

PLANNING APPLICATION REPORT



Application Number 15/00447/FUL

Date Valid 17/03/2015

Item 07

Ward Plympton Erle

Site Address 24 MERAFIELD ROAD PLYMOUTH

Proposal Erection of 2 no. three bedroom detached dwellings

Applicant Mr Steven Pearce

Application Type Full Application

Target Date

12/05/2015

Committee Date

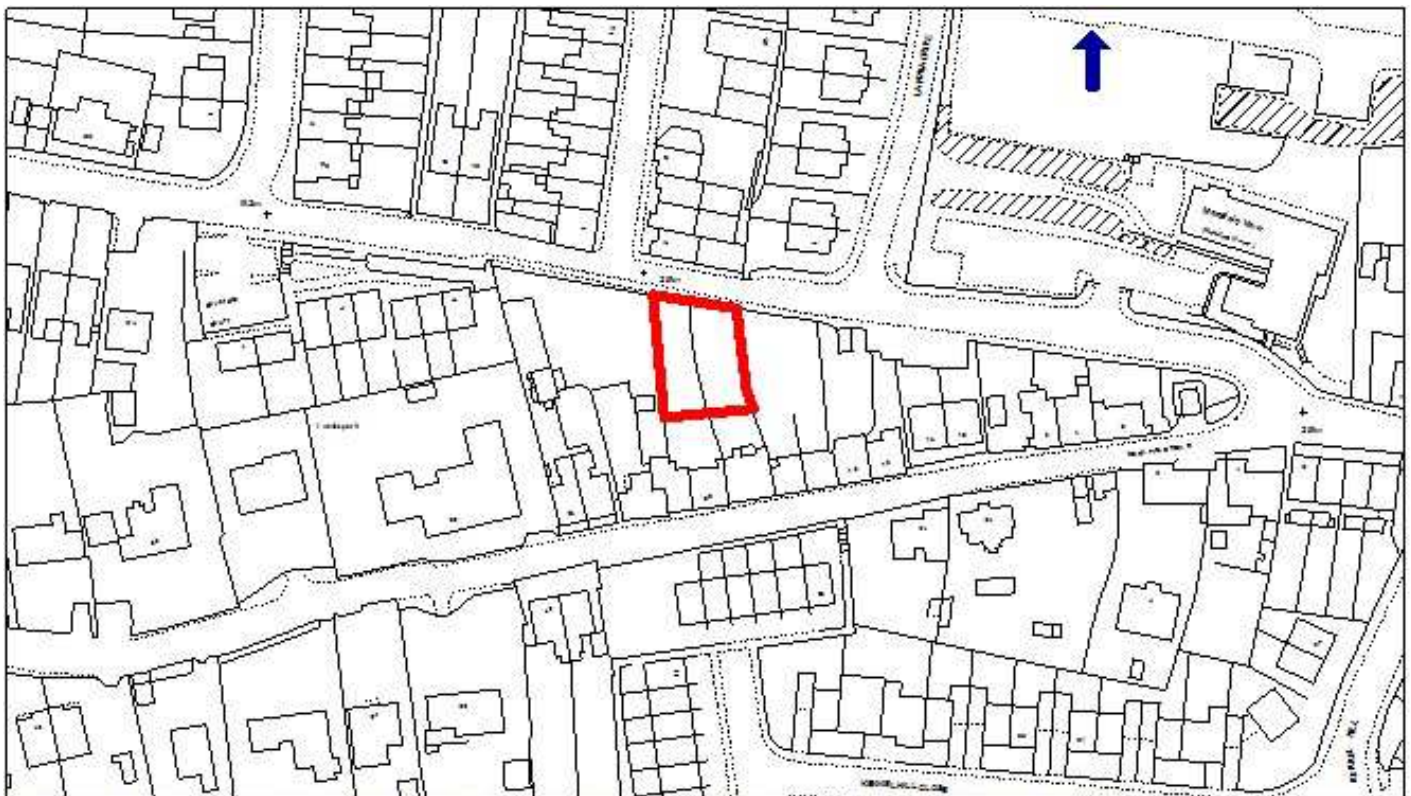
**Planning Committee: 04
June 2015**

Decision Category Member Referral

Case Officer Kate Saunders

Recommendation Grant Conditionally

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This application has been referred to Planning Committee by Councillor Beer.

