

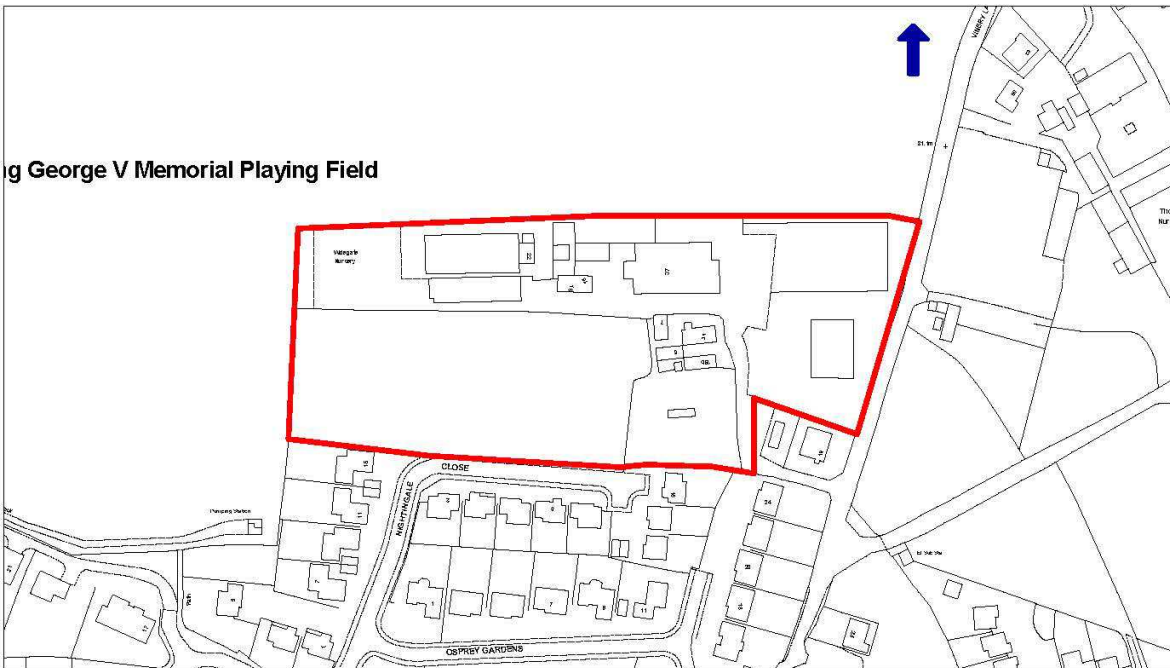
# PLANNING APPLICATION REPORT



<b>Application Number</b>	13/02348/FUL	<b>Item</b>	6.2
<b>Date Valid</b>	07/02/2014	<b>Ward</b>	Plymstock Dunstone

<b>Site Address</b>	NIGHTINGALE CLOSE PLYMOUTH		
<b>Proposal</b>	Redevelop site by erection of 70 new dwellings with associated access road, car parking and landscaping (demolition of existing buildings)		
<b>Applicant</b>	Spectrum Premier Homes Ltd		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>07/02/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 04 December 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 07/02/2015		

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## **1. Description of site**

The site measures approximately 1.77 hectares in area and is loosely rectangular in shape. It is bounded by King George V Memorial Playing Fields to the north and west, Vinery Road to the east and Nightingale Close to the south.

The majority of the site is currently disused former agricultural land, which has been vacant for many years. Parts of the site, to the north and east, are currently occupied by small, independent light commercial uses such as a nursery and workshops, with some uncovered storage also present.

The topography is generally flat with a gentle slope from the south-east to the north-west. Surfacing is mainly grassland with hedgerow boundaries containing numerous trees of various species. Whilst the majority of the site has no formal existing access, both vehicular and pedestrian access is available to the open undeveloped part of the site from the south via Nightingale Close. Vehicular access to the commercial area is taken from the east via Vinery Lane.

