

# PLANNING APPLICATION REPORT



Application Number 14/02196/FUL

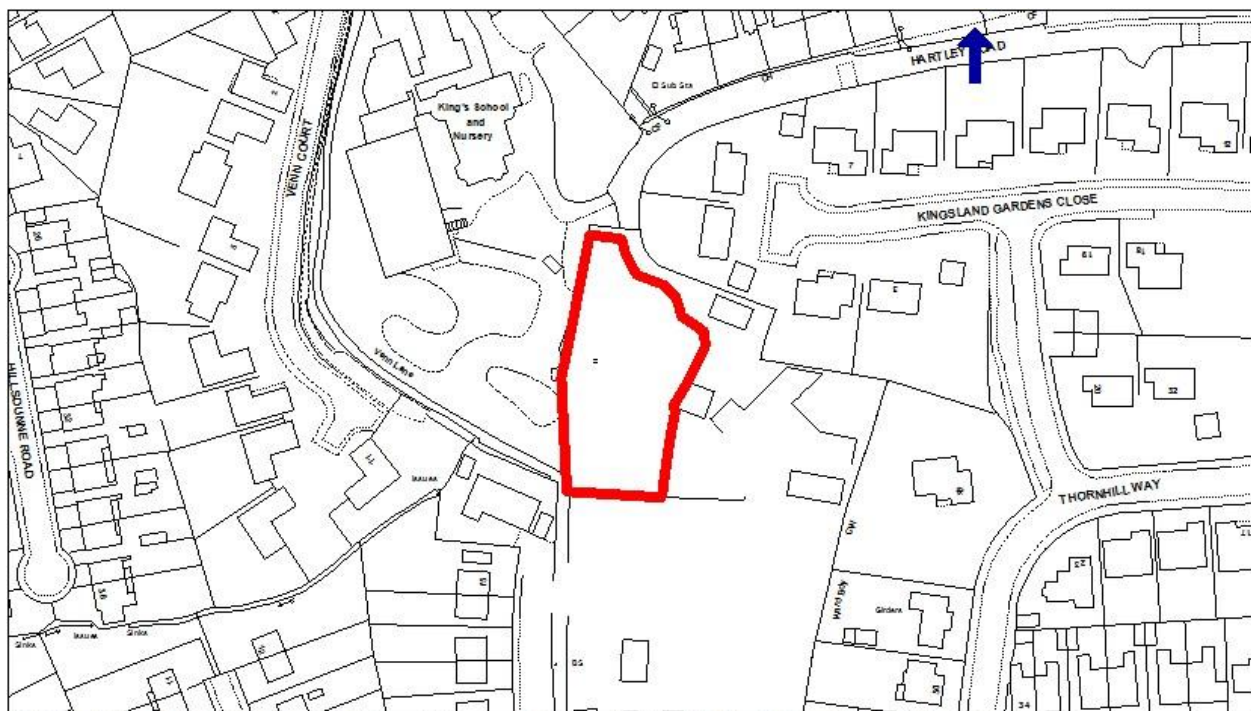
Date Valid 25/11/2014

Item 02

Ward Peverell

Site Address	FORMER PLYMOUTH COLLEGE, HARTLEY ROAD PLYMOUTH		
Proposal	Development of vacant site with a block of 8 flats, cycle store and amenity space		
Applicant	Mr Kevin Briscoe		
Application Type	Full Application		
Target Date	<b>20/01/2015</b>	Committee Date	<b>Planning Committee: 23 April 2015</b>
Decision Category	Member Referral		
Case Officer	Carly Kirk		
Recommendation	Grant Conditionally		

Click for documents [www.plymouth.gov.uk](http://www.plymouth.gov.uk)



This planning application has been referred to Planning Committee at the request of Cllr John Mahony

## **1. Description of site**

The site is part of the former Plymouth College Preparatory School site at the western end of the private Hartley Road. It has an area of 0.16 hectares. It forms the northern part of the site where the buildings were and has been split from the former playing field and former Red House to the south. It is in a mainly residential area but adjoins King's School on its western boundary. The adjoining site to the east has been developed as a large house which is substantially completed (reference 13/01275/FUL). The former playing field to the south is being developed for 12 houses (reference 14/00128/FUL). There are dwellings to the north, east, south beyond the adjoining site under construction and south west.

