

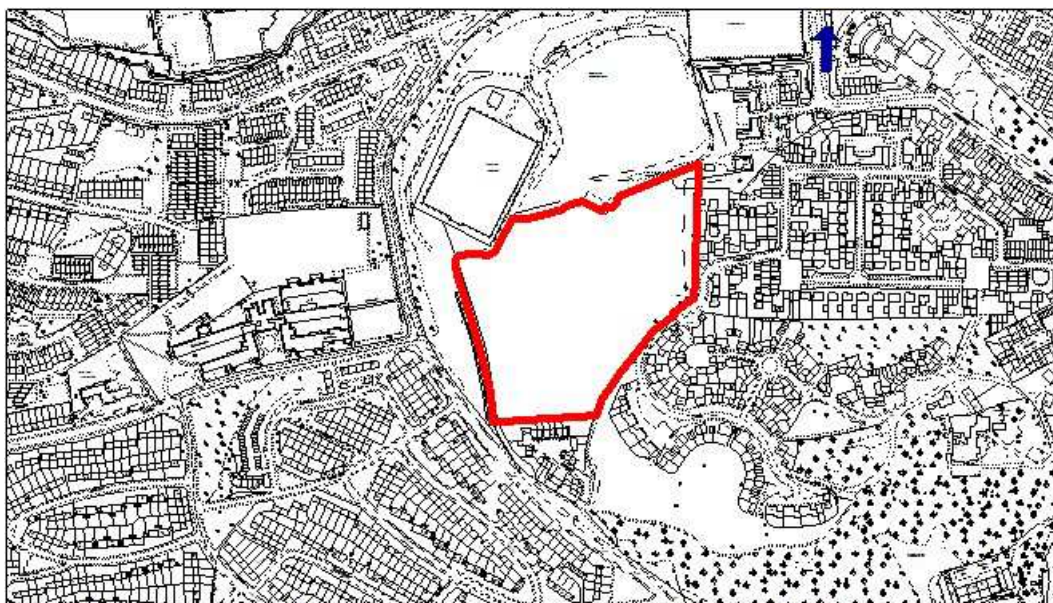
# PLANNING APPLICATION REPORT



<b>Application Number</b>	14/00152/OUT	<b>Item</b>	06
<b>Date Valid</b>	31/01/2014	<b>Ward</b>	Eggbuckland

<b>Site Address</b>	LAND OFF ABERDEEN AVENUE PLYMOUTH		
<b>Proposal</b>	Outline application with details of access submitted (via Aberdeen Avenue) for the erection of up to 86 dwellings with associated public open space, sustainable urban drainage system, car parking and associated works (details of appearance, landscaping, layout and scale reserved for future consideration).		
<b>Applicant</b>	Beavertail Ltd		
<b>Application Type</b>	Outline Application		
<b>Target Date</b>	<b>02/07/2014</b>	<b>Committee Date</b>	<b>Planning Committee: 15 May 2014</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Robert Heard		
<b>Recommendation</b>	Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 02 July 2014		

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## **1. Description of site**

The application site comprises of an area of undeveloped land that was formerly part of the Royal Naval Engineering Collage. The college was closed in 1994 and the majority of its campus was redeveloped for residential purposes during the mid and late 1990s. This residential estate is now commonly known as Manadon Park.

The whole site covers an area of 3.87 hectares and has a gentle gradient that falls from east to west. It is undeveloped and remains as a privately owned green space with no formal public access, although it is used by dog walkers. The site is below the level of Aberdeen Avenue, which bounds the site to the east. Adjacent to the north lies a former cricket pitch which is owned by Plymouth City Council but is not currently in use. There is also a fenced football pitch which is leased by the Council to a local club and an all weather pitch which is Council operated.

The west boundary of the site lies adjacent to a narrow strip of woodland that separates the site from St Peters Road and areas to the west of the site, which are residential and characterised by Local Authority Housing development. The only remarkable landscape feature is a row of mature trees to the north of the site that separate the cricket pitch from the site. To the south of the site exists further residential development.

In terms of amenities, Crownhill Local Centre is located approximately 800 metres to the east of the site, within walking distance. This contains local shopping amenities and a library and provides good public transport links to the wider city via local bus services. There are also numerous bus stops along St Peters Road that provide good access to the city bus network and are closer to the site than Crownhill. The Transit Way shopping Centre which contains a large Tesco store is approximately 500 metres to the north-west of the site.

## **2. Proposal description**

This application is in outline only, with all matters other than access (appearance, landscaping, layout and scale) reserved for future consideration.

The proposal is for a residential development of up to 86 dwellings and includes the provision of public open space and landscaping within the site. The proposed vehicular access is from Aberdeen Avenue, to the east of the site.

The application includes a significant mitigation package that includes the following:

18% affordable housing

Provision of a 4 team changing pavilion with ancillary clubroom to be used in connection with the existing Council owned cricket and football facilities

Education contribution of £125, 000

Greenspace contribution of £33, 000 for children's play space.

Transport contribution of £35, 000

Contribution of £20, 000 for siting and ongoing maintenance of Manadon Spire

Further details of the Heads of Terms are provided below in the Planning Obligations section of this report.

### 3. Pre-application enquiry

12/01855/MAJ; Pre-app for housing development.

### 4. Relevant planning history

13/00813/OUT; Outline application with details of access submitted for the erection of up to 90 dwellings with associated public open space, sustainable urban drainage system and associated works. WITHDRAWN.

02/00622/OUT; Outline application to develop private playing field land between St Peters Road and Aberdeen Avenue by creation of new all weather sports pitch and new housing. REFUSED and APPEAL DISMISSED.

### 5. Consultation responses

#### **Sport England**

Recommends refusal on the grounds that the development will lead to the loss of playing fields.

#### **Environment Agency**

Consider that the proposal will be acceptable if a condition is included to ensure the construction and maintenance of a sustainable drainage system to control surface water.

#### **Highways officer**

Support subject to conditions.

#### **Public Protection Service**

Support subject to conditions.