The surrounding area to the south is mostly residential in character, with a high percentage of 4 and 5 bedroom mainly detached suburban dwellings. There is a varied pallet of finish materials, including renders, stone, masonry and tiled roofs. Ground finishes are generally tarmacadam or grass. Playing fields exist to the west of the site, with rural fields and a quarry characterising areas to the north. Areas to the east are typified by further rural fields broken up by horticultural uses containing some large greenhouses.

## **2. Proposal description**

This proposal is for the construction of 70 dwellings comprising 21 (30%) affordable and 49 (70%) open market homes, which are a mix of 2, 3 and 4 bedroom units. With regards to density, this equates to a total density across the site of 39 dwellings per hectare.

The development proposes a new access road from Nightingale Close, constructed to adoptable standards and intended for adoption. Off-street car parking is provided at a ratio of 1.9 spaces per dwelling and each of the proposed dwellings has private amenity space. Refuse and recycling storage, as well as cycle parking provision, is proposed to be accommodated within rear garden areas (private amenity space). The scheme also includes the provision of a pedestrian and cycle link along the northern boundary of the site, providing pedestrian and cycle access to the surrounding playing fields.

## **3. Pre-application enquiry**

12/02117/MAJ – Development of site for residential purposes (30% affordable housing). Positive advice given - advised to submit a planning application.

## **4. Relevant planning history**

No relevant planning history.

## 5. Consultation responses

### Local Highway Authority

Support subject to conditions.

### Public Protection Service

Support subject to conditions.

### Environment Agency

No objection subject to conditions.

### Police Architectural Liaison Officer

Support subject to conditions.

## 6. Representations

The scheme has been amended following a consultation meeting with residents which has resulted in a revised layout, and one additional dwelling being added. The revised plans have been advertised and at present an additional 16 letters of objection have been received following the re-advertisement, confirming previous comments made. This makes a total of 148 letters of representation received, all in objection to the application. The main grounds of objection are summarised below:

- The density of housing proposed on the land in question is far too high as it is a relatively small parcel of land and is not in keeping with the general density of housing in the neighbouring area.
- The type of housing proposed (sizes and styles) to achieve the proposed density is not aligned with the type of housing that already exists in this area. It would therefore be completely out of place.
- The traffic implications of the proposals are significant - even the developer assesses the additional movements likely to be 200 or more a day. In particular there is only one way in and out of the site which involves joining Sherford Road at its junction with Station Road. This junction is already quite dangerous with limited views when entering Sherford Road and this increased volume is expected to make this junction unacceptably dangerous.
- The density of the development is still out of keeping with the remainder of the area, the development plans are clearly designed to tick the Political Correctness box with the rights of Bats and Reptiles being considered and generating income for the developer over and above the genuine concerns of existing homeowners.
- The scale of the proposal is inappropriate. The proposed development will damage the neighbourhood, devalue existing properties and add to the traffic noise, air pollution and traffic bottlenecks which occur daily. Emergency vehicles can often be hindered in traffic around the Hays Road and Sherford Road junctions with the A379 as evidenced by their sirens.
- The development will adversely impact the area and is badly designed.
- The volume of housing units is far too large for the available site.
- The type of houses to be built is out of character with the existing dwellings in the area.

