

PLANNING APPLICATION REPORT



Application Number 14/00082/FUL

Date Valid 28/03/2014

Item 03

Ward Compton

Site Address MANNAMEAD CENTRE, 15 EGGBUCKLAND ROAD PLYMOUTH

Proposal Demolition of existing Mannamead Centre and erection of 29 dwellings

Applicant Pillar Land Securities Ltd

Application Type Full Application

Target Date

27/06/2014

Committee Date

Planning Committee: 14 August 2014

Decision Category

Major - more than 5 Letters of Representation received

Case Officer

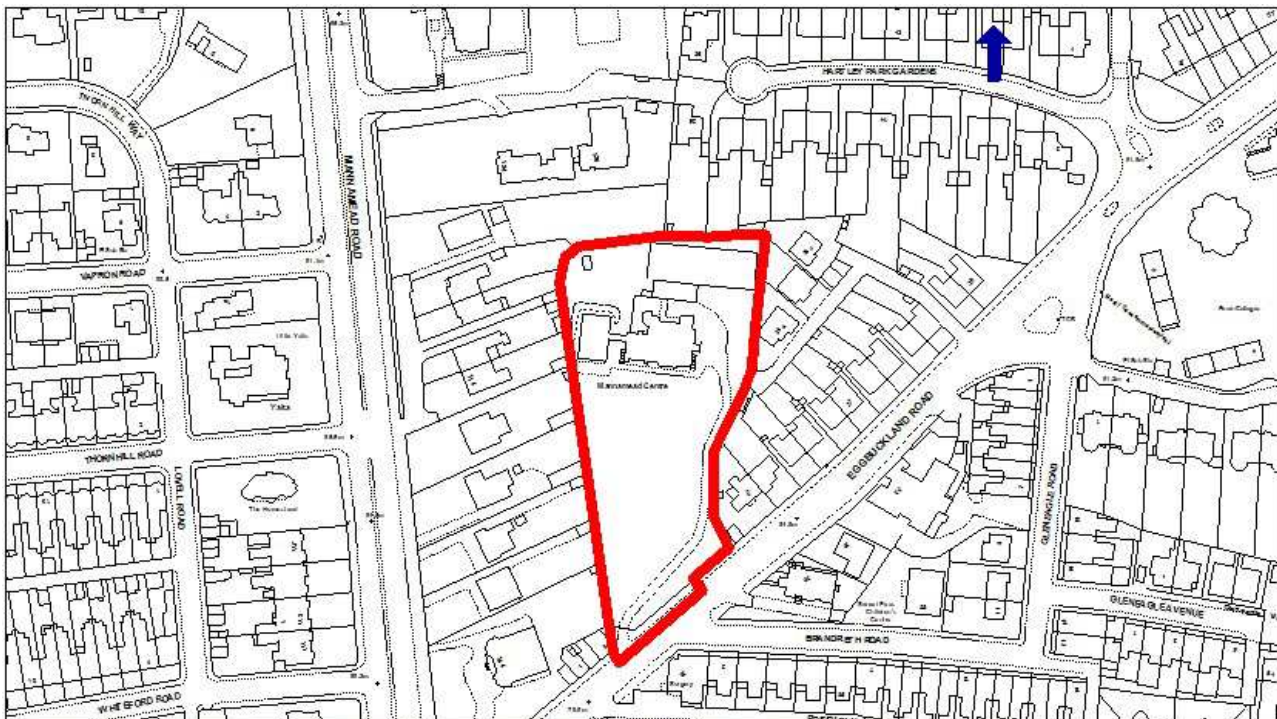
Thomas Westrope

Recommendation

Grant conditionally subject to S106 Obligation

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1. Description of site

The former Mannamead Centre site was last used as a Plymouth City Council (PCC) education establishment until 2013 when the site became vacant and remains in PCC ownership. The site is accessed from Eggbuckland Road for pedestrians and vehicles via the main and only entrance.

The site is in part brownfield but includes extensive lawned areas with mature trees. The site benefits from a gentle southerly aspect sloping from an elevated position to the north where the existing building is to the south entrance. The site is substantially screened by trees from Eggbuckland Road to the south and is bounded on the remaining sides by the rear gardens of residential properties.

