. Widening the lane will enable two vehicles to pass. The emerging visibility to Russell Avenue meets the required standards.

Concerns have been raised about road safety on this junction. In association with the upgrade of the junction the applicant will be required to seek to provide a Traffic Order (subject to consultation) to prevent on-street parking in the vicinity of the junction by provision of double yellow lines to ensure that cars do not park near to the junction. A private drive is proposed from the access to the site to serve the dwellings. This is acceptable for this number of dwellings. The development is considered to provide sufficient car parking spaces to cater for the needs of residents as well as visitors. The garages are also large enough to cater for cycle storage.

Devon and Cornwall Police Architectural Officer – no objection to this application.

Representations

31 letters of representation have been received from residents of Hill Lane, Briar Road, Lockington Avenue, and Russell Avenue.

These raise the following concerns:

- The increase in traffic as a result of this development will add to already busy traffic on Russell Avenue and Hill Lane. The proposed access would constitute a considerable pedestrian and traffic hazard. As well as residential traffic there will be service vehicle traffic. Hill Lane and Russell Avenue are primary routes for children walking to school, so any additional traffic will be hazardous. Photos have been sent in to show the problem of on-street parking near to the junction.
- Local schools are already full, but there is likely to be demand generated by the new properties.

- The planned soakaway drainage system could lead to flooding of Hill Lane and Briar Road properties. Photos have been sent in to show recent flooding at the end of Hill Lane.
- The existing sewer in Russell Avenue is already over-loaded. Failure in the system would lead to significant contamination of the surface water drainage system.
- The site supports considerable wildlife and protected trees. There will be a loss of a prominent tree on the street frontage.
- The application contains a number of inaccuracies related to the development and the site.
- The proposed dwellings would be overbearing and lead to a loss of privacy of neighbouring dwellings.
- The site is not 'previously developed land' and should not be built upon.
- The proposal is worse than previous applications that were refused. It does not address concerns and objections previously raised.
- The standard of upkeep of the lane has been poor with poor drainage and uneven surfaces. The lane is used as a rat run by lots of vehicles as well as by pedestrians.
- No 22 Hill Lane has to reverse into the lane out of their property, and fears that the new development will make it harder for them to access and exit from their property. The refuse lorry does not serve their property because of the narrowness of the lane.
- No. 33 Russell Avenue is concerned about the proximity of plot 3 to their boundary and the impact on their boundary wall, and the loss of a prominent tree near the boundary and loss of privacy.
- The original house is historic and its loss will be detrimental to the character of the area.
- There will be disruption to residents during construction from heavy vehicles going in and out of the site. There will also be noise and dust.
- Development of the garden will be in contravention of the Gardens Protection Act 2010.
- Refuse vehicles and emergency service vehicles would be unable to turn within the site and would have to reverse out which would be hazardous.
- Will the Council be upgrading the un-adopted Hill Lane to adoptable standard at cost to the tax-payer?

- The removal of natural ponds and an increase in paved surface area will add to surface water run-off.
- Tree health could be damaged by potential removal of ground water to tree roots.
- Loss of wildlife would devalue the quality of life for all residents.
- Russell Avenue is a rat run with drivers avoiding the Manamead traffic lights.
- The habitat survey is inadequate as it only covers one day.
- The sloping site is unsuitable for disability access as stated in the proposal.
- The junction is already dangerous with poor visibility. It gets heavily parked and cars drive too fast.
- The plans show the removal of trees and the remaining trees are likely to be harmed. It will be detrimental to the streetscene of the area. Photos are enclosed to illustrate their visual importance on Russell Avenue.
- The area is very built up. The only local green space is Hartley Park. Will there be any money to upgrade park facilities?
- The adjoining property (32 Lockington Avenue) may also develop its garden for housing.
- Need more information on lighting of the development.
- Properties below the site should be compensated for any damage caused if the sewage system fails and sewage runs onto their properties. There are also concerns about flooding.