- The proposed access route (Nightingale Close) is wholly inadequate for the potential number of vehicles that may be generated by the development.
- The problems that will arise for both traffic access and parking will be considerable. This is likely to spill onto the existing estate, and could possibly cause problems for emergency vehicle access as I have seen in other estates with a similar density of properties.
- The proposal allows for 136 parking spaces (1.9 per dwelling) but there is no provision for visitor or service vehicle parking.
- Given the high density of the proposed development and significant increase in the volume of traffic, the level of noise and disruption for the residents is likely to be unpleasant to say the least, even post completion of the building work. It is not appropriate for the location and it does not meet the needs of the neighbourhood.
- We fail to see how the proposed development benefits the community. It has a potential high risk of damage and injury from the quarry. At a local level it must be regarded as a major development with high density housing that is totally inappropriate for the location and does not improve the sustainability of individual communities and neighbourhoods.
- Elburton already has a northern edge and the proposed development does nothing, in our view, to add to the positive sense of place and identity that already exists. The site is a small part of that Northern edge and will not in itself be a frontage to the future sports hub and transport link to Sherford.
- The area is currently "green space" land and should remain so.
- The amount of traffic that would result from the building of so many properties on such a small piece of land would be horrific particularly as Nightingale Close itself is only a minor estate road at present.
- The volume of traffic entering onto the mini roundabout at Sherford Road and indeed onto the A379 itself from Sherford Road would cause severe traffic disruption. It is very dangerous at present to turn right into Sherford Road from Station Road due to poor visibility. At peak times the traffic is queued from the roundabout outside the Elburton Hotel back to past the mini roundabout at Station Road trying to enter the A379 in both directions.
- The value of the quality houses in Nightingale Close, Osprey Gardens, Finches Close and the Oakwood estate would be devalued by building a mixed development of housing some of which would be rented housing.
- There would be considerable overlooking to No 11 Nightingale Close and the houses opposite the current green space area and the proposed new opening to the proposed housing development.
- The proposed housing development is not in keeping with this quality housing area.
- How does all this whole matter affect the much larger development of East Sherford. Is it sensible to allow other development to be given the go ahead which could aggravate/affect such matters as traffic flow, when the result/consequences of an earlier agreed planning one are not known.
- Having made an informed choice to buy the above bungalow/premises, which we did when they were built in 1997, we are now deeply concerned that, inter alia, the density of these proposed 69 new dwellings, is not appropriate for the surrounding area.
- The proposed number and type of properties to be crammed on to the site is totally inappropriate to the character of the surrounding area.
- Vehicular access: The large number of cars appropriate to such a number of properties, that will use the existing narrow estate road and then the narrow and twisting Hazel Grove road, is unacceptable, on safety grounds.
- The type of houses proposed in this application is totally out of character with the rest of the detached houses and bungalows in the area. Terraced houses are totally unacceptable in the existing surroundings and a greater emphasis should have been placed upon creating similar style houses in lesser numbers.

- The density of houses proposed by the developers own admission is 'greater population density than the surrounding area". In other words there are too many houses proposed for the size of the site. Perhaps they want to create a 'ghetto' style development instead of a well laid out lower density development.
- Vehicular access would be totally inadequate from Nightingale Close for the 130 car park spaces proposed plus visiting vehicles. This will undoubtedly obstruct this already narrow road and have a huge impact on the existing residents quality of life.
- The existing mini roundabout at Station Road / Sherford Road already cannot cope with the existing volume of traffic which would increase dramatically with these additional vehicles. Given the bad visibility on exiting Station Road there will be an increase risk of accidents at this junction.
- The land has no vehicular access.
- The roads around this site are not made/in a good state of repair for the heavy goods vehicles needed to build this development. Also Vinery Lane is not wide enough to sustain the amount of heavy goods vehicles that will be needed on this development and more damage will be done to the hedgerows not affected by the passing traffic/development.

## 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;
- Affordable Housing and Planning Obligations 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 North Plymstock Area Action Plan (2007), 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

3. The site lies within the boundary of Policy NP06 (Future Development Options North of Elburton) of the Adopted North Plymstock Area Action Plan (2007). This states that:

*Land to the north and north-east of Elburton and up to the proposed High Quality Public Transport (HQPT) link, shall be safeguarded for its potential to accommodate long term development, beyond 2016, subject to assessment of need and economic justification through a Plan, Monitor, Manage process. It is envisaged that any development in this location would need to establish a northern edge to Elburton, fronting onto the HQPT route, and sports hub to the north. It should also deliver some local facilities to serve this area, local linked greenspaces to provide local opportunities for play and amenity and access to other recreational areas, including the Sherford Community Park. Any residential development options should seek to achieve zero carbon development. Any proposals would need to consider local traffic management impacts and provide opportunities for access from existing residential development in Elburton to the north and to the proposed Public Transport Stop. The area should be able to accommodate in the region of 300 mixed type and tenure homes. Other options include retaining the area as a green buffer.*