The existing areas of Mannamead are characterised by larger detached properties set in larger gardens with mature trees along Mannamead Road and to the north and east. The area also includes a number of terraced properties to the south of Eggbuckland Road.

There is a small local shopping area on Eggbuckland Road adjacent to the site.

2. Proposal description

The proposed development is to demolish the existing building and to develop the site with 29 contemporarily designed residential units of mixed type. There are proposed to be 5 detached units in the north of the site, 12 semi-detached units in the middle and south of the site, 10 flats in the south of the site and 2 town houses opposite the entrance. The tenure of the proposals provide for 45% RENTPlus affordable units by number of units proposed.

The existing access to the site is proposed to be widened to provide for two-way traffic and pedestrian visibility, with the remaining quality trees and boundary wall along Eggbuckland Road retained. The proposed internal access road runs along the south and then east boundaries to the north where it runs east to west in a cul de sac. There is access in the middle of the site into a courtyard area that has car parking with properties fronting onto it.

The access road running north along the east boundary narrows to a single lane which allows for the retention of a significant tree in this location.

3. Pre-application enquiry

Pre-application discussions took place at an early stage and all of the officer recommendations have been taken into account in the design and layout of the scheme. The developer carried out consultation with adjacent neighbours through individual discussions and a consultation event.

In addition, amendments have been made to the scheme during the application process as a result of letters of representation received and further engagement by the applicant.

4. Relevant planning history

There is no planning history relevant to this application or this site.

5. Consultation responses

Police Architectural Liaison Officer

'The Devon and Cornwall Police are not opposed to the granting of planning permission for this application. I have been fully consulted at the pre application stage and support this application in its current design and layout.'

Public Protection Service

No objection on grounds of noise impact to existing or future residents as a result of the completed development. Recommends the inclusion of a condition on any grant of planning permission that requires approval of and compliance with a Code of Practice During Construction.

Recommend conditions with regard to land contamination investigation and any resulting remediation requirements, including asbestos removal.

Transport Team

No objections. Recommendation of various detailed conditions to be included on any grant of planning permission.

The application site is considered to be easily accessible and sustainable, and conveniently placed to access local services and the wider transport network. The traffic generation of the proposed development is considered to be acceptable, especially in the context of the previous use's trip generation.

The access will be improved and is considered to be acceptable subject to the works being required through condition.

The level of parking proposed is considered to be acceptable subject to further details securing adequate dimensions to ensure that their use is secured.

6. Representations

Five letters of representation have been received which withdrew previous objections to the scheme as a result of amendments made by the developer.

We have received a total of five further letters of representation and one letter signed as a petition by residents from 11 properties has also been received.

The issues raised are summarised below, but please refer to the original Letters of Representation available on the Plymouth City Council website for complete information.

- Objections to balcony creating overlooking, loss of privacy and noise [NB balcony now removed from scheme].
- Welcome removal of balconies, but consider that the roof space of the proposed dwellings could still be used as such with minor future alterations.
- Overlooking from the proposed courtyard as a result of ground level differences.
- Loss of privacy from proposals due to overlooking from windows.
- Impact from large and high wall of proposed dwellings and resulting impacts to privacy and amenity in terms of overpowering presence, ruined vista, dominance and overbearing.
- The proximity of the proposed dwelling will also create additional noise.
- Object to felling of trees on north and west boundaries resulting in loss of character, amenity and privacy/screening.
- Council should consider impact on existing wildlife: bats, owls and newts.