Four letters have been received in response to the amended plans. These are of the view that the amended plans are not an improvement and do not overcome the objections raised.

Analysis

1. A Planning Committee site visit has been conducted for this proposal.
2. The main planning considerations in this case are: the principle of residential development; impact on the character and appearance of the area; impact on neighbouring amenity; highway and transport matters; effect on the trees and nature conservation; standard of accommodation; and flood risk. The key policies that are relevant are: CS18, CS19, CS02, CS22, CS15, CS16, CS34, CS28, the Development Guidelines SPD, the Design SPD and the NPPF.
3. The following revisions to the plans have been made in response to consultation with officers and comments made by local residents: modifications to the design and layout of the dwellings to improve the amenity of neighbouring dwellings and

improve landscaping including change in the position of the garage on plot 6 and change of house type on plot 7 from A to D; and modifications to the position of the soakaway to move it away from a protected tree.

Principle of residential development

4. The letters of representation have raised concerns about development in a private garden and loss of green space.
5. The proposal relates to an existing dwelling and a substantial private garden within a residential neighbourhood. The NPPF (Para. 53) states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens. Currently, Plymouth City Council does not have any policy objections to the principle of development of private gardens, and the site is not a designated 'greenscape' area.
6. The NPPF also defines previously developed land as excluding land in built-up areas such as private residential gardens. This would exclude this site from being a 'brownfield site' in planning terms. Policy CS16 (Spatial Distribution of Housing Sites) states that greenfield development will only be permitted where this is acceptable in terms of its impact on the city's green space resource and the proposal can demonstrate that it makes a significant contribution to building sustainable communities.
7. As already stated, the site is not a designated greenscape area and therefore its loss will not reduce the city's protected green space, although it is important to protect the protected trees on site and the green character of the site.
8. The Sustainable Neighbourhood Assessment for Hartley and Mannamead states that the existing housing stock provides a range of different tenures and types, with a good mix of social and private housing. The site is close to Compton Primary School, Hartley Park and the main bus routes along Mannamead Road and is therefore a relatively sustainable location. The Assessment also identifies this area as having a low density of residential development with a high level of home ownership.
9. Officers consider that the development proposed will be in character with other residential development in the area, and will be built at a similar density. While it will reduce the openness of the area, officers do not believe that there is a policy objection to residential development.

Character and Appearance of Area

10. Concerns have been raised about the detrimental impact that the proposed development will have on the character of the area with the loss of the original dwelling and mature trees.
11. This residential area is characterised by large detached and semi-detached properties set back from the street and built at a low density. The area is also characterised by established gardens with mature trees and hedgerows.

12. While officers acknowledge that the proposal is an intensification of what is there currently, the design and layout of the houses is considered to be in keeping with the established residential pattern. Officers consider that this proposal is an improvement on the previous application (12/01734/FUL) in that it encompasses 5 Hill Lane and therefore proposes a comprehensive redesign of the site. The original dwelling is not listed and Officers do not consider that there are any policy grounds to retain it.
13. Officers consider that it would be important to retain a green boundary to the development to provide visual screening. The revised layout plans show a green boundary in the form of a hedgerow along the frontage with Russell Avenue, along the frontage with Hill Lane on Plot 7 and along the boundary with 60 Briar Road. A landscaping condition can be included to require details of boundary planting to be submitted. A condition is also included to require details of new tree planting.
14. The design of the dwellings has also been revised to remove the 'parapet' feature from the frontages, and to propose a render finish. The external finishes, as well as details of roof tiles and windows, can be conditioned to ensure high quality development.