4. The reasoned justification is as follows:

*This is a Policy to safeguard land to meet possible strategic housing need after 2016. Development proposals in the area that will be delivered in the period up to 2016 should be designed to allow for integration with this potential long-term development option. The detailed spatial planning policy framework for this long-term option will be prepared in the course of future reviews of the relevant part of the Local Development Framework, and which will explore and take account of the various impacts and issues. No decision on development will be taken until current needs, alternative options, and a sustainability assessment have been considered.*

5. The site forms a small part of the overall area affected by NP06 and therefore is not expected to deliver the 300 homes quoted in the policy. The site does not affect the planned High Quality Public Transport Link (HQPT) that is planned to the north but will front onto it, as required. The proposed development makes provision for a strategic cycle route alongside its northern boundary and will form a northern edge to Elburton. It is considered that the development is therefore compliant with Policy NP06 of the Adopted North Plymstock Area Action Plan (2007).

### 5 year housing supply

6. When determining applications for residential development it is important to give consideration to housing supply.
7. Paragraph 47 of the NPPF stipulates that *“to boost significantly the supply of housing, local planning authorities should...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*
8. Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*
9. For the reasons set out in the Authority’s Annual Monitoring Report (December 2013) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2014-19 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,536 dwellings which equates to a supply of 3.16 years when set against the housing requirement as determined by the requirements of the NPPF or 2.64 years supply when a 20% buffer is also applied
10. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:
  - Available to develop now
  - Suitable for residential development in terms of its location and sustainability; and
  - Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.
11. Paragraph 14 of the NPPF states *“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking...”*

*For decision-taking this means:*

*approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of date, granting permission unless:*

- a. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
- b. specific policies in this Framework indicate development should be restricted”*

12. As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as determined by the requirements of the NPPF, the city’s housing supply policy should not be considered up-to-date. Paragraph 14 of the NPPF is therefore engaged and substantial

weight must be accorded to the need for housing in the planning balance when determining housing applications.

#### Density

13. Density calculations can be a crude measurement in determining the quality of schemes but do provide a broad benchmark in their assessment. The density of development surrounding the site is fairly low in comparison to many other areas within the city boundary, as the area is characterised by larger family housing in the form of detached and semi-detached dwellings.
14. The NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Core Strategy 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.
15. Proposed density levels at the site are higher than the density levels in the immediate vicinity, although this is considered necessary to make best use of the site and introduce a more diverse mix of housing to the community. Given the sustainable location of the site and the lack of demonstrable harm associated with the amount of development proposed the higher density is considered acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2.

#### Design and Layout

16. The NPPF attaches great importance to the design of the built environment. Core Strategy policy CS02 supports well designed developments to promote the image of the city through enhanced city and local gateway locations and key approach corridors. Policy CS34 refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised by residential development mainly comprising of semi-detached and detached properties, on fairly large, generously proportioned plots.
17. Vehicular access to the site is from Nightingale Close, with 5 detached dwellings proposed along the southern boundary of the site fronting onto Nightingale Close. These form a street frontage to the northern side of Nightingale Close, replicating the layout on the southern side of the street.
18. The access road then travels north into the site with dwellings either side forming a traditional street layout. Within the site the proposed development forms 3 perimeter blocks, with all dwellings facing outwards and fronting the road. The perimeter to the west of the site contains a mix of larger detached properties facing north onto the surrounding playing fields with smaller terraced and semi-detached units facing south into the site. The central perimeter has fewer dwellings, containing a mix of semi-detached and terraced units, oriented to face east and west with two dwellings at the northern end facing onto the surrounding playing fields. The perimeter to the east of the site contains 3 detached dwellings at the northern end facing onto the surrounding playing fields, with a mix of detached and semi-detached units facing east and presenting a frontage onto Vinery Lane and some smaller terraced and semi-detached units facing west into the site.