A feature of the site and area is the presence of mature trees with those on the site, Kings School and Hartley Road all protected by tree preservation orders, numbers 59, 101 and 53 respectively. Another characteristic are the complicated levels with a significant fall of 11 metres from north to south.

The original school site as a whole including the site to the east comprised the former main Victorian villa which was two/three storeys and the two storey gatehouse lodge, single storey gymnasium, changing rooms and link block, three single storey classrooms, garage and swimming pool. It is now a cleared site as all of the buildings have been demolished recently apart from the garage on the northern boundary within the plot for 13/01275. There is a stone and rendered retaining wall on the northern boundary. There are mature protected Beech trees adjoining the site in the grounds of the King's School. There are also mature trees adjoining the northern, eastern and south western boundaries. Ground works have been carried out with the level lowered and the dug-out material moved to the southern part of the site. Gabion basket retaining walls have been constructed on the southern part of the site.

## **2. Proposal description**

The proposal is to erect a four storey building containing eight 2 bedroom flats. Owing to the level changes and the creation of a light well at the front, the northern elevation would read as three storeys. The building would not have a regular rectangular shape but would comprise a number of set-backs and projections. At its widest it would be 25m and at its longest it would be 17m. It would be 12.4m high at its highest point. But as the ground level has been lowered from the north it would read as 8.8m above natural ground level. The materials would be a combination of render, timber effect cladding, grey cladding, natural stone and a grey brick plinth. The roof would be in a grey standing seam steel material. There would be dark grey window frames and doors.

In front of the building there would be a parking area with 16 parking spaces and a cycle store.

There would be a large landscaped communal garden to the south of the building.

Amended plans were received following negotiation with the agent; the building has been moved further north to be sited on the footprint of the previously approved dwelling, to be more aligned with the neighbouring dwelling. The parking area was also reconfigured as a consequence and the garage removed.

### 3. Pre-application enquiry

There was a pre-application in October – November 2014 for nine flats over five storeys, 14/01917/MIN. Officers gave an informal non-binding opinion that the principle of flats could be acceptable but that the proposed development would be overdevelopment of the site harmful to the character and appearance of the area contrary Core Strategy policies CS01, CS02 and CS34 and paragraphs 17, 56-58 and 64 of the National Planning Policy Framework. The applicant submitted the application before the negotiations had been completed changing the proposal to eight flats in a four storey building.

### 4. Relevant planning history

(The application site forms part of the former Plymouth College Preparatory School site which has been subject to a number of applications on different parts of the site since 2005.)

#### Application site

13/00426/FUL – Plot 1 Demolition of existing buildings and erection of a large detached house with two double garages and vehicular circulation – GRANTED.

#### Adjoining site to the east

13/01275/FUL – Plot 2 - Proposed detached modernist dwelling with double garage, out houses and associated vehicular circulation: application to vary Condition 2 of Planning Permission 13/00443/FUL to include enlargement of the first floor on the northern elevation, reduction of the ground and lower ground floor on the southern elevation and fenestration changes – GRANTED and substantially built.

13/00443/FUL - Plot 2 - Proposed detached modernist dwelling with double garage, out houses and associated vehicular circulation – GRANTED.

#### Northern part of the former school site excluding the playing field

09/01930/FUL - Demolition of existing buildings, conversion of gatehouse into two flats and erection of 12 houses, associated access road, parking and landscaping – GRANTED subject to a section 106 agreement – LAPSED.