### 6. Representations

To date there have been 124 letters of representation received, all in objection to the application. Grounds of objection as follows:

## **Traffic Issues**

- Can't afford to have added traffic flow through the main routes in and around Manadon Park.
- Must not be built with ANY access through Manadon Park in the interest of safety.
- The junctions/courtyards are dangerous already without the added input of an estimated 80 cars daily.
- The infrastructure of the area cannot cope with such an influx of cars, people and building works.
- No access to this planned estate whether in or out should be through the existing estate - too dangerous!
- The access must be through St Peters Road for the end product and for the construction phase.
- See no advantage in the plans to open up Frobisher approach for exiting traffic - has been used as a throughway for years since the previous security measures stopped working and wasn't fixed.
- The Frobisher Approach bus gate would be open to existing vehicles only. Should be the other way around.
- Entrance only from St. Peters Rd - Parking around the junction of Tovey Crescent would make this dangerous.
- If there is an accident on Outland Rd, Manadon Roundabout etc. the only way into the estate is at the top at St. Boniface Lane.
- Enabling cars to exit this way will make it into a rat run with drivers avoiding passing the Fire Station on the main Crownhill Road.
- The exit route does not address insufficient access/exit for existing traffic.
- The estate infrastructure is already insufficient to meet current demand at the Boniface Lane junction with the A386.
- Traffic is heavy during the rush hour in and outside term time - already increases risk to cyclists and pedestrians.
- Estate roads are showing signs of deterioration already and more cars/construction traffic will make it worse.
- Have concerns for the safety that increased traffic will have on the bend.
- The Vanguard Close development exists well enough with access to St Peters Road – see no reason why this development cannot do the same.
- Will oppose every application unless it is vehicular independent of Manadon Park.
- Manadon Park is effectively a very large cul-de-sac which already suffers congestion.
- The proposal to exit traffic via Frobisher Approach will just move some of the problems experienced at the Boniface Lane/Tavistock Road (A386) junction on to the St Peter's Road/Crownhill Road junction.
- Those wishing to travel north or south via Tavistock Road will have to join via Budshead Way or onto the Southbound Tavistock Road via Plumer Road. Both junctions are already under excessive pressure with long queues and wait times.
- The Plumer Road junction, which simultaneously merges traffic on and off the A386, is a regular accident black spot.
- Manadon Park cannot be accessed when approaching from the North of the city; anyone wishing to enter Manadon Park is required to pass the entrance to Manadon Park (via Boniface Lane) on the southbound A386 and progress onto the northbound A386 via Manadon Roundabout.
- Why add to current problem when the existing 'pressure' on roads is acknowledged by the developer?
- Will only serve to increase pressure on the St Peter's Road junction on to Manadon Roundabout.

- Other developments already approved in the North of the city will put additional pressure on the already congested Tavistock Road.
- Questions how recent the information used to support the traffic modelling/studies actually is when road names are wrong.
- Additional traffic and congestion is unwelcome when the government has already challenged local councils to work with residents to reduce the city's carbon footprint.
- 90 houses on the site would put unacceptable burden on the existing road network.
- The applicants Transport Assessment Residential Development survey has inaccuracies: The road named as Bladder Lane is called Boniface Lane... Chaucer School no longer exists... Rosemary Gardens should read Ramsey Gardens... This implies the survey was carried out using out-of-date material which brings into question the integrity of the survey.
- This will not bring a great increase in traffic leaving Boniface Lane into Tavistock Road but it will still create extra traffic from Tavistock Road into Boniface Lane which is a major problem.
- When you turn from Tavistock Road into Boniface Lane and people are using the pelican crossing, traffic backs up onto Tavistock Road causing a backlog there.
- Extra traffic going into Boniface Lane could create problems as visibility is greatly reduced at certain times of the day when parents are picking up students from St. Boniface's College and parking on both sides of the road.
- The estate has enough vehicles accessing/exiting the estate and additional houses would increase the number of cars.
- The squares in Temeraire Road do not have any separate pedestrian areas and are now blocked with parked cars reducing visibility.
- The proposed exit from Frobisher Approach is unsatisfactory due to the increased volume of traffic on St Peters Road and Manadon roundabout.
- The applicant has said they MAY build a feed in road - feed in from an already over used road system.
- Having scanned the access document the applicant states the most vehicles seen at the junction with the A386 was at peak times am seven... on a regular basis the queue from the traffic lights reaches the mini roundabout.
- They state that the situation will be changing by 2020 with the 'improved infrastructure and highway development' fine with public funding getting tighter this MAY or MAY NOT happen
- Concerned about the possibility of Heavy Lorries, to be used in the construction of the proposed development, using the narrow and liberally 'bollarded' roads of Manadon Park estate to reach the construction site... Would strongly urge for an alternative access route for the construction lorries.
- They still want the entrance/exit onto Aberdeen Avenue with no provision made for assisting to reduce the volume of traffic at peak times.
- Currently some drivers find the need to use excessive speed on these bends, added with the proposed new entrance/exit many collisions will occur.
- Maybe the developer could use St Peters Road and not Aberdeen Avenue!
- Object to the development on the grounds of access to the Manadon Park estate.
- Traffic will be horrendous as there is only one way in and out of Manadon Park.
- Propose the vehicle access should be from St Peters Road as this would be more practical and would not cause any more traffic flow through Manadon Park itself.
- New residents will discover that Temeraire Road is the most direct route between Boniface Lane/Frobisher Approach Junction to the new development.
- If planning is granted Temeraire Road will be used for site access by construction and delivery vehicles. This must not be allowed as the disruption to residence caused by noise together with dirt and dust pollution would be detrimental to Temeraire Road residents. It would also be impractical and dangerous because of the sharp S-bends at each end of the road.

- Continuous heavy vehicles will damage the road surfaces.
- A large College, with some 1,000 pupils, is directly at the junction with Boniface Lane and the A386 - which must cause great concern with regard to road safety issues.
- Car parking at the end of the school day is horrendous making a huge proportion of Boniface Lane into a single lane.
- The children's play park is extremely well used and this creates a large amount of car parking on the road which is a blind bend and creating single line traffic. Movement of passing traffic is always via the hatched area on the corner which, I believe to be an illegal traffic violation.
- There are 3 'courtyard' areas in Temeraire Road and Aberdeen Avenue which are totally blind bends with only single vehicle access and all are used as car parks making driving hazardous.
- Car parking on pavements is an on-going issue necessitating parents with buggies, children on bicycles and the elderly/handicapped on mobility scooters having to move onto the roads.
- Manadon Park is full and cannot sustain any more vehicles.
- Moving through the traffic lights from Manadon Park onto the A386 at many times of the day is a very long process - vehicles on the main road have priority and block any vehicles from Manadon Park joining the queue of traffic.
- Opposite this proposed development is a brownfield site once used by Chaucer Primary School and a playing field, A proposed pedestrian access marked '8' on the plan is surely an excellent vehicle access point to the whole proposed development with pedestrian pathways linking it to Manadon Park.
- Consideration should be given to existing access points off Frobisher Approach via Tovey Crescent or through Vanguard Close.
- Current road system will not support additional cars.
- The Traffic Survey is not rigorous or transparent.
- According to the Transport Assessment, the survey should take into consideration every other planning development in the area. This has not been adhered to as PCC have accepted an offer for the old Chaucer Way School site for some 120 dwellings. This gives no credence to the transport survey assessment as it is no longer accurate - on this ground alone the application should be refused.
- It is not democratically acceptable for PCC to allow its planning officers to attend meetings with the developer to come to traffic solutions prior to the development as a whole being scrutinised.
- Maybe consideration should be given to making this new part of the estate, separate from Manadon Park. It could have its own entrance and exit on St. Peters Road therefore giving access to Manadon Roundabout, the A38 and Crownhill Road so there will be no disruption to Manadon Park.
- Have real concerns about how construction traffic will enter and leave the building site
- This is the main route for the ambulance service to Derriford and the police from Crownhill, therefore on many occasions it is not possible to exit due to blue light vehicles passing through the junction.
- Parts of the road network are not adopted and are in disrepair.
- The travel plan identifies the bus service on St. Peters but over-estimates the number and availability of bus services.
- The erection of new houses will necessitate continuous streams of trucks, deliveries and construction workers. The impact of the resulting noise, mess, muddy roads, air pollution and continuous traffic is unacceptable for residents.
- Manadon Vale Primary is one of the nearest schools and is already unable to accept new pupils from the local area. Children who are not able to attend this school must attend schools which are further away, requiring the use of transport.