Neighbouring and Residential Amenity

15. The site is surrounded by No. 33 Russell Avenue to the North West, No. 60 Briar Road to the East and Nos. 20, 22 and 57 Hill Lane to the South on the other side of Hill Lane. There is also a property on the South East corner of the site that is screened from the site by a high hedge and trees. The site borders the garden of No. 32 Lockington Avenue on the north side. The sloping nature of the site means that the new dwellings will appear most dominant when viewed from the east (No. 60 Briar Road).
16. In relation to No. 60 Briar Road, the dwelling on Plot 5 will most directly affect No. 60. It is positioned 9m from No 60's garden boundary, and because of the elevation of the plot will appear higher from No. 60. The side elevation of Plot 5 has been designed to have ground floor windows but only a small, high level window at first floor level to prevent overlooking of No. 60's garden. The plans have been revised to reposition the garage away from the boundary. A green boundary is now shown to the rear of the plot. Officers consider that it is important to secure proper screening of this boundary to protect the amenity of occupiers of No. 60. It is also important that the stone wall along the boundary is properly maintained. Conditions can be attached to require the repair and maintenance of the stone wall and the planting of a green boundary.
17. The relationship to No. 33 Russell Avenue is unlikely to be significantly different to the current situation. Plots 1 and 2 are positioned in the general footprint of the existing No. 5 Hill Lane. While one protected oak tree will be lost, there is still screening with the retention of two mature protected sweet chestnut trees. Officers consider that tree No. 562 that is shown as being felled in the garden of plot 3 should be replaced by a new tree within this garden.

18. The properties on Hill Lane (No. 22 Hill Lane and the converted barn), plus the properties at the junction with Briar Road, will be affected by the new access into the site and this is dealt with under transport issues below. It is important that the site is well screened from Hill Lane with trees and hedgerows, and this is shown on the revised layout plan.
19. The converted property on the South East corner of the site would be most affected by Plots 6 and 7. The plans have been revised to change the house type on this plot from Type B to Type D to reduce the footprint. The rear elevation will be positioned 7.8m from the boundary, while Plot 6 will have the rear elevation 12m from the side elevation. While these distances are close, officers consider that there would not be a detrimental level of overlooking.

Standard of accommodation for occupiers

20. The Development Guidelines SPD states that the following size guidelines should be applied: a minimum of 106 sq m internal floorspace for a 4 bedroom house and 100 sq m outdoor amenity space for a detached dwelling. Dwellings should also be designed to maximize sunlight on the south elevations. The houses proposed and plot sizes are generously laid out to meet these standards.
21. The dimensions of the proposed dwellings are as follows:
 - Plot 1 (4-bed 'Type A' property with single garage and two parking spaces on the drive): 162 sq m floorspace with 150 sq m garden area. This will face towards Hill Lane with the side elevation facing Russell Avenue. It is well screened from 33 Russell Avenue. This is identified as being built to lifetime homes standard.
 - Plot 2: (Type B 4-bed with double garage and 2 parking spaces on the driveway). This will be 120 sq m plus 40 sq m garage and 150 sq m garden.
 - Plot 3: ('Type C' 5-bed with double garage and 2 parking spaces on driveway). This will be 140 sq m floorspace plus 60 sq m garage and 180 sq m garden.
 - Plot 4: this has the same layout as Plot 3 but with a smaller garden area (about 100 sq m).
 - Plot 5: the same layout as Plots 3 and 4 with a garden area of about 150 sq m.
 - Plot 6: (Type D 4-bed with detached single garage and 2 parking spaces on the drive).
 - Plot 7: (Type D 4-bed with detached single garage and 2 parking spaces on the drive).
22. As the scheme is over 5 dwellings, it needs to reflect policy CS15 (Overall Housing Provision) in relation to point 4 'lifetime homes'. 20% of the homes must be built to lifetime homes standard. Two dwellings are proposed to meet lifetimes homes standards: plot 1 and plot 6. This can be requested by condition.