- Why are some of the homes [NB the affordable housing units] being built to a higher 'ecological standard than others on the same site'?
- Notes that entry criteria for primary schools differ widely and may not be predicated on geographical proximity.
- Vehicular congestion at a very busy junction.
- Concerns regarding the access to the site being unsafe for those using the local shops.
- Considers that the density of the scheme is too high resulting in a cramped layout, incongruent with the existing built form, and not compatible with its surroundings.
- Impact from properties in Hartley Park Gardens on privacy of future residents of the proposed dwellings.
- Concern about the consultation process and engagement from the developer
- Concerns regarding proposed site working hours and proposes Monday to Friday 8:00 to 4:30.
- Concern regarding impact from construction regarding noise and dust.
- Impact to human rights regarding impacts from the proposals on neighbouring amenity.
- Suggests that an appropriate soft landscaping scheme with appropriate levels of screening should be approved as part of the application rather than being conditioned.
- Provide a guarantee that existing trees on or near boundaries will be protected from damage during construction.
- Requests that the development, if approved, is subject to a condition that removes permitted development rights, specifically with regard to Class A, Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- Requests application determined by Planning Committee
- Issues of land ownership / boundary dispute.
- Consider that the agreement with the developer has not been honoured with regard to the boundary treatment.
- Object to the name of the development.
- Concerned regarding the structural safety of plot 29 given the difference in ground level with existing properties to the east.
- Notes that a Site Planning Statement (September 2012) suggests "Mew style" 1-1.5 storey dwellings along the northern boundary and retention of existing trees of any merit. Do not feel that the proposals follow the site planning statement.
- Site Planning Statement not adhered to

One letter from the developer was received (21 May 2014) covering; boundary ownership issues; boundary treatment issues; proximity of new development to Hartley Park Gardens; privacy – rear first floor balconies; privacy – gable elevations facing towards Mannamead Road; site entrance and highways safety; existing trees; sustainable design (Code for Sustainable Homes); local amenities; overdevelopment; construction impacts; development name; public consultation.

NB. Disagreements regarding the location of the boundary and ownership are not material planning considerations.

NB. 'Agreements' between the developer in so far as whether they have been upheld or not, are not a matter for the Local Planning Authority's consideration.

NB. Objections to the name of the development, or potential street names, are not material planning considerations.

NB. Issues of structural and geological safety are not material planning considerations.

NB. Site planning statements are an articulation of potential solutions to a site, and do not create policy or guidance in themselves. Determination of this application must turn upon consideration of adopted national and local policy and guidance.

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 - Supplementary Planning Document First Review
- Planning Obligations and Affordable Housing – Supplementary Planning Document, Second Review

8. Analysis

This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance.

Principle

The principle of developing the site for housing is considered to be acceptable. The site is located in a highly sustainable location for the provision of housing being close to local facilities and the public transport network. In the policy context of affording great weight to the provision of housing, it is not considered appropriate to safeguard the site for other uses and no evidence has been provided that suggests otherwise.

Design

The proposed layout and design are considered to be acceptable and to contribute positively to the area. The contemporary style proposed is of a very high quality and will create a distinctive sense of place within the development while still respecting the overall character of the area. The new entrance will frame public views into the site from Eggbuckland Road and much of the existing boundary wall there will be retained. The housing density of the proposals provides for a good mix of housing type without compromising the overall character of the vicinity. The proposals achieve the Council's policy for the provision of Lifetime Homes.

Alternative acceptable designs could be proposed that retain and renovate the existing building. However, whilst the demolition of the Mannamead Centre is unfortunate in some respects, it is not considered to be contrary to our existing policies and, on balance, allows for a considered design response to the site that maximises other planning gains.

The layout of the scheme creates three distinct areas: the entrance road, fronted by two dwellings with garages on the ground floor and flats creating a strong building frontage and urban environment. Second, the courtyard and parking area will have a good urban environment as a result of dwelling frontages and the main access to the flats creating overlooking and activity. The access through an undercroft to this area is not ideal, however, at a width that allows two-way traffic and one and a half storeys in height the design response is considered to be acceptable. Third, the north cul-de-sac characterised by larger detached dwellings. A road that, in part, is only wide enough for a single vehicle, accesses this area of the site, has a proposed boundary treatment of a Devon hedge and is considered to create an attractive route (the transport implications and considerations of this access road are covered in the Transport section below).

Where possible, the retention of key and important trees has been incorporated into the evolution of the design including many of the trees bounding Egguckland Road, a large Holm Oak in the far northwest corner of the site, a large Turkey Oak to the south west corner of the existing building and a Beech adjacent to the north-south access road. Evidence provided with the application has found that a Beech in the north of the site has a cavity that requires the tree to be removed. Further evidence categorises the groupings of smaller trees on the north and west boundary to be 'c' and therefore not of high value. A category 'b' Turkey Oak in the middle of the site requires felling to accommodate the proposals; efforts to retain this tree would significantly impact the efficient use of the site and contribution to the provision of housing. On balance it is considered that the proposals respond to the existing assets of the site in respect of trees and sympathetically incorporates them into the design.