1. Description of site

The site is the lower half of the gardens to 24 and 26 Merafield Road, where it fronts Underlane. The site levels vary. The site is approximately 3m higher than Underlane and the boundary with the road is marked by a stone wall topped by a partial hedge containing immature elms, and the sites are on two levels. The site is overgrown and contains some mature fruit trees. A terrace of properties in Merafield Road bound the site to the south. There is a section 30 order along the front of the site.

2. Proposal description

Erection of pair of detached three-storey dwellings with integral garages with access from Underlane

3. Pre-application enquiry

No pre-application has been submitted although there is an extensive planning history relating to the site.

4. Relevant planning history

06/00727 – 24 Merafield Road outline application for residential REFUSED

06/00721 – 26 Merafield Road outline application for residential REFUSED

06/01503 – 26 and 24 Merafield Road outline application for 2 dwellings – GRANTED

07/00820 – 26 and 24 Merafield Road full application for 2 dwellings – REFUSED

08/00218 – 26 and 24 Merafield Road, Erect a pair of three storey semi-detached dwellings, with integral garages – WITHDRAWN

08/01559/FUL - Erect a pair of three storey semi-detached dwellings, with integral garages – WITHDRAWN

08/02188/FUL- Erect a pair of three storey semi-detached dwellings, with integral garages – GRANTED

12/1715/FUL - A full application to develop the rear gardens with a pair of three storey semi-detached dwellings with integral garages (following expiry of permission 08/02188/FUL) – WITHDRAWN

13/01922/FUL - Erection of pair of detached three-storey dwellings with integral garages with access from Underlane – WITHDRAWN

5. Consultation responses

Highways Authority – No objections subject to conditions

Public Protection Service – No objections subject to conditions

6. Representations

Five letters of objection have been received and they raise the following issues:

- Cause congestion on the highway
- May result in dangerous movements on the highway
- Increased traffic
- Contribute to parking problems
- Inadequate length drive
- Loss of light to neighbouring properties
- Overlooking of neighbouring properties
- Loss of outlook
- Overdevelopment
- Development too close to properties in Merafield Road
- Out of character
- Properties are undersized
- Restricted garage doors are required
- No construction management plan has been supplied
- Trees on site have not been considered
- Extensive planning history with refused and withdrawn applications
- Minimum privacy distances are not being met
- Inadequate amenity space for new dwellings
- Dominating and overbearing
- Potential impact on protected species

The issues of property devaluation and loss of view have also been raised however these are not a material planning consideration.

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 planning policies most relevant to the consideration of this application are CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS22 (Pollution), CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations)

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 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:

- Development Guidelines Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the emerging Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The main planning considerations in this case are the impact on the character and appearance of the area, the effect on neighbouring amenity, highway safety and parking, ecology and land contamination.

Planning History

3. This site has an extensive planning history dating back to 2006. Permission was initially refused for residential development. with Outline permission then being granted. A full planning permission 08/02188/FUL was then granted permission on 31/03/2009.

4. However the planning permission was never implemented and lapsed in 2012. Two applications have been submitted following this, both of which have been withdrawn. The last application was withdrawn after the item had been debated at Planning Committee. The application was recommended for approval, given that it was thought that the plans were identical to those previously approved albeit it would be two detached properties rather than semi-detached, however concerns were raised regarding the accuracy of the plans and committee asked for the site to be independently surveyed. The survey was carried out and resulted in the site being smaller than detailed on the previously approved plans and the application was then withdrawn.
5. The applicant has now undertaken his own detailed survey and the local planning authority is satisfied that the dimensions shown on the plans are accurate of the site circumstances.
6. The supporting Design and Access Statement argues that “*given the site history, there is a presumption that the approval of two dwellings on the site will be acceptable.*” Whilst it is accepted that some of the issues surrounding the earlier applications will not have changed the previous approval related to inaccurate plans. The development could not have been accurately constructed in accordance with those plans and therefore no precedent has been set.
7. In addition, it should also be noted that planning application 04/01256 for a site to the rear of 28-34 Merafield Road, adjacent to the application site, was refused on grounds of loss of trees and the impact this would have on the character of the area. Furthermore it was considered that the houses would be out of character and cause overlooking of properties to the rear. This proposal was however allowed by appeal and work has commenced on site and remains extant.
8. Whilst local planning policy has not changed significantly since the previous approval, it should be noted that the Development Guidelines Supplementary Planning Document 2010 has been adopted and the National Planning Policy Framework 2012 and National Planning Practice Guidance 2014 has been introduced. In particular Members may wish to note paragraph 53 of the NPPF where reference is made to local planning authorities being able to consider setting out policies to resist inappropriate development in residential gardens. Policy 42 of the emerging Plymouth Plan states that garden development will only be permitted where it is acceptable in terms of the impact on the city’s green space resource and the character and amenities of the area, and where it can demonstrate to contribute to the creation of sustainable linked communities. In this case, on balance, officers consider the proposal does accord with this draft policy.