#### The southern former playing field

14/00128/FUL - Development of site by erection of 12 dwellings, access and associated works (existing building to be removed) – GRANTED subject to a section 106 agreement – Under construction.

07/00867/FUL - Formation of vehicular access to service lane r/o 54 Thornhill Road – GRANTED.

07/00041/FUL - Formation of vehicular access to Beechfield Grove and service lane r/o 54 Thornhill Road – REFUSED.

#### The whole of the former school site including the playing field

05/02044/OUT- Outline development of all of the former school site by the erection of 24 dwellings (with associated access roads and parking areas) and a new community sports hall/gymnasium – REFUSED.

## 5. Consultation responses

### Local Highway Authority

No objections subject to conditions on: provision of a footway on Hartley Road, access, parking and cycle provision.

### Public Protection Service

No objections subject to conditions on code of practice and the reporting of any unexpected contamination.

### Police Architectural Liaison Officer

No objections.

## 6. Representations

A total of 11 letters of representation were received, all are objecting to the proposals.

Two of these letters were received in the consultation period for the amended plans and were from residents that had made earlier representations. All of the points raised have been summarised below:

1. Out of character with the surroundings contrary to policy CS34;
2. Overdevelopment;
3. Density too high;
4. The size and siting of the building has changed from the 2013 permission which would make it imposing when viewed from Central Park and the city and it would be visually unacceptable;
5. Unacceptable overlooking to surrounding properties
6. The design of the façade is too modern and not in keeping with the area;
7. As Hartley Road is a private road with an unknown ownership the proposal is contrary to policy CS28 and the Manual for Streets;
8. Added danger to pedestrians as there are no footways on Hartley Road;
9. Added danger at the junction of Hartley Road with Mannamead Road;
10. Increased on-street parking on Hartley Road which could also lead to obstructing emergency vehicles;
11. The use of Hartley Road has changed with the opening of the care home for 66 bed spaces;
12. The trees in the south west corner that were removed need to be replaced;
13. The development should provide for fewer cars;
14. There should be a footpath and cycleway link from Hartley Road to the footpath alongside Beechfield Grove;

15. The wall by the lane (footpath) on Beechfield Grove should be replaced;
16. The application should be decided by the planning committee;

#### Non-material Planning Issues

17. Loss of view; and
18. Property devaluation.

## 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). This is considered to be compliant with National Planning Policy Framework guidance.

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved by Cabinet for consultation purposes on 9 December 2014. As such it is a material consideration of very limited weight for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given). The draft policies of the Plymouth Plan are currently subject to consultation, although the general direction taken by the plan and key issues and options relating to it have been subject to consultation.

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.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document

## 8. Analysis

1. The main planning considerations with this application are: the principle of the development and housing land supply; effect on the character and appearance of the area; impact on the living conditions nearby properties; transport and highways; and trees. The relevant policies are: Core Strategy (CS) policies CS01 Development of Sustainable Linked Communities, CS02 Design, CS15 Overall Housing Provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime, CS34 Planning Application Considerations; National Planning Policy Framework (The Framework) paragraphs 14, 17, 32, 47-50, 56-58, 109, 110, 118 and 120-121; Development Guidelines SPD; and Sustainable Design SPD.

### **Background and principle of development**

2. The planning history is an important planning consideration on this site in determining how it can be developed. Permission for 12 houses and the conversion of a lodge building into two flats on this site and the adjoining land to the east was granted in 2010, ref 09/01930/FUL. It was not implemented and the permission lapsed. In 2013 the new developers decided to develop the land as two very large houses, plot 1 on this site for three storeys ref. 13/00426 and plot 2 the adjoining site for part three/part two storeys ref. 13/00433. Although the applications were submitted by separate applicants they both used the same agents and the two houses complemented each other and the proposal was akin to a comprehensive development of the land. Both were granted permission. There was a subsequent permission for minor amendments to plot 2, ref. 13/01275/FUL. This has been implemented and is substantially completed. All these permissions establish that the principle of developing the application site (plot 1) for residential is acceptable. This too complies with the strategic parts of Core Strategy policies CS15 and CS16 as it would redevelop a brownfield site and help contribute in a small way to the city's growth strategy in add to the housing provision. This approach is carried forward in policies 23 and 42 of the draft Plymouth Plan.
3. The existing permission, 13/00426/FUL is live until May 2016 and is capable of being implemented, subject to the pre-commencement conditions being discharged. This is a consideration of considerable weight. That proposal is for a very large single dwellinghouse of three storeys.