### **Other objection reasons raised:**

- No amendments from the initial application.
- Worried about the amount of things that 'may' be built i.e. the Cricket Pavilion - a sweetener to get the planners to agree.
- Offers little benefit to the current area of Manadon Park.
- Merely seeks to maximise market appeal by using the location of 'Manadon Park'.
- The abandonment of playing fields - whilst not fit for sport, it remains a well-used open space.
- There are no salt bins on this bend.
- The land is well-used open space and the fact that it was protected as a parliamentary inner city open space was a deciding factor in us having moved our family here.
- The land is well used by dog walkers, runners and estate children; furthermore it reduces the risk of the younger children's play area on Frobisher Approach being soiled by dog mess.
- Object strenuously to our peace, property outlook and children's safety being compromised by this development.
- The news of other developments in the local area puts pressure on the local infrastructure, i.e. schools.
- The council appears to have limited ability to enforce promises which a developer makes to the community to secure planning permission. Therefore the promise of future facilities should not be used to offset the loss of current ones, i.e. the informal facilities
- Do not feel the reduction of 9 houses significantly increases the green space.
- Do not believe that the green street ecological corridor linking the Plymouth Biodiversity Network will be sufficient, safe or practical for the wildlife such as foxes and hedgehogs to use.
- The development can already be described as an informal recreation space without any intervention from the developer.
- Believe some of the responses on the Application Form are incorrect...
- Point 13... answer should be Yes, on the development site, (using bats flying on the proposed site as an example)
- The question around Designated sites... answer should be Yes because the proposed development site forms part of the bats habitat - using it as a hunting ground/food source.
- Point 15... developer has responded no, but there are several small saplings/trees which are flourishing.
- The existing Manadon Park estate has not been fully adopted by the council. The original developer(s) is/are not meeting this responsibility. Maintenance of paths and public areas is extremely poor.
- The council should achieve resolution of the dispute with the original developer(s) so that they can adopt the existing estate... The council should not commit to a planning application which will, in the future, require future budgetary commitments it cannot currently meet.
- There is a very fine line between a wetland area and a soggy bit of wasteland.
- The site is already a wildflower meadow - the developer is not making a genuine offer to bring value to the site.
- Do not believe the council will hold the developer to bird boxes.
- The proposal will cause significant harm to the character and appearance of Manadon Park and this part of Plymouth.
- The Councils previous policy approach adopted for the site was one of leaving the western sector un-developed for landscape benefit and recreational potential.
- A wildlife haven within the city. Hunting bats during summer evenings around the edges of the fields, every year a pair of Buzzards return nest and successfully breed, Kestrels and foxes have been seen and on one occasion a deer. The richly grassed area is inhabited by mice, hedgehogs and other small mammals, birds and insects, providing food for the birds of prey. During the summer months the field bursts into flower and are full of butterflies, and bees.

- The erection of 90 homes, effectively destroying this currently green site is unacceptable.
- The Ecological Mitigation and Enhancement Strategy survey was completed in March 2013, during one of the coldest springs on record. A report of any real accuracy would need to be carried out over a significant period of time to reflect the changing seasons. Failure to do this would have resulted in the inaccurate collection of data, which brings into question the integrity of the report.
- Prefer grassland area over additional houses being built.
- The land was never intended to be used for the construction of housing as per the original covenants applied when the land was originally sold. It had been planned or sold on the grounds that it would be used for employment or recreation purposes and not for dwellings.
- Why is it not possible to force a penalty on these people for wasting public money and time with numerous applications for development of this land?
- Waste of time and public money.
- Will spoil the walks around this area.
- Bought the house because of the walks around the area and now they are trying to take more grass areas away.
- All of the local schools, Shakespeare Primary and All Saints Academy, plus Kitto YMCA leisure centre and even the Life Centre in Central Park would be more easily accessed via St. Peter's Road thereby creating a much greener environment than sending vehicles through an already well-populated and restricted area.
- Land would always be a green belt
- More houses the area doesn't need.
- Saddened that the council may allow more of our green areas to be built on.
- Wildlife will be pushed aside/die.
- Dwellings will be blight and a disruption.
- Plymouth Planning Guide 17 defines open space as all open space of public value. The guidance makes clear that existing open space and land should not be built on unless an assessment has been undertaken which clearly show the open space and land to be surplus to requirements.
- A wildlife haven within the city - I have seen Kestrels, foxes, deer, pheasants and dunnocks are plentiful. This natural resource would be irradiated by the erection of 86 homes on the site.
- The applicants Ecological Mitigation and Enhancement Strategy survey was carried out at a time that would not show an accurate picture of the meadow's wildlife, additionally the applicants own bat survey called for a more in depth survey to be carried out within the active bat season.
- The land to be developed is a wonderful asset to the local communities of Crownhill, Manadon and St. Peters. It is a small green space where children play and people walk. If this space was to go then the nearest space of this quality would be in Whitleigh.
- Increased pollution, noise and disruption
- The creation of new open spaces potentially not being regularly maintained due to reduced council resources
- The reduction from 90 houses to 86 does very little to address the objections which were made last time, as it is hardly a significant reduction.
- It is little comfort that the DandA (page 9) says that the "non-developable" area will be left as green space, as I understood that previous planning decisions had suggested that all of the current greenfield area should be left as "non-developable" green space, but the developers are not respecting that.
- The proposed new and cut back green space is not sufficiently large or well enough positioned to support the even the existing activities which take place on the current green space.