Neighbour amenity

9. The area is characterised by compact residential development. The properties in Merafield Road, located to the north of the site, are a terrace of dwellings of varying scales. The development will be located directly behind 24 and 26 Merafield Road, 24 Merafield Road being a compact cottage with the ground floor being set down from garden level with the first floor being located within the roofspace and served by velux windows. No. 26 has been extended to the rear at both ground and first floor level although again the garden is slightly elevated from ground floor level.
10. In the previous approval it was noted that “the development would be approximately 6m from the boundary of the rear garden and 14-17m from the main houses in Merafield Road.” However as a result of the site surveys it has now been determined that the development will be closer to the properties on Merafield Road. The depth of the proposed gardens vary from approximately 5-6 m. The rear gardens of the neighbouring properties are then approximately 8m long resulting in the new dwellings being just 13-14m away.

11. A proposed site section has been supplied with this application which helps to illustrate the relationship between the proposed dwellings and the existing properties on Merafield Road. The first floor of the proposed dwellings (as viewed from Underlane) will be set down approximately 2.4 metres from the garden level of the existing properties on Merafield Road. A 2 metre wooden timber fence will then be installed along the boundary that will screen the majority of the first floor.
12. The Development Guidelines SPD suggests a minimum distance of 21m between habitable room windows for 2 storey development (the development to the rear is 2 storey as seen from Merafield Road). Whilst officers accept the development does not meet the recommended distances, in this case, privacy concerns have been overcome due to the change in levels and the sensitive location of windows. There are no habitable room windows at first floor level to the rear, just a single bathroom window that will be obscure glazed. The provision of the boundary fence and need to insert obscure glazing to the first floor window would be secured by condition. Therefore officers consider that there would not be an unreasonable loss of privacy to the houses and gardens in Merafield Road.
13. In relation to dominance the Development Guidelines SPD suggests a distance of 12m between gable walls and habitable rooms to prevent unreasonable impact on neighbouring properties. Officers note that the development will meet this minimum distance and taking into account the change in levels across the site, on balance, despite the relative proximity of the existing properties in Merafield Road that refusal is not justified on grounds of dominance in this instance.
14. The rear of the properties in Merafield Road face north and are already set down from their own garden level. Light is therefore already limited and officers consider that the development is unlikely to result in a further significant loss of light.
15. To the front of the development is a terrace of houses in Brockingfield Close with a gable end facing the site. An 11- 12m distance from windows to boundary wall has been achieved and therefore officers consider that privacy and outlook for these dwellings would be retained at a reasonable level.
16. Furthermore noise and disturbance from the site will be controlled through a code of practice in order to protect the amenities of existing residents.
17. The development is similar in form and scale to the extant planning permission on the adjacent site which was granted on appeal. Officers therefore consider that, on balance, the development will not result in harm to the existing residential properties in Merafield Road in accordance with Paragraph 53 of the NPPF. Officers consider the proposal also complies with policies CS15 and CS34 of the Core Strategy.
18. In order to ensure problems do not arise in the future, given the constrained location of the dwellings, Permitted Development Rights for further extensions and alterations are proposed to be removed through an appropriate condition.

Residential amenity

19. The properties will be three-storey townhouses that will accommodate a garage and bedroom on the lower ground floor, living, dining and kitchen on the ground floor and two bedrooms and a bathroom on the first floor. The properties exceed the minimum internal space guidance as stated in the Development Guidelines SPD, the properties are approximately 98m², and all rooms will be of a sufficient size.
20. The front elevation of the properties will face north and due to the properties being built in to the site officers consider that levels of natural light within the dwellings are likely to be low. However, on balance, officers consider that the development will provide a satisfactory living environment for future residents.