19. The layout of the site has been designed to ensure that pedestrian permeability is improved and the development includes a pedestrian link through the site to the areas of greenspace to the north of the site. The proposal therefore provides improved access to the existing network of local greenspace and a pedestrian route that links into the existing network of public footpaths in the adjacent areas of playing fields and open space.
20. The layout of the scheme has been revised since the submission of the original information to reflect comments made by residents at a public consultation, and to take account of concerns raised on ecology grounds. There are now larger dwellings on the north side of Nightingale Close, with the access road to the site moved to the west. The existing hedgerow adjacent to Vinery Lane is now retained in its entirety, with vehicular access to the dwellings fronting onto Vinery Lane now achieved from the rear via the main vehicular access to the site.
21. With regards to massing, design and external appearance, the whole site follows the same design form and the different dwelling types contain some very similar features that ensure that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The proposed dwellings are traditional in form, 2 storey with pitched roofs. The proposed dwellings that are closest to the existing dwellings are the larger detached properties, this is deliberate and has been done to ensure that the dwellings around the perimeter of the site reflect the context, which is characterised by larger detached units.
22. Whilst generally being of traditional form to reflect the existing surrounding development, an element of contemporary design is reflected in the provision of more modern canopy shelters for some of the front doors and weatherboard cladding so that the development does not have too much of a pastiche feel to it. The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth, but some use of stone and minimal areas of cladding helps to break up the elevations and present an interesting façade to the development. The materials palette is respectful of the surrounding development whilst helping to introduce some minor contemporary features and generally the proposal is in keeping with the character and identity of the context in which it sits.
23. The layout of the site and design of the proposed dwellings is considered acceptable. In summary, it is considered that the application will provide a positive addition to the streetscene and help to improve local visual amenity. It is therefore compliant with Policies CS02 (Design) and CS34 (Planning Application Consideration) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

#### Residential Amenity

24. 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.
25. The layout of the site has been arranged in order to minimise impact on the surrounding properties. The properties that are closest to the site, located on the southern side of Nightingale Close and western side of Vinery Lane, have either back to back or side to back relationships with the proposed dwellings. The separation distance between the existing dwellings referred to and the proposed dwellings is in excess of the separation distances

quoted in the Development Guidelines SPD as being the minimum acceptable distance, being 21 metres for a back to back relationship and 12 metres for side to back. The topography at the site, being fairly level, does not present any additional residential amenity issues.

26. The layout of the site has been arranged so that the relationship between the proposed dwellings within the site is satisfactory and designed so that all new dwellings will benefit from adequate levels of residential amenity, in accordance with the guidance contained within the Council's Adopted Development Guidelines SPD. With regards to residential amenity standards, all of the proposed dwellings have private amenity space that in terms of area is considered acceptable. Bin stores and cycle storage are also included within the development, in accordance with the guidance contained within the Development Guidelines SPD.
27. In summary, it is considered that there will be no significant residential amenity conflict created between the existing dwellings and proposed development. The application is therefore considered to be in accordance with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within the Development Guidelines SPD.

#### Highways Issues

28. The proposal raises a number of issues relating to site layout and traffic impact on the wider network. Each of these points is considered below.
29. The main vehicular access to the site is located on Nightingale Close which connects to the main highway network via Hazel Grove and Station Road which were constructed relatively recently and are built to modern standards with suitable footways. Station Road connects to Sherford Road via a mini roundabout which in turn connects to A379 at Elburton Roundabout. Each property within the new development has at least 1 car parking space with most having 2, and 14 houses have garage parking in addition. Over 140 spaces in total are provided. Streets within the site are proposed to be laid out either as a traditional street or as shared space.
30. All 70 dwellings are proposed to be served from Nightingale Close. The frontage onto Vinery Lane is to be set back to allow a new 2m footway together with a widened carriageway of 5.5m which is a similar arrangement to other parts of Vinery Lane (subject to confirmation). The footway accessing the front of the properties also connects via a footpath cycleway into the main part of the development and onto the playing field. No new vehicular access is provided onto Vinery Lane, however emergency access can be achieved via this route.
31. A number of representations have been made regarding the safety of the mini roundabout at the Station Road junction with Sherford Road which forms part of the main access serving the site. The Council's Highways Officer has investigated this matter and confirmed that there is no record of any injury accidents occurring at this junction over the last 10 years and only 1 record of a damage only accident (although there is no legal requirement to report these). The Police Road Safety Officer has also confirmed this point and notes that he has no particular concerns about the safety of this junction.
32. Another key concern for residents is the impact of traffic generated by the site on the wider highway network. A Transport Assessment has been submitted with the application, although the size of the proposal is below the threshold size which would normally require a