### **5 year housing supply**

4. When determining applications for residential development it is important to give consideration to housing supply.
5. 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”

6. 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.”
7. For the reasons set out in the Authority’s Annual Monitoring Report (January 2014) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2015-20 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 5,599 dwellings which equates to a supply of 3.1 years when set against the housing requirement as determined by the requirements of the NPPF or 2.5 years supply when a 20% buffer is also applied.
8. 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.
9. 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...”
10. 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:
  - 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
  - specific policies in this Framework indicate development should be restricted”
11. 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.

### **Character and appearance**

12. The site is in a mainly established residential area with housing ranging from detached to terraced from late 19<sup>th</sup> century to post war and the very large new house to the east and the new detached houses under construction to the south. It is also characterised by mature trees especially to the north and east.

13. The recent permissions for the two large contemporary houses have changed the character of the combined site of plots 1 and 2. They set the precedent for a large modern design of building on plot 1. The new part two/ part three storey house currently under construction on the adjacent plot is a dominant feature given its prominent location and is clearly visible from the south and south west including Central Park. The large demolished Victorian school building was a prominent building as is the King's School building. The impact of the new house building is greater than first envisaged when the application was determined and is a factor in the consideration of this application. If the approved large three storey house on this site had been built it would have had a similar effect and, hypothetically, if there was a subsequent application to convert it into flats a strong case could be made to permit such a proposal especially giving the Council's housing land supply situation. The permitted house has three storeys over a sizeable plinth at the southern end with balconies and terraces at all three levels on the southern elevations. The core solid three storey building was set approx. 25 – 28m back from the southern boundary compared with approx. 21 to 29m with the current four storey proposal. The footprint of the building is slightly different to the dwelling previously approved and its siting is broadly the same, although it would extend further south.
14. The external design breaks up the massing of the building and would be finished in a variety of materials which are acceptable. The overall appearance is contemporary and, of a similar style to the adjacent house it is therefore considered to comply with policies CS01, CS02 and CS34.

### **Living conditions**

#### Properties on Beechfield Grove

15. The closest property is 17 Beechfield Grove which is the bungalow to the southwest of the site. It is at a substantially lower level than the application site. Until the school buildings were demolished it was dominated by the buildings. Those on the southern part of the site were single storey. The older three storey building was set well back some 31 m from the back bedrooms. The proposal is sited a similar distance from No 17 with a setback of 30 – 31m. The house previously approved on this site was 25m to 32m away from No.17 with the ground floor patio closer at 22m. It is not therefore considered that the impact of this building upon this neighbouring property or any other property in Beechfield Grove would be any worse than the former school building, or significantly different than the single house that was approved here. The proposal is therefore considered to comply with policies CS01, CS15 and CS34.

#### Properties on Kingsland Gardens Close

16. The closest property in Kingsland Gardens Close is No. 5 Kingsland Gardens Close who have objected to the increase in number of dwellings and windows in the front elevation, that would read as three floors when seen from his property as compared with the approved single dwelling which would read as two storeys, and has fewer and smaller windows to habitable rooms. The building has been moved 4.5m further north in the amended plans received. Despite this the distance to the side windows, door, low level rooflights of No 5 is in excess of 21m. The studio outbuilding is slightly closer, and although the impact on this property would be greater than the previously approved house it is not considered to be significant. The main aspect of No 5 is east – west, there is a substantial separation distance and the flats would be at a lower ground level, therefore officers do not consider that the flats would be over- dominant or result in an unacceptable level of overlooking. The effect on



No 5 and other properties in this street would comply with policies CS15 and CS34 and the Development Guidelines SPD.