21. The proposed rear gardens are approximately 5-6m deep and 8m wide. The size of the rear gardens are therefore 40.6m² and 44.4m² which is considerably lower than the recommended standard of 100 square metres for detached dwellings in the Development Guidelines SPD. However the SPD also states that within more densely developed neighbourhoods of Plymouth it is not unreasonable to assume that outdoor amenity space provision might be lower and it is also noted that the landscaped areas to the front of the properties could be considered as amenity spaces (these being 10m² and 22m²). Although quite small the gardens are considered to be adequate and in character with development in the vicinity. Therefore, on balance, officers consider the plot is of an adequate size to accommodate 2 dwellings that would be in character with the area and have a satisfactory level of amenity. Officers therefore consider that there is no conflict with policies CS15 or CS34.

Character and amenity

22. In terms of appearance it is recognised that the design of the dwellings is relatively simple however this is reflective of the properties approved at appeal on the adjacent plot. The use of natural stone, render and slate respects the local materials palette, although further details will be requested via condition.
23. Generally the area is characterised by two storey development of various forms. However, the proposal will involve considerable excavation, which officers consider allows the massing as a 3 storey building onto Underlane and 2 storey dwelling to the rear to be acceptable. Again, this is similar in nature to the development on the adjacent site. The proposal is therefore considered to be of a suitable design which accords with policies CS02 and CS34 of the Core Strategy.

Trees

24. The current boundary wall, hedge and planting are a welcome feature of the area however the trees along this section of hedge are immature. It was considered on the adjacent plot at 28-34 Merafield Road that suitable landscaping could be introduced to compensate for the loss of the hedge and trees. Areas of landscaping are shown on the submitted plans and further details will be required via condition. Officers therefore consider that there will be no significant harm to the amenity of the area or conflict with policy CS18.

Wildlife

25. Concerns were raised that the site may be home to protected species particularly slow worms. A Phase I Habitat Survey has been submitted to accompany the application which concludes that the site is only likely to be used by nesting birds. A condition is recommended to ensure the development is completed in accordance with the survey. Vegetation will therefore be removed outside bird nesting season and two bird bricks will be installed to achieve a net biodiversity gain. The proposal will therefore accord with Policy CS19.

Highways

26. The Highways Authority notes the similarity of this application to earlier applications on the site and re-iterate their previous comments. Underlane is narrow at the proposed point of access but the applicant has set-back the development line which will widen the highway at this point, thus allowing two-way passing on the carriageway. This will comply with the Section 30 Order, Public Health Act 1925 which must be adhered to.

27. Officers consider that further details are required in order to ensure the works to the highway will be carried out to a suitable standard. As such no development will take place on site until such time that a scaled engineering drawing is submitted to and approved in writing by the Highways Authority. Any works within the highway will be subject to a Section 278 Agreement, Highways Act 1980 and the resulting increase in road / footway width will be adopted by the Highway Authority as Highway Maintainable at Public Expense (HMPE). The provision of a full width footway in this locality will help to improve safety for pedestrians in the area.
28. The improvement to the highway, as a result of the above s30 order, is considered against the impact of any associated vehicle movements. In coming to a view the Highways Authority has been mindful of the advice contained within PCC adopted policy guidance and the National Planning Policy Framework, in particular paragraph 32 states “Development should only be refused on transport grounds where the residual cumulative impacts of the development are severe”.
29. It is noted that concerns have been raised regarding parking in the area. This development will provide two spaces per dwelling which is in accordance with the current maximum standards. Further conditions are also recommended to address the finish of the drive and garage door type.
30. Officers therefore consider, that despite the location of the site on a narrow section of road, the proposal complies with policy CS28.

Contaminated Land

31. The Public Protection Service notes that an appropriate contamination assessment has been submitted to accompany the application and are happy with its findings. A condition is however recommended to cover the matter of unexpected contamination.
- #### 5 year housing supply
32. When determining applications for residential development it is important to give consideration to housing supply.
 33. 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”
 34. 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.”
 35. 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.

36. 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.
37. 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...”
38. 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”
39. 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.
40. Therefore, in the context of this application, where officers consider that on balance there will not be significant harm to neighbouring amenity, the development provides a decent standard of accommodation and the dwellings will be in keeping with the pattern of development in the area considerable weight should be given to providing new dwellings in the City.

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 provisional Community Infrastructure Levy liability (CIL) for this development is £3,120.00. This information is based on the CIL information form submitted with the application and the submitted breakdown of floorspace

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed).

The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and is also index-linked. You should check the current rates at the time planning permission first permits development (which includes agreement of details for any pre-commencement conditions) see www.plymouth.gov.uk/cil for guidance. It is noted that the applicant has indicated that they do not intend to apply for social housing relief on the CIL form.

