

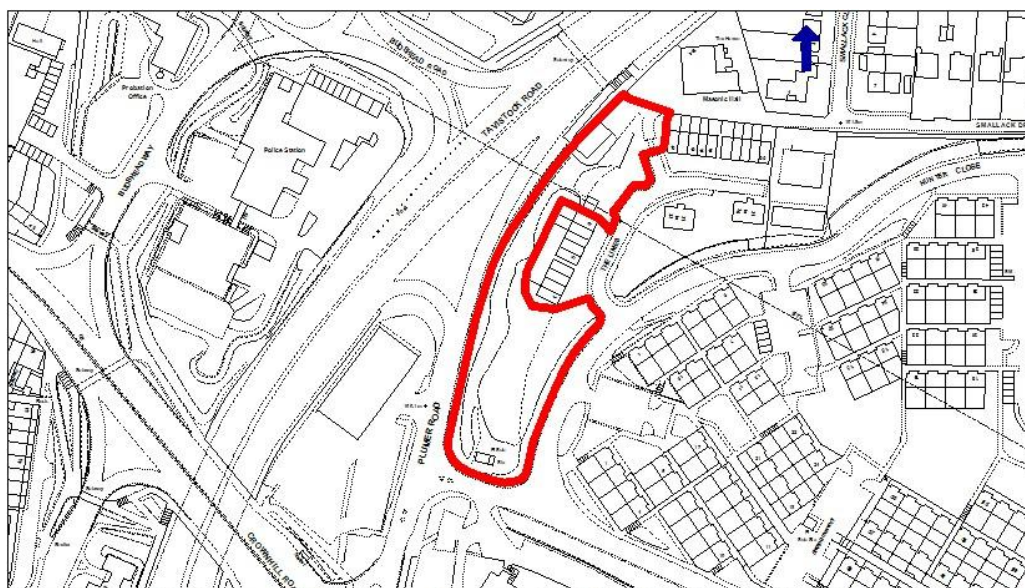
# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/00303/FUL	<b>Item</b>	04
<b>Date Valid</b>	05/03/2015	<b>Ward</b>	Budshead

<b>Site Address</b>	LAND ADJACENT PLUMER ROAD PLYMOUTH		
<b>Proposal</b>	Residential development of two apartment blocks containing a total of 78 apartments, undercroft parking, landscaping and associated works.		
<b>Applicant</b>	Mr Anthony Gal		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>04/08/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 30 July 2015</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Simon Osborne		
<b>Recommendation</b>	Grant conditionally subject to S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (4 <sup>th</sup> August 2015) or other date agreed through an extension of time.		

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



(c) Crown Copyright. All rights reserved. Plymouth City Council Licence No. 100018633 Published 2015 Scale 1:2500

## **1. Description of site**

The site is located at the junction of Tailour Road and Hunter Close and has frontage on to both Plumer Road and Tavistock Road. It is approximately one mile from Derriford Hospital and four miles from the city centre.

The existing site is set predominantly on openspace, with the exception of the transformer station to the south of the site and the single storey workshop to the north of the site. The workshop is now no longer in use and is in a state of disrepair. To the south of the site and to the middle of the site there are groupings of trees some of which are mature, but they are not subject to Tree Preservation Orders. To the north of the site there is an electricity pylon which supports cables running east to west.

The site has a level change of 5 meters across the site from west to east. To the boundary of the site there are a variety of building types. To the south of the site there is a 5 storey 1970's commercial office block on slightly elevated ground.

To the west of the site is a modern food retail unit. The portal frame building is two storeys in height. To the remainder of the periphery are a series of 2 storey domestic properties with pitched roofs. The exceptions are the properties on The Limes which are three storeys and are more modern in their construction.

## **2. Proposal description**

Residential development of two apartment blocks containing a total of 78 apartments, undercroft parking, landscaping and associated works. The existing workshop would be demolished.

The proposed larger block would contain 60 flats (46 one bed and 14 two beds) arranged over 7 storeys (including a lower ground and groundfloor not visible from Plumer Road and a set-back 7<sup>th</sup> storey).

The smaller northern block would contain 18 apartments (13 one and 5 two beds) arranged over 4 floors (including undercroft parking and set back 4<sup>th</sup> floor).

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

14/00496/MAJ- Generally supportive of the principle of development, potential tree and highways issues were raised.

## **4. Relevant planning history**

None.

## **5. Consultation responses**

Local Highways Authority – No objections subject to conditions

Environment Agency- No objections subject to conditions

Architectural Liaison Officer – No objections.

Wales and West Utilities- No objections

South West Water – No objections.

## **6. Representations**

22 representations have been received, 21 objections and 1 observation. The following issues have been made.

1. Parking issues in Hunter Close and the Limes.
2. Increased traffic where there is already problems.
3. Concern regarding the position of the entrance from the Limes.
4. Loss of privacy and light to properties in The Limes.
5. Loss of trees, openspace and grassed area.
6. Design is poor and not in keeping, including inactive groundfloor.
7. Height is not in keeping. The development will tower over existing buildings.
8. Overdevelopment.
9. Disruption (traffic, noise, safety) during construction.
10. Object to segregation of affordable housing from market housing.
11. Objection to social housing and perceived associated social issues.
12. The plans do not include the footpath.
13. Trees at the rear of dwellings on The Limes will impact amenity.
14. The proposal will adversely affect the character of the cul-de-sac.
15. Flooding issues.
16. Litter.
17. Crime.
18. Why has work been offered to contractors before a decision is made?
19. Poor consultation.