#### New house on Plot 2

17. When plots 1 and 2 were designed the building line of the three storey solid built form of the approved house respected the outlook from plot 2 (the new house). There was concern that the proposed building in its original siting did not respect this building line as it was set further south, proposing a high 11.6m high side wall close to the boundary. This would have had an over-dominant effect on the new house and garden and harmed the outlook from this property and caused overshadowing to the rear of the property. Therefore following negotiation with the agent amended plans were submitted, with the building being sited further north so that it would not project any further forward than the previously approved house. The impact would now not be so harmful on the rear garden and the outlook from the new house. The neighbouring dwelling would still retain a good outlook and it is not considered that the revised proposal would be contrary to policies CS15 and CS34.
18. There are narrow side windows in the proposed flats building facing the new house that could overlook the back garden of the new house. These are secondary and will be high level to prevent undue overlooking in order to comply with policies CS15 and CS34.

#### New houses in former playing field

19. New houses are being built on the former playing field south of the site. The distance between the new houses, (plots 6 – 8) and back of the proposed block of flats ranges from 24m to 37m.
20. As the flats would be sited on the footprint of the previously approved dwelling it is not considered that the impact to these new dwellings would be any worse. Although the flats would be an additional storey the overall height would not be any greater (as the ground level would be lower). Given the significant difference in ground levels and the distance the flats would be from the boundary it is not considered that there would be a dominant impact or that it would affect the outlook from those properties. It is not therefore considered that there would be any harm to living conditions of plots 6 – 8 and therefore proposals would accord with policies CS01, CS15 and CS34.

#### King's School

21. There would be no harmful impacts on King's School, the privacy of pupils when they use the school grounds and gardens next to the proposed flats would be protected as the side secondary kitchen windows would have obscure glass and balconies would have screens with opaque glass to prevent overlooking and to comply with policy CS34 and the Development Guidelines SPD.

#### Properties in Venn Court

22. Objections have been raised by No.11 Venn Court on the basis of the design and visual impact of the building and overlooking from windows and balconies into their garden and bedroom windows. However the proposed building would be approximately 30m away and this distance together with existing and proposed boundary treatment/ planting, would ensure there is no significant overlooking, in accordance with policy CS34 the Development Guidelines SPD.

### The proposed flats

23. The eight 2 bedroom flats are all of a substantial size well above the minimum space standards on the Development Guidelines SPD. The two lower ground floor flats have bedrooms facing a retaining and parapet wall 3.3m high because of the higher level of the ground level to the north in order to create the light well. This will ensure that these rooms receive some natural light but given the height of the wall and northerly aspect it will be limited. The natural light to these rooms would be restricted but given they are bedrooms the reduced natural light is not considered to be sufficiently harmful to justify refusal.
24. There is ample amenity space around the building with a large amenity area to the south in excess of 462sq m, albeit the southern part slopes steeply to the southern boundary and each flat has a usable patio/balcony of approx. 10sqm. These areas are well above the guidelines in the Development Guidelines SPD. The living conditions of the occupiers of the proposed flats would be acceptable to comply with CS policies CS15 and CS34.