Transport Assessment. Whilst it might be considered that the site would generate in the order of 40 trips in the peak hour, there are some existing commercial uses on the site which would generate in the region of 20 trips per hour, which should be taken into account and be offset from this total. Concerning public transport the site lies approximately 400m from the nearest bus stops on Sherford Road served by Service 18.

33. With regards to adopted policy guidance, the National Planning Policy Framework; (March 2012) refers to a 'Presumption in favour of sustainable development', and that 'Development should only be refused on Transport grounds where the residual cumulative impacts of development are severe'. The level of additional car trips on the highway network would not be significant, whilst the main access roads to the site are built to a modern standard and although the network is busy at peak times the proposal is not considered to have a severe impact.
34. The Local Highway Authority has considered the transport and highway matters raised by the application and recommended that permission be granted subject to conditions. The application is thus considered to be compliant with Policy CS28 (Local Transport considerations) of the Core Strategy and the guidance contained within the NPPF.

#### Affordable Housing

35. The delivery of Affordable Housing is one of the top priorities for Plymouth City Council. The policy context is set out in paras.10.17-10.24 of the Core Strategy which supports policy CS15.
36. The site falls in the Elburton and Dunstone Neighbourhood. A 2011 census profile summary completed in December 2013 shows a high disparity of tenure in favour of owner occupation, with the majority of dwellings being detached or semi-detached, larger dwellings.
37. The application proposes a residential development consisting of 70 dwellings, with a mix of 2, 3 and 4 bed properties (17 4BH, 33 x 3BH and 20 x 2BH) with 30% affordable housing across all house types.
38. This development will enhance the area's housing offer in terms of unit type, mix and tenure. This will provide an opportunity for people wishing to enter the housing market in this area, or potentially downsize to smaller, more modern, energy efficient homes. It will also provide opportunities for applicants on the City's Housing register to move to a popular location with currently low levels of affordable housing provision.
39. Of the total homes proposed 30% (21 units) will be provided as affordable housing. 60% of these will be held as rented units (13 units), with a further 40% held as shared ownership units (8 units) with a mix of two and three bed homes. The units are to be arranged in small clusters around the site.
40. Homes will be managed by a Registered Provider in the City (Spectrum) who are a member of the Plymouth Housing Development Partnership. The provision of 30% affordable housing is welcomed and meets the policy requirement set out within Policy CS15 (Overall Housing Provision) of the Core Strategy.

#### Sustainable Resource Use

41. 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.

42. 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.

### Ecology

43. Policy CS19 (Wildlife) requires the application to provide a net gain in biodiversity at the site. The Ecological Assessment submitted with the application states that the site is generally of low value for biodiversity and wildlife.
44. However, there are parts of the site which are more valuable and a number of hedgerows around the perimeter are used by bats for foraging. These features are retained within the development and a number of other improvements are proposed to ensure that there is a net gain in biodiversity at the site, in accordance with the requirements of Policy CS19.
45. Council officers agree with this conclusion and in order to secure the proposed biodiversity gains at the site an Ecological Mitigation and Enhancement Strategy is required by condition.

## **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.

### **CIL**

The provisional Community Infrastructure Levy liability (CIL) for this development is £141,063.35, 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.

## **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 sought in respect of the following matters:

- Education contribution of £176, 694 towards the expansion of Pomphlett Primary School.
- Playing Pitches contribution of £57, 710 towards King George V Playing Fields improvements.
- Transport contribution of £72, 450 towards HQPT network between the City Centre and Pomphlett Roundabout.

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:

- The provision of 21 units to be provided as affordable housing at the site. 60% of these will be held as rented units (13 units), with a further 40% held as shared ownership units (8 units) with a mix of two and three bed homes.

In addition there is a Management fee of £15, 342.