11. Planning Obligations

Planning obligations are not required in respect of this application.

12. Equalities and Diversities

No further issues to be considered.

13. Conclusions

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 these two dwellings is acceptable and complies with policy CS15. The design and scale of the dwellings are deemed acceptable given the similarities with the extant permission on the adjacent; the proposal would accord with policy CS02. There is adequate parking provision and, compliance with the S30 will prevent any severe harm to the highway network in accordance with policy CS28. The living conditions for the occupiers of the proposed dwellings, officers consider, will be satisfactory and comply with policies CS15 and CS34. The impact to neighbouring properties, taking in to account the sloping nature of the site and design of the properties is considered to be acceptable and 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.

13. Recommendation

In respect of the application dated **17/03/2015** and the submitted drawings 2083/3B, LOB1401, Proposed site plan and cross section, Phase One Contamination

Status Report by Cornwall Geo-environmental Limited, Preliminary Ecological Assessment dated 18th December 2013 and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally**

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: 2083/3B, LOB1401, Proposed site plan and cross section.

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: ACCESS/HIGHWAY IMPROVEMENTS [GRAMPIAN]

(3) No development shall take place until drawings are submitted, for the proposed access and improvements to the existing highway to accommodate carriageway widening and footway provision as required, to the Local Planning Authority and approved in writing and furthermore no occupation of any dwelling shall be permitted until such time that all the highway works on the approved plans have been completed.

Reason:

In the interests of highway and pedestrian safety 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.

Justification for Pre-commencement:

To ensure that the development can ensure the safety of road users and pedestrians can be maintained.

PRE-COMMENCEMENT: EXTERNAL MATERIALS

(4) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

Justification for Pre-commencement:

To ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

PRE-COMMENCEMENT: CONDITION: CODE OF PRACTICE DURING CONSTRUCTION

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

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

Justification for Pre-commencement:

To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking.

PRE-COMMENCEMENT: LANDSCAPE DESIGN PROPOSALS

(6) 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.

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.

Justification for Pre-commencement:

To ensure the landscaping can be properly incorporated within the development proposals.

PRE-COMMENCEMENT: DETAILS OF ENCLOSURE AND SCREENING

(7) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of all means of enclosure and screening to be used. 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 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.

Justification for Pre-commencement:

To ensure that the boundary treatment can be properly accommodated within the development proposals and addresses its purpose.

PRE-COMMENCEMENT: FURTHER DETAILS

(8) No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: depth of the window reveals . The works shall conform to the approved details.

Reason:

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

Justification for Pre-commencement

To ensure the development is of the best design possible and incorporates good design features.

Pre-occupation Conditions

PRE-OCCUPATION: SURFACING OF DRIVEWAY/PARKING AREAS

(9) Before the development hereby permitted is occupied, the driveway and parking area shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 5m from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety 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: MINIMUM CAR PARKING PROVISION

(10) The dwellings shall not be occupied until space has been laid out within the site in accordance with the approved plan for a minimum of four cars to be parked (including 2 cars within the garages) and the parking areas shall not thereafter be used for any purpose other than the parking of cars.

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.

Other Conditions

CONDITION: GARAGE DOOR TYPE [RESTRICTED DRIVE]

(11) The door to the garage hereby permitted shall be of a type that does not project beyond the face of the garage when open or being opened.

Reason:

In order that the door can be opened even when a car is parked in front of it, due to the limited length of the driveway 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.

CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 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 will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

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

CONDITION: OBSCURE GLAZING

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

Reason:

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

CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

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

Reason:

In order to safeguard the amenity of neighbouring properties, 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.

CONDITION: BIODIVERSITY

(15) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the recommendations of the Preliminary Ecological Assessment for the site dated 18th December 2013. For the avoidance of doubt, this will include two bird bricks to be installed at eaves level on the northern elevation.

Reason

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

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. 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 [NO 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 and has imposed planning conditions to enable the grant of planning permission.

INFORMATIVE: PUBLIC HIGHWAY APPROVAL

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

INFORMATIVE: HIGHWAY WORKS

(4) No development should take place on site until such time that a scaled engineering drawing is submitted to and approved in writing by the Highway Authority to include details of the retaining walls (with the submitted retaining wall details having been certified by an approved Engineer) and the road widening scheme. Any works within the highway will be subject to a Section 278 Agreement, Highways Act 1980 and the resulting increase in road/footway width will be adopted by the Highway Authority as Highway HMPE.