Highways and transport

23. Concerns have been raised about additional traffic movements into Hill Lane with regard to the forward visibility for right turning vehicles and also the use of the lane by pedestrians as a short-cut.
24. Hill Lane will be widened and upgraded to meet adoptable public highway standards from the point of access to the site to the junction, with provision for pedestrians. The existing access will be removed. Widening the lane will enable two vehicles to pass. The emerging visibility to Russell Avenue meets the required standards. Concerns have been raised about road safety on this junction. In association with the upgrade of the junction the applicant will be required to seek to provide a Traffic Order (subject to consultation) to prevent on-street parking in the vicinity of the junction. The provision of double yellow lines will ensure that cars do not park near to the junction. A private drive is proposed from the access to the site to serve the dwellings. This is acceptable for this number of dwellings. The development is considered to provide sufficient car parking spaces to cater for the needs of residents as well as visitors. The garages are large enough to cater for cycle storage.
25. The submitted S38 plan shows the location of the new access into the development off Hill Lane. The proposal is to close up the existing access for 5 Hill Lane, and to improve the section of Hill Lane from the junction to just past the entrance to the private drive (in line with plots 2 and 7). This section of lane will be widened so that two cars can pass and will include a footpath for pedestrians from the development to Russell Avenue. While there is no turning space within the site, the plan shows that a refuse vehicle could enter the site in forward gear, reverse out around the lower bend so that it could leave Hill Lane in forward gear. The remainder of the driveway serving the development would be built as a private driveway with no footpath. These improvement works would be carried out by the developer and then adopted by the Council.
26. Conditions can be attached to secure the highways improvements and parking provision.

Trees

27. There are a number of protected trees on site as well as other trees. The proposal is to keep five protected trees and remove three protected trees. Altogether, 14 trees will be lost and 5 new trees planted.
28. It is accepted that three protected trees can be lost: the Monkey Puzzle tree, the Tulip Tree and the oak tree to enable development, as long as semi-mature replacement trees are planted elsewhere. The trees around the boundary of the site, however, should be protected as far as possible.
29. The plans have been revised with plot 4, plot 6 and plot 7 repositioned to enable a better relationship to the holm oak (T6), copper beech (T4), and the beech (T8). A condition can be attached to remove householder permitted development rights to prevent extensions in future that might conflict with the trees.

30. Conditions can be attached to ensure that suitable new trees are planted and that protected trees are adequately protected during construction.

Nature conservation

31. The submitted ecological survey contains a conservation action statement that proposes the following biodiversity measures: Boundary planting with native hedgerow species; Incorporation of bird-nesting bricks into the houses (7 in total) and 4 bat tubes.
32. A condition can be attached to require biodiversity measures to be incorporated into the scheme as mitigation for loss of the garden.

Flood risk/ drainage

33. The site has a culvert that runs down slope from a natural spring and this was previously incorporated into water features within the garden. The previous application proposed to install soak-aways to the dwellings to prevent surface water run-off to properties below the site.
34. Some of the residents, particularly those lower than the application site, are concerned about surface and foul water drainage and how the applicant/developer would deal with the springs. The site does not fall within a 'problem drainage area' or flood zone as identified by the Environment Agency (EA). The application states that surface water will be disposed of by soakaways; this is supported by South West Water. The use of soakaways will require satisfactory percolation tests to have been undertaken. If these tests are not positive the developer/applicant would need to contact SWW. Residents are also concerned that the pumping system for the foul water drainage could fail. These are understandable concerns. Officers have discussed the matter with the Building Surveyors. The foul and surface water drainage would be covered at the Building Regulations stage. A condition can also be attached to require details of surface water drainage and management to be submitted.
35. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

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

This proposal does not give rise to S106 planning obligations.

The provisional Community Infrastructure Levy liability (CIL) for this development is £21,300. This information is based on the CIL information form submitted with the application.

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. You should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance.

It is noted that the applicant has indicated that they do not intend to apply for social housing relief on the CIL form.

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 £78,665 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 and Diversities

Two lifetime homes standard dwellings will be included as part of this development.

Conclusions

Officers consider that the proposal is acceptable in planning policy terms for the reasons set out in this report (principle of residential development; impact on the character and appearance of the area; impact on neighbouring amenity; highway and transport matters; effect on the trees and nature conservation; standard of accommodation; and flood risk) and is compatible with the NPPF. It is therefore recommended to grant conditional approval.