Neighbouring Amenity

Amendments to the proposal during the application have removed balconies from the first floor of the dwellings to the north and north west of the site. The applicant has also proposed that a condition be included on the grant of any permission that the areas shall not be used for these purposes in the future. It is a fine judgement as to whether such a condition is necessary. However, having regard to the number of letters of representation raising this issue and the willingness of the developer, it is considered appropriate in this case.

In order to aid in decision making the following distances from existing to proposed dwellings are scheduled:

- Plot 1 to site boundary – 1.6m
- Plot 1 to 104 Mannamead Road (nearest edge of tenement) – 28.4m
- Plot 18 to boundary – 2.8m
- Plot 18 to 110 Mannamead Road (nearest edge of tenement)– 29m
- Plot 25 to site boundary – 6.2m
- Plot 25 to 116 Mannamead Road (nearest edge of tenement) 28 m
- Plot 25 to 118 Mannamead Road (nearest habitable window) 26.2m
- Plot 26 to the boundary – 3.8m
- Plot 28 to 26 Hartley Park Gardens (main dwelling) – 35.8m
- Plot 29 to 24 Hartley Park Gardens (main dwelling) – 37.7m
- Plot 13 to 17 Egguckland Road (main dwelling corner not conservatory) – 19m
- Dwelling 12 (flat) to 17 Egguckland Road (main dwelling corner not conservatory) – 18m

Two of the proposed dwellings on the west boundary of the site, plots 1 & 18 are located adjacent to the boundary of the rear gardens of properties 104 & 110 Mannamead Road respectively. It is considered important, in order to protect the privacy of these properties, that no windows (other than with obscure glazing) shall be allowed on the east facing elevations and a condition is recommended to ensure that this is the case. Oblique views from the proposed north and south facing elevations are not considered to unacceptably impact upon neighbours' privacy.

The proposed dwellings at plots 1, 18 and 25 will reduce daylight, sunlight and impact on the existing properties on Mannamead Road. There exists vegetation along proportions of this boundary that means the resulting impact is diminished. Having regard to the Development Guidelines SPD, and the length of the gardens, it is considered that the impacts in this regard are acceptable.

The proposed Plots 26 and 27 back onto the garden of 122 Mannamead Road, and Plots 28 and 29 back onto 26 and 24 Hartley Park Gardens respectively. There is potential to cause loss of privacy in these locations. However, having regard to the changes in levels to the north, and the distances between the existing and proposed dwellings, the impacts in this regard are considered to be in compliance with the Development Guidelines SPD.

The proposed flats and plots 13 and 14 have windows that overlook the rear of 17 Egguckland Road. The window to window distances of the proposed dwellings to the first floor windows of the existing property are less than the guideline 21 metres for two storey, and 24 metres for three storey relationships at 18 metres. However, because of the property on Egguckland Road's proximity to the boundary, it is considered reasonable that the full guidance distance is not applied. Furthermore, the properties will be divided by the access road. On balance, with regard to privacy, sunlight, daylight and outlook, the impact in this location is considered to be acceptable.

Transport

The impact of the proposal on the highway network is considered to be acceptable considering the trip generation characteristics of the previous and proposed uses. The proposed access to the site is considered to be acceptable, providing a safe vehicular access and pedestrian visibility. It is considered necessary to condition that the improvements to the access are implemented prior to any dwelling being first occupied.

The proposals provide for 42 external parking spaces (1.45 per dwelling), plus 12 garage parking spaces in garages (aggregate of 1.86 per dwelling). Having regard to the mix of type of housing, this provision is considered to be acceptable.

As a result of gradient, narrowing and lighting, it will not be possible to adopt as highway maintainable at the public expense (HMPE) parts of the access road within the site. The road will be maintained through a management company. The transport officer has advised that this arrangement is acceptable in both planning terms and as highway authority.

Sustainability

As noted above, the broad sustainability of the site is positive, being close to local services and transport. There are no additional opportunities to improve the permeability of the site or area as the site is surrounded to the west, north and east with rear gardens.