- Will be no increase in green travel - there are already plenty of pedestrian and cycle exits.
- Not sure if there will be sufficient demand for re-establishing a cricket pitch.
- Our local NHS doctors, dentists are already struggling with long waiting times for appointments.
- No provision of new primary schools
- No provision of recreational land
- Adds nothing to enhance the surrounding area, but instead drains the local resources and facilities.
- Planning application is full of false information.
- As the second couple to purchase a house in Temeraire Road we put with two and a half years of building on this estate. Our new home was filthy with the constant flow of Trucks, Diggers and Contractors vehicles using the Road... My wife at the time was working as a special baby care nurse working nights at Derriford, I can firmly state it almost destroyed her professionally as she found it impossible to get sleep due to the constant noise from the building and traffic.
- Maybe a reduction in the amount of houses built could be considered, larger houses with bigger gardens and private drives.
- Narrow mews style streets – in other words cars blocking access and pavements.
- The dated wildlife survey makes no mention of the birds of prey and owl population of Manadon Park. As a graduate biologist, I find the habitat survey to be very limited in both length of data collection and quality of data collection.
- Objections to this development have tangible costs of time and money, and intangible costs such as repeated stress and unnecessary trauma caused to an existing peaceful community.
- The Council should acquire this land and maintain it as the much needed, protected “open lung space” for the local community in and around the area.
- This scrap of rough open ground is situated in a large catchment area of several thousand and as such is much used by local voters as contact with the countryside. There exists no other local park in the area.
- Have been upset to read such derogatory comments within the application about the all-weather pitch, our clubs home (Plymouth Hockey club). This facility is heavily used, both by Plymouth Hockey club and many local football groups and the local school. It was subject to vandalism as individuals who lacked open space were frustrated by their inability to access the area, however since the site is now left unlocked it is treated with respect. This in itself proves the high value of public open space in reducing antisocial behaviour.
- Loss of drainage - During periods of high rainfall the field traps and holds large quantities of rainwater, and run-off from the streets of the estate further up the hill. It releases this gradually into ditch that runs parallel to St Peters Road, swelling it to a sizeable stream. Have concerns that if the majority of the area is covered with roadway and buildings, this water absorption will be lost and there will be an increased risk of flash flooding.
- The plans are not appropriate to the site
- A better designed development, built taller, could perhaps fit 50-60 residential units into less than 50% of the site, leaving far more available space for habitat and amenities - providing a potential compromise between commercial returns and the preservation of the character of the area.

## 7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex 1 to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies in the Framework indicate development should be restricted.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application: Development Guidelines SPD and Planning Obligations and Affordable Housing SPD.

## 8. Analysis

1. 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, the Adopted Developments Guidelines SPD and the adopted Planning Obligations and Affordable Housing SPD and is considered to be compliant with National Planning Policy Framework guidance. Specific local policies that are relevant to this application include CS01, CS02, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS28, CS30, CS32, CS33 and CS34.
2. The application raises a number of important planning issues, including the principle of development and highways issues. These and the other main planning issues are considered below

### **The Principle of Development**

## Greenspace

3. The site was designated a Greenscape Area within the Greenscape Assessment of 2004. Policy CS18 (Plymouths Green Space) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) seeks to protect such areas and states that *'Development on or adjacent to a Greenscape Area will not be permitted where it 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.'* The site was know as 'Land east of Chaucer Primary School' and included the application site and all of the sports facilities to the north.
4. Greenscape Areas can perform a number of functions and 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.
5. 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)
6. In the Greenscape Assessment of 2004 the site was considered to have City Value for Sport and Formal Recreation and as an Access Corridor, District Value for Habitats and Species and Neighbourhood Value for Visual Amenity, Informal Recreation and as a Separation Buffer. With regards to Sport and Recreation, there is a recognised shortage throughout the city of sports pitches, as stated in the Plymouth Playing Pitch Strategy.
7. The site is of city wide importance for Sport and Formal Recreation and any redevelopment of the site must therefore provide adequate mitigation for the loss of any sport and formal recreation opportunities in the city. However, none of the existing sports facilities within this greenspace area are being lost. The football pitch (currently leased to a local club), the artificial surface and cricket pitch are all outside of the site and retained. In fact, access to sports facilities at the site is being improved as the application will deliver a changing pavilion in order to bring the cricket surface (which will also provide 2 junior football pitches during the winter) back in to use.
8. The sites value at City level as an access corridor is not affected, as part of it is retained as more formal green open space that will link the surrounding areas to the sports facilities adjacent to the north, therefore its role in providing pedestrian access to these areas is protected.

9. The site is valued at District level for habitats and species. The application is accompanied by an Ecology Report including Bat Surveys. An Ecological Enhancement and Mitigation Strategy has also been submitted. 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.
10. As stated, the site has been considered to be of neighbourhood value for informal recreation, visual amenity and as a separation buffer. It was considered to have made a contribution to the overall greenspace in this area. However, the site has never been in public ownership, despite the owner not restricting informal use of the site by nearby residents for dog walking. The proposed development retains a significant amount of the site as informal greenspace, which will link into the surrounding network of greenspaces in this part of Plymouth. The site will therefore still be available for use by dog walkers and children for informal games. The proposed informal area of greenspace will help to fulfil the role the site plays as a separation buffer to the surrounding residential area, and aid visual amenity.
11. The proposed 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 sports hub 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'.

#### Principle of Development (Sports Facilities)

12. When the site was in the ownership of the Royal Naval College it formed part of a larger area that contained playing pitches. However, since the redevelopment of the former Naval College site was undertaken in the mid 1990s the site has remained undeveloped and has not therefore been used as formal playing pitches for a period in excess of 20 years.
13. Despite the site being vacant, as it has previously been used as playing pitches (despite the significant amount of time that has passed since it was last used as playing pitches) officers believe it necessary to consider the application in relation to Policy CS30 (Sport, Recreation and Children's Play Facilities) of the Core Strategy. This states that development proposals for new sport, recreation and children's play facilities, will be permitted providing that:
  - a. There is no demonstrable harm from noise, lighting, transport or environmental impacts;
  - b. The development contributes to meeting identified shortfalls in provision or to enhancing the quality of sport/leisure facilities;
  - c. The development is accessible by sustainable transport modes;
  - d. Where appropriate, the development contributes to wider open space initiatives.