### **Transport and highways**

25. In terms of traffic impact the previous use of the site as a school would have generated significantly more in the way of traffic movements than that compared with the proposed 8 apartments (which would only be generating in the region of 3-4 two-way movements during the am and pm peak traffic periods) and the large adjoining house.
26. The amended plans received show the garages in the car parking area being replaced with spaces and the visitor car parking being included within the dedicated parking allocation for each property (now 2 spaces per unit rather than 1 + visitor spaces). The Local Highway Authority raise no concerns regarding the proposals.
27. In addition to the car parking, a cycle storage area is shown on the plans which should be able to accommodate a minimum of 8 cycles (1 space per unit).
28. The 'desire line' in terms of pedestrian movements to and from the development would be along Hartley Road in the direction of Mannamead Road and the nature of the proposed use is such that it is likely to lead to an increase in pedestrian movements along this route. It is therefore recommended that if permission were to be granted the applicant should undertake works on Hartley Road in order to provide improved pedestrian facilities. It is acknowledged that Hartley Road is in private ownership and therefore consent will need to be granted by some Third Parties in order to carry out these works. It is therefore recommended that the undertaking of these works be made subject to a Grampian Condition.
29. Officers accept that local residents feel strongly that the application would lead to increased risk of danger to users of the private Hartley Road which has no footways, especially with young children using it walking to and from King's School. If permission were to be granted improved pedestrian facilities would be provided to improve pedestrian safety along Hartley Road. Officers consider that the application is acceptable in highway and transport terms in compliance with CS policies CS28 and 34 and paragraph 32 of the NPPF.

### **Trees**

30. The proposals include planting in a number of areas to provide appropriate screening. There are no trees left on the site as shown on the submitted tree survey, they were lost due to vandalism. A replacement tree of a Blue Cedar is indicated on the site layout plan, as it was on the single dwelling scheme, to compensate for the loss of the vandalised tree.

31. Details of this replanting shall be secured by condition. The tree survey submitted with the application and the Tree Protection Plan are two years old and the latter does not show the new layout but the previous single house application. Conditions are also recommended to secure an updated tree protection plan to show that the adjoining TPO trees will be protected and an Arboricultural Method Statement detailing how the parking area is to be built without impacting on the trees in the adjacent school site. Subject to these conditions the application would comply with policy CS18.

### **Other matters**

32. Most of the points raised in the letters of representation are covered in the report. Officers do not believe that the impact on the junction of Hartley Road and Mannamead Road would be severe especially when compared with the previous use of the site as part of a school. The suggestion of a cycle/footpath link through the site linking Hartley Road with Beechfield Grove is positive and would improve permeability and connectivity. Such a link is not provided which is regretted but this is not considered to be of sufficient weight to warrant a specific reason for refusal. The collapse of the wall adjoining the footpath in the south west part of the site aroused concerns last year but is primarily a private civil matter and covered by separate legislation. A boundary condition has been attached that includes this part of the site. Another concern raised by neighbours is that emergency vehicles such as the fire brigade will be unable to access the site. The Fire Brigade are consulted with the weekly list of planning applications and no issues have been raised.
33. A condition relating to a code of practice during construction shall be attached to ensure that the impact to the surrounding neighbours is minimised.
34. In terms of the concerns raised regarding the loss of a view and property devaluation, there is no entitlement in planning terms to a private view and this together with property devaluation are not material planning considerations.

## **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**

The estimated Community Infrastructure Levy is £30,471.

## **11. Planning Obligations**

Not applicable to this application.

## **12. Equalities and Diversities**

The flats would be available to all equality groups including people with disabilities as and two would be built to Lifetime Homes standards.

### 13. Conclusions

Your officers believe that given the site history, together with the Council's housing land supply situation and the NPPF presumption in favour of sustainable development, the principle of this block of flats is acceptable and complies with the strategic parts of policies CS15 and CS16. The design and scale of the flats are deemed acceptable given the similarities with the extant permission and the neighbouring dwelling under construction; the proposal would accord with policy CS02. There is adequate parking provision and, compared with former school use, the traffic generated by the proposal would not cause severe conditions on Hartley Road to accord with policy CS28. The living conditions for the occupiers of the proposed flats would be satisfactory to comply with policies CS15 and CS34. The protected trees in the adjoining site could be safeguarded by conditions to comply with policy CS18 and the impact to neighbouring properties is considered to be acceptable in accordance with policies CS01, CS02, CS15 and CS34 and paragraphs 14, 17 and 58 of the National Planning Policy Framework 2012. The recommendation is therefore to Grant Conditionally.