The homes on the site are designed to Code for Sustainable Homes Level 3, with the affordable housing achieving Code Level 4. Alongside this provision, the council's policy of on-site renewable energy generation is proposed to be met through solar photovoltaic panels.

The bat survey submitted in support of the application concludes that there are no bats roosting in the existing building and the development is 'unlikely to have any adverse impact on local bat populations or activity'. A series of mitigation measures are proposed, and it is considered that these should be conditioned for implementation. Furthermore, a Biodiversity Enhancement Strategy further illustrates that the proposals will provide a net gain in biodiversity.

All nesting birds are protected by separate legislation, and it is not appropriate for the planning system to duplicate this protection.

Public Protection Issues

A Code of Practice during construction and demolition has been submitted with the application, and subsequently amended to reflect the recommendations of the public protection service regarding hours of operation namely 8am-6pm Monday-Friday and 8:30am – 1:00pm Saturdays with no working on Sundays or bank Holidays. It is recommended that a condition secure the provisions of the Code of Practice.

With regard to land contamination, the principle of development in this regard is considered to be appropriate and it is recommended that a condition is attached to the planning permission to secure any necessary remediation

Affordable Housing – RENTplus

The application provides 45% affordable housing by number of units, located in the lower and central area of the site. The tenure proposed is that of RENTplus; a new model of affordable housing that has been developed in the South West by Plymouth based company, housing association and Plymouth City Council and forms part of the Plan for Homes. RENTplus will provide 500 RENTplus homes in the City over the next 5-years under a Memorandum of Understanding between PCC and RENTplus-UK Ltd. Mannamead is the pilot site and will deliver the first 13 RENTplus units.

The purpose of the RENTplus affordable housing is to provide an intermediate housing option for people on the Housing Register with aspirations to purchase their home after a period of time. Tenants will benefit from paying Affordable Rent (up to 80% of market rent*) for a minimum of 5 years. On a phased basis at five year intervals (5, 10, 15 and 20 years) a proportion (25% at each interval) will be available for sale to RENTplus tenants who benefit from a gifted deposit from RENTplus to aid their purchase. Unsold properties can be acquired by an affordable housing provider.

In the unlikely event a tenant is not in a position to purchase outright they can "staircase" out through shared-ownership. In the rare circumstance the property has to be sold on the open market then a proportion of the sale price is given back to the Local Authority for re-investment in Affordable Housing.

The provision of intermediate housing is consistent with the National Planning Policy Framework and 'can include shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent' (Annex 2, National Planning Policy Framework). Annex 2 of the NPPF also states that 'housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision'. It is considered that such provisions are secured through the RENTplus model by removing people from the housing list or by direct subsidy to Registered Providers or the Council for future Affordable Housing. In addition, RENTplus will replace homes sold with a view of keeping a 'pool' of 500 RENTplus homes in Plymouth (subject to availability of land and finance). Furthermore, the RENTplus model of affordable housing has been fully endorsed by the Homes and Communities Agency.

The provision of Affordable Housing at an affordable price for future eligible households is desirable and also a mix of affordable housing types is normally sought. However, the proposals meet the policy tests through removing people from the housing register following periods of paying Affordable Rent. Having regard to the percentage of RENTplus units being provided and the great weight applied to the need to deliver housing in the city, on balance the proposals are considered to be acceptable and in accordance with local and national housing policy.

(*NB In the case of the Mannamead Centre, the Affordable Rent will be at the Local Housing Allowance Cap (estimated at approximately 70% of Market Rent in this location))

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

It is estimated that the scheme will generate £279,605 of New Homes Bonus over 6 years.

The CIL generated from the scheme is estimated at £91,001.65, with a provisionally estimated social housing relief of £27,519.51, leading to a payable CIL liability of £63,482.14

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been negotiated in respect of the following matters:

- £7.8k Play Space (Improvements to play equipment in Hartley Park Play Area)
- £12.2k Local and Strategic Greenspace (Surfacing improvements to the path network in Hartley Park and improvements to water supply at Lower Compton allotments)
- £40k Primary schools (Lipson Vale Primary currently being expanded)
- Plus the management fee of £7,803.69

These obligations are considered to be related in scale and kind to the development and, in the context of the affordable housing being provided and CIL contributions, are considered to adequately mitigate the impacts of the development on infrastructure in accordance with national and local policies.