14. It also states that:
- a. There will be a presumption against any development that involves the loss of a sport, recreation or play facility except where it can be demonstrated that there is currently an excess of provision, or where alternative facilities of equal or better quality will be provided as part of the development.
15. Officers consider that, with regards to Policy CS30, the former sports facilities are not being lost as a direct result of the development proposal. The site has not been used for any sporting activity for almost 20 years and the playing pitches that were previously at the site do not exist in their previous form and are considered by the applicant to have been abandoned.
16. The former playing pitches at the site have never been in public ownership and have never been managed by the Council. They have thus never been part of the Council's stock of playing pitches and it is recognised by officers that it is extremely unlikely that a leisure based development proposal will come forward at the site.
17. By providing a new changing pavilion, it is considered by Officers that adequate mitigation is being provided for the loss of any former playing pitches, and that the development proposal is providing access to sports facilities that are not currently operational at the site and under provided in the city. The development will provide a net gain in the Council's stock of publicly available sports pitches and is considered to be in accordance with Policy CS30 of the Core Strategy and the aims and aspirations of the National Planning Policy Framework.

#### Sport England Comments

18. Sport England has submitted a robust letter of representation, raising concerns over the loss of the site as a sports facility, particularly in regards to what they consider to be a net loss in playing pitches at the site. The letter, which is summarised above in the representations section of this report, states that Sport England objects to the application.
19. Whilst Sport England's comments are considered below, members should be aware that in this case Sport England are not a statutory consultee. When a playing pitch has not been used for a period in excess of 5 years the Local Planning Authority does not have a statutory obligation to consult them or seek their views with regards to development proposals that affect sites previously containing playing pitches. Sport England cannot therefore refer this application to the Secretary of State should a decision be made that is contrary to their views. This is confirmed in their letter which states *that 'Sport England accepts that it is not a statutory consultation on this application as the five year time limit regarding consultations has expired'*. However, the loss of sports pitches at the site is an important issue and is analysed below, along with the views of Sport England, as reported in their letter dated 10th March 2014.

20. Sport England refer to an appeal at the site which is reference above in the planning history section of this report (reference APPN1160/A/02/1096110) that was dismissed in 2003 for five reasons, the third of which referred to the loss of the site as open space with recreational potential and insufficient mitigation (an artificial or grass pitch). Whilst this is a material consideration, the appeal is now more than 10 years old and planning legislation has changed significantly in this time. The set of Planning Policy Guidance Notes that the appeal referred to (in this case PPG17) have been replaced by the NPPF which places greater emphasis on growth and viability. The current application also proposes a different mitigation solution that, in your Officers opinions, is acceptable to mitigate the loss of this site as part of a former playing field.
21. Sport England also argue that the previous use of the site as playing pitches has not been abandoned. They refer to the legal test as to *whether a reasonable man with knowledge of all relevant circumstances would regard the use as abandoned*. They state that based on the following factors, the use has not been abandoned:
- The physical condition of the site
  - The length of the period of non use
  - Any intervening uses
  - Evidence regarding the owners intentions
22. Sport England say that there is no physical evidence of the use being abandoned, although they accept that no pitches are marked out at the site and that works would be required to make the land useable as playing fields again. Officers disagree with this point, significant works and capital would be required to bring the site back into use as playing pitches. This includes some remodelling and drainage, clearance and planting. The physical condition of the site therefore prevents it from being used as a playing pitch in its current form.
23. Sport England contest that the length of non-use does not constitute abandonment, although they recognise that it has not been used for formal sport since 1994, which is a period of 20 years. The site is not a current sports venue and does not contribute to the city's overall stock of playing pitches. Officers no longer consider this site as being suitable for use as formal playing pitches and the period since it was last used as such is sufficient to ensure that the proposals do not directly result in the loss of sports pitches to the city.
24. Sport England are not satisfied that there have been any intervening uses since 1994 and state that a material change of use has not occurred. However, Sport England accepts that no formal sports activity has taken place at the site since 1994. Whilst no formal planning application for a change of use has been permitted at the site, it has not been used as formal playing pitches for 20 years and due to the owner not preventing public access it has been used informally by dog walkers. This is materially different to being used for formal sport and officers consider that being used informally for recreation is significantly different to being used for formal sports activity, which Sport England accept that the site has not for 20 years.

25. Sport England state that they have seen no evidence that the owner has intended for the site not to be used as playing pitches since 1994 and that there have been no attempts by the owner to prevent use of the site for formal sport as sports pitches. Officers consider that if the land owner intended the site to be used for sport then they would have allowed the former use to continue post 1994. It is considered that the none use of the site for formal sport is evidence of the owners desire for the sports pitch use to cease at the site. It is considered by officers that *no reasonable man*, knowing all of the facts, and applying the four criteria set out above, would regard the pitches as anything other than abandoned.
26. With regards to the mitigation proposals, Sport England considers that the mitigation package is inadequate. Officers disagree with this conclusion. If granted, this development will deliver a changing pavilion that would allow the existing cricket pitch to be brought back into use. It will also allow the Council to provide 2 junior sports pitches at the site as the Councils Street Services Department intend to use the space for junior football during the winter months when cricket is not played. The application also provides informal open space within the site which will link into the existing network of informal green space in the area and provide a contribution to provide local children's play facilities. Officers thus consider that the community benefits that this application will provide adequately mitigates the impacts arising from the development of the site for residential purposes.
27. Sport England consider that the proposals will result in a loss of playing pitches in the city. It considers the development to be contrary to its own policy, CS30 of the Core Strategy and the National Planning Policy Framework. The application has already been assessed against Policy CS30 of the Core Strategy and officers consider the application to be in accordance with this policy, for the reasons stated above.
28. Paragraph 74 of the National Planning Policy Framework (NPPF) is the most relevant with regards to developments that affect sports facilities. It states that:
29. *Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
  - *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
  - *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*
30. Officers consider that the proposal will help to bring back into use sports pitches at the site that have not been used for many years. The proposals accord with paragraph 74, in that they provide and deliver sport and recreation benefits above what currently exist, making a contribution to well being.
31. Whilst the site is not currently a sports venue and therefore does not contribute to the City's overall stock of playing pitches (it is not recorded within the Playing Pitch Strategy as being currently available), the application does ensure that it retains a significant sport and recreation element, and that the sports pavilion proposed as part of the mitigation package,

will bring back into use publicly accessible sports pitches, providing adequate mitigation for the loss of former facilities that were not publicly available or safeguarded.

32. In summary, the Local Planning Authority does not agree with the comments made by Sport England in its letter. The proposals do not directly result in a loss of sports pitches at the site, which were abandoned 20 years ago, with the site remaining unused and unavailable for formal sport. When delivered, the proposed sports pavilion will result in a net gain in sports pitch provision within the city (the site is not recognised as currently available in the Councils Playing Pitch Strategy) and this (together with the other community benefits provided) is considered by Officers to adequately mitigate the loss of this former playing pitch site.