Recommendation

In respect of the application dated **29/08/2013** and the submitted drawings 891-01 Site location plan, site layout and site sections; 891-02 Proposed floor plans and elevations House Types A&B; 891-03 Proposed floor plans and elevations House Type C; 891-04 Proposed floor plans and elevations House Type D; 12.199/001 S38 General arrangement; 12.199/350 Drainage Layout Plan.

Revisions to site layout and design, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 891-01 Site location plan, site layout and site sections Rev

A; 891-02 Proposed floor plans and elevations House Types A&B Rev A; 891-03 Proposed floor plans and elevations House Type C Rev A; 891-04 Proposed floor plans and elevations House Type D Rev A; 12.199/001 S38 General arrangement Rev A; 12.199/350 Drainage Layout Plan Rev A.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

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

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.

REPORTING OF UNEXPECTED CONTAMINATION

(5) In the event that contamination of ground conditions is found when carrying out the approved development that was not previously identified, expected or anticipated, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - 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 II'.

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 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

COMPLETION OF ROADS AND FOOTWAYS

(7) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 6 above before the first occupation of the penultimate dwelling.

Reason:

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

ACCESS

(8) 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

(9) No development shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and no dwelling hereby approved shall 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.

PROVISION OF SIGHT LINES

(10) No development shall take place until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided prior to the occupation of the first dwelling.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(11) 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.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(12) Notwithstanding the provisions of Article 3 and Classes A, B and C of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwellings hereby approved.

Reason:

In order to ensure that protected trees are not damaged and to protect the privacy of neighbouring properties, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAFFIC REGULATION ORDER

(13) Prior to any occupation of the development hereby permitted the developer shall begin the process and seek to implement a Traffic Regulation Order in a timely manner to provide on-street parking restrictions in the form of double yellow lines, to an extent to be agreed between the developer and the Highway Authority, in the vicinity of the junction to Russell Ave and Hill Lane. All associated costs, with regard to design, consultation and implementation are to be borne by the applicant.

Reason:

To preserve the function and safety of the Local highway Network and convenience to the public in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

(c) 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.

ARBORICULTURAL METHOD STATEMENT

(15) No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

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

SURFACE WATER DISPOSAL

(16) 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. These details shall include arrangements for the management of surface water drainage. The approved details shall be implemented before the first dwelling 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.

LANDSCAPE DESIGN PROPOSALS

(17) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and

approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include: hard surfacing materials; and planting plans including the location of all proposed plants their species, numbers, and densities.

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.

MAINTENANCE SCHEDULE

(18) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

DETAILS OF TREE PLANTING

(19) The plans and particulars of the landscaping works submitted in accordance with condition 17 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.

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

(20) No development shall take place until details of drainage works, including details of the management and maintenance of the soakaway and the sewage pumping system, 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.

LIGHTING DETAILS

(21) No development shall take place until details of any external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before any building is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

To ensure that adequate external lighting is provided for future occupiers of the site [and that it does not interfere with navigation], in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

BIODIVERSITY

(22) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Survey Report (Appendix 3) dated xxxx for the site.

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.

FURTHER DETAILS: BOUNDARY WALL

(23) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz. repairs and maintenance of the boundary wall along the eastern boundary of the site. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(24) 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. These details shall include window frames, doors, roof slates and render. 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.

LIFETIME HOMES

(25) Plots 1 and 6 shall be built to lifetime homes standard.

Reason

To provide adaptable accommodation in accordance with Lifetime Homes standard to enable the homes to be adapted for the needs of elderly or disabled persons in accordance with Policy CS15 of the Plymouth Local Development Framework Core Strategy 2007 (2006 - 2021).

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

(1) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

INFORMATIVE: ROADWORKS

(2) 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. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: CODE OF PRACTICE

(3) 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: DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(4) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once any pre-commencement conditions are satisfied.

INFORMATIVE: POSITIVE AND PROACTIVE WORKING

(5) 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 [including pre-application discussions] and has imposed planning conditions to enable the grant of planning permission.