12. Equalities and Diversities

Despite challenging site topography, the site achieves the 20% Lifetime Homes policy requirement.

13. Conclusions

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 policy and national guidance and specifically the provision of housing, neighbouring amenity, biodiversity and the natural environment and transport implications.

13. Recommendation

In respect of the application dated **28/03/2014** and the submitted drawings Various amendments and additional details, including amended site plan, additional landscaping details, amendments to house designs, land contamination survey and bat survey & mitigation strategy.

EX02 Rev A; EX01 Rev B; SK59; SK58; SK56 Rev A; SK55 Rev A; SK54; SK53 Rev B; SK52 Rev D; SK51 Rev B; SK47 Rev B; SK46 Rev B; SK45 Rev C; SK42 Rev B; SK41 Rev C; SK40 Rev C; SK39 Rev C; SK38 Rev B; SK36 Rev B; SK35 Rev C; SK34 Rev C; SK33 Rev B; SK31 Rev B; SK31 Rev B; SK29 Rev C; SK28 Rev C; SK27 Rev C; SK26 Rev D; SK25 Rev D; SK24 Rev C; SK23 Rev C; SK22 Rev F; SK21 Rev E; SK20 Rev C; SK19 Rev E; SK18 Rev D; SK17 Rev C; SK16 Rev C; SK15 Rev C; SK13 Rev D; SK12 Rev D; SK11 Rev C; SK10 Rev D; SK09 Rev D; SK08 Rev C; SK07 Rev B; SK06 Rev C; SK04 Rev C; SK03 Rev A; SK02 Rev H; SK01 Rev B; 03948 TPP 15.07.2014 Rev A; 03948 TCP 30.04.2013; S432-200; Landscape Ecology Management Plan – Hartley Gardens, Plymouth, 29 April 2014; Code of Practice, Revision A - August 2014; Bat Survey and Mitigation Strategy Rev 2; Phase 2: Geotechnical Investigation and Contamination Assessment Report, SR/JF/DT/14148/GICAR; Daylight Calculations Mar 2014; Arboricultural Impact Assessment, 03948 AIA REVA 19.06.14; Appendix I. Biodiversity Enhancement Strategy; Refuse Disposal, Mar 2014; Design changes and developments in response to neighbour/stakeholder comments; Neighbourhood Consultation, July 2013; Transport Statement, 28463/001 Rev A, March 2014; Phase I Desk Study Report, 3964, November 2013; Energy Statement, R-PLS1113-1A; Extended Phase I Habitat Survey, 13/3380/PW; Bat Survey Report, v1.4; CSH Pre-assessment Report, R-PLS1113-1B; Detailed Tree Assessment Report, 27.08.13; Tree Survey, 03948 Tree Survey 30.04.2013, and; accompanying Design and Access Statement, it is recommended to: **Grant conditionally subject to S106 Obligation**

14. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

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

Reason:

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

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: EX02 Rev A; EX01 Rev B; SK59; SK58; SK56 Rev A; SK55 Rev A; SK54; SK53 Rev B; SK52 Rev D; SK51 Rev B; SK47 Rev B; SK46 Rev B; SK45 Rev C; SK42 Rev B; SK41 Rev C; SK40 Rev C; SK39 Rev C; SK38 Rev B; SK36 Rev B; SK35 Rev C; SK34 Rev C; SK33 Rev B; SK31 Rev B; SK31 Rev B; SK29 Rev C; SK28 Rev C; SK27 Rev C; SK26 Rev D; SK25 Rev D; SK24 Rev C; SK23 Rev C; SK22 Rev F; SK21 Rev E; SK20 Rev C; SK19 Rev E; SK18 Rev D; SK17 Rev C; SK16 Rev C; SK15 Rev C; SK13 Rev D; SK12 Rev D; SK11 Rev C; SK10 Rev D; SK09 Rev D; SK08 Rev C; SK07 Rev B; SK06 Rev C; SK04 Rev C; SK03 Rev A; SK02 Rev H; SK01 Rev B; 03948 TPP 15.07.2014 Rev A; 03948 TCP 30.04.2013 and S432-200.