### **Layout and Density**

33. Whilst layout is a matter reserved for future consideration, the applicant has provided an indicative layout showing how the site could be developed.
34. Concerning issues of density, the broad brush reference to a density of 30 – 50 dwellings per hectare (dph) within PPS3 has been superseded by guidance within the NPPF which states that LPAs should set out their own approach to housing density to reflect local circumstances. Strategic Objective 10.2 aims to promote the highest density compatible with the creation of an attractive living environment. 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.
35. Proposed density levels at the site are lower with the density levels in the immediate vicinity. The proposed development will provide a density level of circa 35 dph, which is considered acceptable and is lower than average dph levels in the surrounding area. Officers consider that this density level is suitable and appropriate for the site.
36. A significant amount of the site has been safeguarded for public open space and the proposed dph allows for the provision of a range of dwellings which will have different sized curtilages depending on their size. Given the sustainable location of the site, which is close to 2 local centres (Transit Way and Crownhill) and the lack of demonstrable harm associated with the amount of development proposed, the proposed density is considered acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2. It is considered that the proposal make sufficient provision for sustainability in terms of both the NPPF and the Council's own policies.
37. The indicative layout has been discussed previously with officers and is considered to be an acceptable layout as submitted, subject to some minor amendments. However, as the application reserves the layout any reserved matters applications at the site will be required to address this issue and finalise a layout. An informative is thus attached to make it clear that the proposed layout is indicative only and not approved under this outline planning application.

### **Is the design acceptable?**

38. The application reserves all issues concerning design for future consideration and it is thus no details of scale, design or appearance have been submitted.



### Residential Amenity

39. 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.
40. The layout of the site has been arranged in order to minimise impact on the surrounding properties. None of the existing dwellings closest to the site (on Aberdeen Avenue) are close enough to be affected by the development with regards to residential amenity standards. It is thus 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 and Transport issues

41. The application proposes a single vehicular access to the site from Aberdeen Avenue. The whole of the Manadon Park estate is accessed via a signal controlled junction at the junction of Bladder Lane and Tavistock Road. This application proposes that a new 2 way junction is provided at Frobisher Approach/St Peters Road, which is on the northern boundary of the Manadon Park estate, adjacent to the existing artificial playing surface. This junction was formerly a bus only access point but has not been in use for a few years now due to the Manadon Park bus service being cancelled due to under use.
42. The following comments are the views of the Councils Highways Officer:
43. Trip Generation
44. It is acknowledged by the Highway Authority that the existing signal controlled junction of Bladder Lane with the A386 currently operates beyond its' theoretical capacity during the peak hours with the am peak hour being particularly problematic with lengthy delays for traffic trying to exit from Bladder Lane.
45. The capacity issues are exacerbated during the morning peak as a result of movements being made to and from St Boniface School and the use of the signal controlled crossing by pupils. Whilst the proposed development of 86 units would only generate around 43 trips during each of the peak traffic hours (14 arrivals and 29 departures during the am and 28 arrivals and 15 departures during the pm), traffic modelling work undertaken by the applicant's traffic consultant has revealed that any increase in traffic movements (however small) at the Bladder Lane/A386 junction would have a significant impact upon its' operation.
46. During pre-application discussions it was recommended that the applicant should consider creating a vehicular access to the proposed area of development direct from St Peters Road itself rather than through Manadon Park. However this suggestion could not be pursued due to issues mainly relating to land ownership and ecology.

47. The traffic generated by the wider Manadon Park development is prevented from either entering or exiting the development onto St Peters Road through the installation of a bus gate on Frobisher Approach. Whilst the rising bollard at the bus gate is no longer operational and the bus service that previously served the Manadon Park estate was withdrawn a number of years back, the associated Traffic Regulation Order is still in place.
48. In order to help improve the current capacity issues at the Bladder Lane junction in addition to accommodating the proposed traffic movements generated by the proposed development, the applicants traffic consultant has undertaken a further assessment looking at the potential traffic impacts associated with the removal of the bus gate and allowing traffic to both exit and enter the Manadon Park estate from St Peters Road.
49. Based upon the creation of a gravity model using existing Census Data, the assessment work undertaken reveals that opening up the exit/entrance onto St Peters Road results in an additional 37 outbound and 11 inbound trips along St Peters Road during the am peak along with 35 inbound and 15 outbound during the pm peak (this includes existing Manadon Park trips in addition to those generated by the development). During the am peak this equates to less than 1 vehicle per minute.
50. A traffic survey was also undertaken by the applicant at the junction of St Peters Road with Manadon Roundabout which revealed traffic flows of just 3-4 vehicles per minute along St Peters Road between the hours of 0730 and 0900 and a maximum queue of just 7 vehicles (recorded across 2 lanes) at the stop lines of the junction at the start of the survey (this number reduces down to 3 vehicles across 2 lanes for the remainder of the survey period). The additional vehicular movements generated along St Peters Road as a result of opening the bus gate during the am peak (37 trips) will not lead to a significant increase in traffic queuing at this junction.
51. Clearly the removal of the bus gate and creation of a 2-way access onto St Peters Road will lead to an improvement in operating conditions at the Bladder Lane signals which will benefit existing Manadon Park residents.
52. Furthermore as right turn movements are restricted at the Bladder Lane junction, the removal of the bus gate provides a significant benefit to trips to and from the north of the City (Derriford, Southway etc) as vehicles travelling southbound along the A386 would be able to access Manadon Park via Crownhill Road and St Peters Road rather than having to u-turn around Manadon Roundabout thereby leading to a reduction in trips on this part of the highway network.
53. On the basis of the above I have no objections in respect of the trip generation aspects of the proposal. However this is subject to the alterations being carried out in order to remove the existing bus gate (which will require a Section 278 Agreement). I would recommend that this be covered by way of a grampian condition.

### Car Parking

54. As this application is for outline consent with the layout being one of the matters that is reserved for future consideration, I am only able to comment on the overall car parking provision. The applicant has confirmed that a total of 172 spaces will be provided (33 of which would be garages) which equates to an overall standard of 2 spaces per unit which is in accordance with the current standards and therefore considered to be acceptable. In addition to car parking, the applicant has also confirmed that cycle parking will be provided on the basis of the minimum standards as outlined within the Development Guidelines SPD.