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

## **12. Equalities and Diversities**

The application proposes 70 new residential units. Twenty one of these, which equates to 30%, are being provided as affordable housing and will be available to people on the Council's Housing Register through a Registered Social Landlord, in this case Spectrum Housing Association. 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.

## **13. Conclusions**

To summarise, this application will provide 70 new dwellings (21 units to be provided as affordable housing) with a community benefits including financial contributions to mitigate the impacts of the proposal on education, green space and 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 7<sup>th</sup> February 2015.

### 13. Recommendation

In respect of the application dated **07/02/2014** and the submitted drawings 1829.000, 1829.002, 1829.003P, 1829.004E, 1829.005F, 1829.006E, 1829.007G

1829.009E, 1829.010F, 1829.011E, 1829.016E, 1829.017, 1829.018, 1829.019, 1829.021, 1829.021AAA, 1829.022, 1892.023, 1829.024

Readvertised for 21 days due to amended description and amended plans, 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 7<sup>th</sup> February 2015.**

### 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: 1829.000, 1829.002, 1829.003P, 1829.004E, 1829.005F, 1829.006E, 1829.007G, 1829.009E, 1829.010F, 1829.011E, 1829.016E, 1829.017, 1829.018, 1829.019, 1829.021, 1829.021AAA, 1829.022, 1892.023, 1829.024.

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: CONTAMINATED LAND

(3) 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 I. 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: SURFACE WATER MANAGEMENT

(4) 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 accordance with the details and timetable agreed. The scheme shall thereafter be 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.

#### PRE-COMMENCEMENT: DETAILS OF BOUNDARY TREATMENT

(5) 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.

#### PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

(6) 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.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; 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.

#### PRE-COMMENCEMENT: STREET DETAILS

(7) No development shall take place past damp proof course level 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.

#### PRE-COMMENCEMENT: ACCESS (8)

(8) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and

connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

#### PRE-COMMENCEMENT: HABITAT PROTECTION AND ENHANCEMENT

(9) No development shall take place until an Ecological Mitigation and Enhancement Scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with a timetable forming part of the submitted scheme.

Reason:

To ensure wildlife habitats are protected, to comply with Policies CS19 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 118 of the National Planning Policy Framework 2012.

#### PRE-COMMENCEMENT: LIFETIME HOMES

(10) 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).

#### PRE-COMMENCEMENT: ENERGY REPORT

(11) 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.

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

### **Pre-occupation Conditions**

#### **PRE-OCCUPATION: PROVISION OF PARKING AREA**

(12) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

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

#### **PRE-OCCUPATION: CYCLE PROVISION**

(13) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for 53 bicycles to be securely parked. 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: TRAVEL PLAN**

(14) The development hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Travel Plan shall seek to encourage staff and all site users to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; 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 [the commencement of the use][occupation] the occupier shall operate the approved 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.

#### **PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION**

(15) 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: ACCESS CONSTRUCTION BEFORE OCCUPATION**

(16) The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

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-OCCUPATION: NOISE VERIFICATION**

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

Reason:

To ensure that the aforementioned noise insulation standards are met.

#### **Other Conditions**

##### **CONDITION: NOISE**

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

Reason:

To ensure that the proposed dwellings hereby permitted achieve a

satisfactory living standard and do not experience unacceptable levels of noise

disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## **Informatives**

### **INFORMATIVE: (1) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

(1) 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 (2)**

(2) 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.

### **NOISE: INSULATION**

(3) As noise insulation works can be costly after developments are completed, it is advised that in order to meet the above criteria, a noise assessment is carried out to assess the additional level of insulation required, to meet the required standard prior to development. This may reduce costs after the development has been completed.

### **NOISE: QUARRY**

(4) Although the vibration from the quarry is within prescribed standards (under 10mm/s), it is recommended that the proposed dwellings are designed and constructed to ensure that any vibration from the quarry does not impact on any future occupiers.

### **INFORMATIVE: ROADWORKS**

(5) Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980. The applicant should contact Plymouth Transport and Highways for the necessary approval.