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.

Pre-commencement Conditions

PRE-COMMENCEMENT: FURTHER DETAILS

(3) Notwithstanding the submitted plans, no development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: dimensions of car parking spaces including garage parking, junction details, and off-site highway works. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66, 109, 110 and 123 of the National Planning Policy Framework 2012 .

PRE-COMMENCEMENT: CONTAMINATED LAND

(4) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not take place until sections 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
- adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in the replaced PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Section 4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with section 3.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

PRE-COMMENCEMENT: DETAILS OF NEW JUNCTION

(5) 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 none of the buildings hereby approved shall be occupied until that junction has been constructed in accordance with the approved details.

Reason:

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

PRE-COMMENCEMENT: ARBORICULTURAL METHOD STATEMENT

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

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

Pre-occupation Conditions

PRE-OCCUPATION: COMPLETION OF ROADS AND FOOTWAYS

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

Reason:

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

PRE-OCCUPATION: CAR PARKING PROVISION

(8) None of the buildings hereby approved shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: CYCLE PROVISION

(9) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for bicycles to be securely stored. The secure area for storing bicycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: BOUNDARY TREATMENT

(10) Unless otherwise agreed in writing by the Local Planning Authority, each section of boundary treatment hereby approved shall be completed before the dwelling to which it relates 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.

PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(11) 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.

PRE-OCCUPATION: REFUSE AREA

(12) Unless otherwise agreed in writing by the Local Planning Authority, no dwelling shall be occupied until related space for the storage of refuse has been provided with access in accordance with the details hereby approved.

Reason:

To ensure that satisfactory space for refuse is provided in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and the National Planning Policy Framework 2012.

Other Conditions

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(13) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and unless otherwise agreed in writing by the Local Planning Authority, paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the commencement of development.

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

B: If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars (plan no. 03948 TPP 15.07.2014 REV A) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

CONDITION: CODE OF PRACTICE DURING CONSTRUCTION

(14) Unless otherwise agreed in writing, the development shall be constructed in accordance with the management plan hereby approved.

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 .

CONDITION: BIODIVERSITY

(15) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Bat Survey and Mitigation Strategy Rev 2 (dated July 2014) and Biodiversity Enhancement Strategy for the site.

Reason

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

CONDITION: RENEWABLE ENERGY GENERATION

(16) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the measures achieving 15% renewable energy generation detailed in the Energy Statement for the site. The measures shall be installed prior to occupation of the dwelling to which it relates.

Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS20, and Government advice contained in the NPPF.

CONDITION: PRESERVATION OF SIGHT LINES

(17) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height at any time within the site lines to the site access approved under condition 5.

Reason:

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

CONDITION: ROOF AREA USE RESTRICTION

(18) The roof areas of the buildings hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of a further specific permission from the Local Planning Authority.

Reason:

The use of the roof area for such a purpose would be likely to lead to a loss of privacy to adjacent properties due to overlooking contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007, and paragraph 61 of the National Planning Policy Framework 2012.

CONDITION: OBSCURE GLAZING

(19) Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the windows (at first floor level) in the west elevation of the proposed dwellings on plots 1, 2 and 18, shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: PLAQUE

(1) It is noted that the developer is expected to display in public view the existing plaque at the access to the site hereby approved.

INFORMATIVE: SPECIAL WASTES

(2) If any demolition is involved, the Environment Agency advises that buildings when demolished can give rise to Special Wastes. These are subject to additional control prior to disposal. The Environment Agency can advise the applicant on the regulations concerning Special Wastes.

The Special Wastes most likely to be encountered during the demolition/refurbishment of pre-developed sites are: -

- a. asbestos cement building products;
- b. fibrous asbestos insulation, particularly around heating appliances;
- c. central heating oil;
- d. herbicides/pesticides;
- e. oils and chemicals associated with vehicle repairs and maintenance.

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(3) 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: PUBLIC HIGHWAY APPROVAL

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

INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

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

INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)

(6) 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 a Planning Performance Agreement and has negotiated amendments to the application to enable the grant of planning permission.