### Layout

55. Whilst concerns have been raised by some local residents regarding the provision of accessing the proposed area of development through the Manadon Park estate, having visited the site on a number of occasions at different times I do not share these concerns with adequate vehicular access routes existing through the development.
56. The illustrative master plan indicates the provision of a pedestrian/cycle link in the south western corner of the site out onto St Peters Road (which will facilitate access to the existing bus services that run along this route). In addition I would like to see a further pedestrian/cycle link provided out onto St Peters Road just to the north of the junction of Chaucer Way with St Peters Road (this link would run through the area identified as part of the Plymouth Biodiversity Network).
57. Further comments relating to the internal layout of the site will be addressed at the Reserved Matters stage with the intention that the roads serving the development will be adopted by way of a Section 38 Agreement.

### Travel Plan

58. The applicant has submitted details of the framework of a Residential Travel Plan which is welcomed. Some concerns remain regarding who would be responsible for the day-to-day operation of the Travel Plan and this needs to be addressed before such a document is considered acceptable.
59. In order to assist in the delivery of modal shift targets (yet to be decided) within the TP it is recommended that a financial contribution of £30k be secured from the applicant through a Section 106 Agreement to be used for either of the following:-  
(a) Provision of a 6 month Citybus Zone 1 & 2 bus pass for each residential unit or  
(b) Voucher for the purchase of a bicycle.
60. Either of these measures would assist in encouraging the use of sustainable modes of travel (either through increased cycling or public transport use). It is recommended that such a financial contribution would be deposited in a dedicated Travel Plan Account.

### Construction Traffic Management Plan

61. During the construction phase of the works it has been recommended to (and agreed in principle by the applicant) that a temporary vehicular access for use by construction traffic will be created onto St Peters Road. This would then prevent construction traffic from having to access the site through the residential streets within Manadon Park. It is recommended that the requirement for such be secured through a condition relating to the Construction Traffic Management Plan.

## Section 106 Agreement

62. In addition to the sum of £30k for Travel Plan measures (as mentioned above), it is recommended that a further sum of £5k be secured from the development in order to fund the installation of a bus boarder at the outbound bus stop on St Peters Road. To conclude I would not wish to raise any highway objections to this application although I would recommend that conditions be attached to any grant of consent.

### **Affordable Housing**

63. The delivery of affordable housing development is one of the top Corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). With such high levels of Affordable Housing need consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.

64. The need for the delivery of affordable housing in the city is greater than total annual housing provision. Plymouth's Housing Register of those in proven housing need stands at 10,466 in April 2014. With such high levels of affordable housing need, consistent delivery of affordable housing can cumulatively make a big difference to catering for the City's overall housing need.

65. The application proposes an affordable housing offer of 18%, which equates to 16 units if the total number of dwellings provided is 86. As the application is in outline only, details of the affordable housing provision requirements will be set out within the S106, making clear requirements for any reserved matters application. The percentage of affordable housing will be secured within the S106 attached to this application.

66. The application has been subject to a robust viability assessment. In the light of this viability testing, Officers advise that the 18% Affordable housing figure is the best that can be achieved if Affordable Housing policy guidance payments (outlined in the spd) are made to the developer. However discussions are on-going between the developer, the partner Housing Association and the Housing Delivery team to see if enhanced affordable housing provision can be provided with enhanced payments based on the government's new Affordable Rent model. Initial profiling suggests that enhanced payments could deliver more than 22% Affordable housing but this is still subject to negotiation. An update will be provided to the committee. The affordable housing negotiations take into account the significant financial impact of replacing sports changing rooms at the site, and the effect this has on the viability of the development.

67. Taking into account these circumstances, officers have accepted that the affordable housing offer will be compromised by the development viability. However negotiations are still on-going in order to limit the extent of compromise in affordable housing provision. Officers acknowledge the role the application has in supporting the City's wider aspiration to increase and accelerate housing delivery to support Plymouth's growth agenda. It is recognised that the provision of a range of dwelling sizes including two bed units will make a contribution to meeting the City's housing need.

68. Tenure - A mix of tenures will be incorporated into the s106 with rent (social and affordable) and shared ownership (intermediate) at a ratio of 60:40, to be specified in the s106 clauses.

69. Representative mix – The s106 will secure the requirement for affordable housing provision which is representative of the overall housing mix – delivered on a formulaic basis dependent on the finally agreed percentage of affordable housing provision.
70. Locations of affordable housing proposed will need to be reasonably well dispersed – although small clusters of affordable housing is likely to be acceptable.

### **Renewable Energy**

102. 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.
103. 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 and Paragraph 96 of the NPPF. It is considered that the proposal makes sufficient provision for climate change in terms of both the NPPF and the Council's own policies.

## **9. 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.

## **10. 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 £710, 250 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

## CIL

The provisional Community Infrastructure Levy liability (CIL) for this development will not be finalised until the reserved matters stage but based on 86 units is circa £250, 000 including any potentially qualifying demolished floorspace. This information is based on the CIL information form submitted with the application and is based on current rates.

### 10a. Planning Obligations

A planning obligation is required to mitigate the impacts of the proposal. Draft Heads of Terms have been agreed with the applicant to mitigate the loss of former sports pitches at the site and include:

- Provision of a 4 team changing pavilion with ancillary clubroom at a final location to be agreed at land north of the site on the adjacent Cricket Pitch, to be used in connection with the existing Council owned cricket and football facilities. Details to be agreed and approved by the Local Planning Authority and shall conform to Sport England guidance.

Agreement has also been reached with regards to the provision of Affordable Housing at the site and the applicant has agreed to provide the following:

- Minimum of 18% (exact percentage to be confirmed) of total number of dwellings to be provided as affordable homes to be sold to be managed by an RSL and occupied by local people in housing need.

Other contributions agreed to mitigate the impacts of the development include the following:

- Education contribution of £125, 000 towards the identified expansion of Pennycross Primary School.
- Greenspace contribution of £33, 000 for children's play space towards improvements to the Bladder Meadow play space.
- Transport contribution of £35, 000 for identified Travel Plan measures and the funding of installation of a bus boarder at the outbound bus stop on St Peters Road.
- Contribution of £20, 000 for siting and ongoing maintenance of Manadon Spire

The application has been subject to a robust viability assessment and the provision of sports facilities and affordable housing at the site have been prioritised. Lengthy negotiations with the applicant have concluded and revealed that the development is not capable of supporting any additional contributions to those listed above.

It is considered that the facilities and contributions negotiated and listed above comply with the requirements of policy CS33 (Community Benefits/Planning Obligations) of the Core Strategy.

## 11. Equalities and Diversities

The application proposes up to 86 new residential units. A percentage of these are being provided as affordable housing and will be available to people on the Council's Housing Register through a Registered Social Landlord and the rest will 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. A condition is attached to ensure that 20% of the development will be made available as Lifetime Homes.