### 14. Recommendation

In respect of the application dated **25/11/2014** and the submitted drawings •  
300F Site Location.

- 301F Previous Site Coverage - College Buildings.
- 302F Previously Approved Scheme - 14 Houses.
- 303F Previously Approved Scheme - Single Dwellings.
- 304F Proposed Site Coverage - 8 Apartments.
- 305F Proposed Site Layout - 8 Apartments.
- 320F Proposed Floor Plans - 8 Apartments.
- 321F Section A-A Site Analysis.
- 323F Proposed Elevations - 8 Apartments.
- 325F Proposed Context Elevations - 8 Apartments.
- 327F Existing Site Topography.
- 883-DAS\_F Design and Access Statement.
- PSI Planning Support Images.,it is recommended to: **Grant Conditionally**

### 15. 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: 305F Proposed Site Layout - 8 Apartments, 320F Proposed Floor Plans - 8 Apartments, 321F Section A-A Site Analysis, 323F Proposed Elevations - 8 Apartments, 325F Proposed Context Elevations - 8 Apartments, 327F Existing Site Topography.

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: DETAILS OF BOUNDARY TREATMENT

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

Reason:

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

### PRE-COMMENCEMENT: PROVISION FOR TREE PLANTING

(4) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

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-COMMENCEMENT: REFUSE STORAGE DETAILS

(5) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the refuse storage area. The works shall conform to the approved details and shall be completed before the development is first occupied.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policies CS15 and 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: ARBORICULTURAL METHOD STATEMENT

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

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (6) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

#### PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

(7) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include 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.); 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-occupation Conditions**

##### PRE-OCCUPATION: PEDESTRIAN/CYCLE ACCESS

(8) The building shall not be occupied until a means of access for both pedestrians and cyclists 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: PROVISION OF PARKING AREA

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

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway 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

(10) The building shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 8 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.

#### GRAMPIAN CONDITION: PEDESTRIAN IMPROVEMENTS TO HARTLEY ROAD

(11) No occupation of any of the residential units shall take place until improved pedestrian facilities in the form of a new footway/pedestrian route has been provided along Hartley Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to provide a satisfactory means of access to the development for pedestrians in the interests of pedestrian safety and sustainability to comply with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION

(12) 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.

### **Other Conditions**

#### **CONDITION: CODE OF PRACTICE**

(13) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, control of mud on roads, control of dust and prohibition of bonfires.

Reason:

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

#### **CONDITION: REPORTING OF UNEXPECTED CONTAMINATION**

(14) In the event that unacceptable levels of risk, unexpected contamination or ground conditions are found when carrying out the approved development, that were not previously identified, expected or anticipated; they must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

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

(ii) an assessment of the potential risks to any or all of the following that apply:

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

(iii) a remedial and preferred options appraisal.

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

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



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

Reason:

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

#### CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars [plan no. ^IN] (or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained 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: HIGHLEVEL WINDOWS

(16) The horizontal windows in the east elevation of the building shall at all times be high level, at least 1.7 metres above the floor level of the room in which the window is installed.

Reason:

To protect the privacy of the neighbouring dwelling in accordance with Policies CS15 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

#### **CONDITION: LIFETIME HOMES**

(17) A minimum of 2 flats shall be built to Lifetime Homes standards and shall thereafter be retained to this standard.

Reason:

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

#### **CONDITION: SOFT LANDSCAPE WORKS**

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

Reason:

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

#### **Informatives**

##### **INFORMATIVE: (CIL LIABLE) 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 "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

##### **INFORMATIVE: CONDITIONAL APPROVAL (WITH NEGOTIATION)**

(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.