## 12. Conclusions

To summarise, this application will provide up to 86 new dwellings with community benefits including a new sports pavilion, public open space and improvements to the local highway network.

It is considered that residential development in this location is acceptable and that any future residential development at the site would not impact significantly upon nearby properties residential amenities due to separation distances in the area and would not harm the surrounding highway network, providing adequate levels of off street car parking.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with both local policy and national planning guidance.

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 1st July 2014.

## 13. Recommendation

In respect of the application dated **31/01/2014** and the submitted drawings 12705 SK 14 01 15 (Illustrative Layout) and accompanying Design and Access Statement, Transport Assessment, Energy Statement, Flood Risk Assessment, Ecological Mitigation and Enhancement Strategy, Planning Statement and Phase I Environmental Statement, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 02 July 2014**

## 14. Conditions

### APPROVAL OF RESERVED MATTERS

(1) Approval of the details of appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

### SUBMISSION OF RESERVED MATTERS

(2) Plans and particulars of the reserved matters referred to in condition (1) above, relating to the appearance, landscaping, layout and scale, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

### TIME LIMIT FOR SUBMISSION

(3) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

### TIME LIMIT FOR COMMENCEMENT

(4) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

### APPROVED PLANS

(5) The development hereby permitted shall be carried out in accordance with the following approved plans: I2705 SK 14 01 15 (Illustrative Layout).



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, and paragraphs 61-66 of the National Planning Policy Framework 2012.

#### PROVISION OF DRAINAGE WORKS

(6) 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, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012

#### SURFACE WATER DRAINAGE

(7) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable for construction;
- a construction quality control procedure;
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development.

## STREET DETAILS

(8) 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, and paragraph 32 of the National Planning Policy Framework 2012.

## ACCESS

(9) 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, and paragraph 32 of the National Planning Policy Framework 2012.

## DETAILS OF NEW JUNCTION

(10) 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 the building shall not be occupied until that junction has been constructed in accordance with the approved details.

### Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

## PROVISION OF SIGHT LINES

(11) 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 before the ^IN is first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

#### COMMUNAL CAR PARKING PROVISION

(12) No dwelling shall be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority] for a maximum of 172 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited in order to assist the promotion of sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

#### TRAVEL PLAN

(13) The development hereby permitted shall not be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage residents and visitors to use modes of transport other than the private car to get to and from the site. It shall also include details of the measures/initiatives that will be implemented in order to secure the modal shift targets, arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the developer shall operate the approved Residential Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 32 and 34 of the National Planning Policy Framework 2012. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

#### REMOVAL OF BUS GATE

(14) None of the residential units hereby proposed shall be occupied until the existing bus gate and Traffic Regulation Order on Frobisher Approach have been removed in order to allow traffic to both enter and exit the Manadon Park development from St Peters Road.

Reason:- In order to provide an alternative point of vehicular entry and exit to the Manadon Park development and thereby reduce traffic queuing and delays at the existing signal controlled junction of Bladder Lane with the A386 Tavistock Road in the interests of highway safety and capacity.

## CONSTRUCTION TRAFFIC MANAGEMENT PLAN

(15) The construction of the development hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted no less than 3 months prior to the start of construction works on-site and shall include details of access routes to and from the site; details of the construction vehicle movements including number, type and size of vehicles; construction operation hours and contractors car parking arrangements. The construction of the development hereby permitted shall be carried out strictly in accordance with the approved CTMP.

Reason:-

To ensure that the traffic impacts associated with the construction phase of the development does not impact upon the residential amenity of residents within the existing Manadon Park estate and that the associated construction traffic movements do not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## CODE OF PRACTICE DURING CONSTRUCTION

(16) 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, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

## CONTAMINATED LAND

(17) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation 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, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

## CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

(18) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period including but not limited to noise, working hours, piling operations (if undertaken) artificial site illumination. The agreed CEMP shall be implemented in full throughout the duration of the construction works, unless a variation is agreed in writing by the Local Planning Authority, in advance.

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.

## NOISE ASSESSMENT

(19) Prior to commencement of the development hereby approved a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The noise assessment shall assess the impact of noise from nearby roads and sports pitches and shall be carried out in accordance with best practice guidance.

Reason: To ensure that risks from future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors; and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## DETAILS OF BOUNDARY TREATMENT

(20) No development shall take place past damp proof course level 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

## LANDSCAPE DESIGN PROPOSALS

(21) No development shall take place past damp proof course level 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 proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

### 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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

## SOFT LANDSCAPE WORKS

(22) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

### 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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

## LANDSCAPE WORKS IMPLEMENTATION

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

### Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

## LANDSCAPE MANAGEMENT PLAN

(24) 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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

## MAINTENANCE SCHEDULE

(25) 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, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

## EXTERNAL MATERIALS

(26) No development shall take place past damp proof course level 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, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

## SUSTAINABLE RESOURCE USE

(27) Notwithstanding the Energy Statement submitted by Energy Compliance Ltd (dated 24th May 2013), prior to development being undertaken past damp proof course level, the applicant shall provide to the Local Planning Authority a full report for approval in writing identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.



Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development 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 (2

## LIFETIME HOMES

(28) No development shall commence on site past damp proof course level until details showing how 20% of all dwellings at the site shall be constructed to Lifetime Homes standards have been submitted to and approved in writing by the Local Planning Authority.. The layout of the floor plans approved shall be permanently retained for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

Reason:

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

## BIODIVERSITY

(29) 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 March 2013) hereby approved 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 within the NPPF.

## **Informatives**

### INFORMATIVE: ILLUSTRATIVE DETAILS

(1) In granting this outline planning permission, the Local Planning Authority has had regard to the details shown for illustrative purpose on the submitted plans and drawings, and would expect the principles shown to be reflected in any subsequent application for the approval of reserved matters, including the details submitted in connection with the proposed public open space.

#### INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

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

#### INFORMATIVE: TRAVEL PLAN

(3) The document required in connection with the Travel Plan should be based upon the Council's guidance for Travel Plans published on the Council's website and should, where possible, be created using iTRACE, an online travel plan management tool available through Plymouth Transport and Infrastructure. The applicant is advised to contact Plymouth Transport and Infrastructure prior to preparation of this document for site-specific advice on the requirements for the Travel Plan, which are likely to include:

- (a) appointment and contact details of a Travel Plan Coordinator
- (b) recommendation of the use of iTRACE
- (c) site specific targets, measures and management/monitoring plan.

#### INFORMATIVE: (4) 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](http://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: CONDITIONAL APPROVAL

(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 with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

#### INFORMATIVE: CODE OF PRACTICE

(6) 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.