## **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 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:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2<sup>nd</sup> Review 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. The application turns upon the NPPF, policies CS01 (Sustainable Linked Communities), CS15 (Housing Provision), CS18 (Plymouths Green Space), CS20 (Sustainable Resource Use), CS22 (Pollution), CS33 (Planning Obligations), CS28 (Transport) and CS34 (Planning Application Considerations) of the Plymouth Local Development Framework Core-Strategy 2007 and the emerging Plymouth Plan.

### **Principle of Development**

2. The site is in an existing residential area and is not identified as Greenspace within Plymouth's Greenspace Strategy. The principle of residential development is therefore considered acceptable subject to the following considerations.

### **Housing Provision**

3. When determining applications for residential development it is important to give consideration to housing supply. (Note: this does include student accommodation developments that result in additional dwellings to the dwelling stock i.e. cluster flats).
4. 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”
5. 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.”
6. For the reasons set out in the Authority’s Annual Monitoring Report (January 2015) 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.
7. 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.
8. 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...”
9. 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”

10. 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.

### **Layout and Design**

11. The proposed larger block would be located to the south of the site with the Plumer Road frontage lying parallel to the existing dwellings forming a strong building line. The southern end of the building would provide a return to the corner of Plumer Road and Tailyour Road. The enclosed area created provides amenity space.
12. In terms of scale the southern block is defined mainly by the residential buildings to the middle of the site and Plumer House to the south of the site. Plumer House is approximately 10 meters taller than the current proposal. Towards the centre of the site the block steps down on the flank edge to the existing dwellings. The building then steps up as it moves away and ensures that the building does not overpower the existing structures. The top floor of the main block has a significant step back to reduce the impact of the height of the building.
13. The northern block would be located between 1-9 The Limes and the dwellings further to the north west effectively completing the corner. To the north of the site the existing dwellings are over three floors with a pitched roof. They are slightly elevated to the application site. The northern smaller block seeks to create a three storey building with a fourth storey as a significant step back from the edge closest to the dwellings. To the south of the block the building is set away from the existing dwellings located towards the middle of the site. The building is again set significantly back on the fourth floor to have a parapet level similar to the eaves level on the existing houses.
14. Both blocks would have a contemporary appearance. The material palette for the proposal would be brick, white render, eternit panels, and expanded metal mesh. Both the use of brick and the use of eternit panels are prevalent on the elevations of Plumer house. Equally the use of render is prevalent to the area on the existing residential units. The use of the metal mesh is to provide attractive cladding that offers the free area vent to the carparking.
15. The elevations would incorporate a modern fenestration pattern. Adjacent and integral to the windows would be an opening 'door' which provides rapid ventilation. This fenestration pattern and the ability to colour the doors separately helps to add visual interest to the appearance of the façade. Further interest to the elevations is achieved by mirroring each flat in plan on alternating floors. As a result the Juliet balconies and windows alternate as they stack vertically. The combination of the alternating floors and the ventilation strategy creates an elevation that provides visual interest and which is broken up visually along its length.
16. The proposed southern block would include 2 storeys of car parking, the lower of which would be dug into the slope. This results in the Limes Elevation having a relatively blank inactive groundfloor. Whilst it would be desirable to have a more welcoming appearance, it is recognised that the constraints of the parking provision (which as detailed below is required) make this difficult. Subject to a condition to ensure the proposed materials are an appropriate quality the design and layout of the proposal is considered acceptable.

### **Neighbouring Amenity**

17. The larger of the two blocks lies to the south of the site and would be approximately parallel to 1-9 The Limes. The block would not project significantly beyond the rear of these dwellings. The side elevation of the proposed block would be approximately 6.m from the side elevation of No 1 The Limes. The side elevation of the proposal would contain windows but these would not directly face the side windows of No 1 and would instead look upon the non-private street frontage of the properties.
18. Although some overlooking of rear gardens would occur officers do not consider this would be significantly worse than the existing situation from existing first floor windows of neighbouring properties. The block has been designed in such a way that it steps up away from the properties and would not appear unreasonably overbearing.
19. The northern block would be an adequate distance (approximately 12 meters) away from the side elevation of No 9 The limes to ensure the impact in terms of outlook , light and privacy is acceptable. The proposal would be approximately 7 .5 metres away from the south elevation of No 10 The Limes at its closest point) and is not considered to have an unreasonable impact in terms of outlook or light. As with the southern block the side windows would be positioned so as to look upon the non-private side and front of the dwelling rather than the rear.

### **Character of Area, Trees, and Landscaping**

20. As discussed above the site is located in a predominantly residential area and therefore the addition of residential apartments is considered an appropriate use of the site. The scale, general layout and design are also considered acceptable.
21. The existing site is a non-level strip of grassed area containing a number of mature trees. While the area is not formally identified as greenspace, it does provide some amenity value particularly the visual amenity of the trees. Officers have raised real concerns regarding the loss of trees throughout the pre-app and application processes particularly the two more prominent trees located where the northern block is proposed. Ways of retaining one or both of these trees have been explored fully but due to other constraints such as retaining the footpath a solution has not been found. The scheme would include extensive landscaping which despite constraints such as underground cabling includes significant tree planting along the Plumer Road frontage together with areas of meadow. At the time of this report the final details of this scheme are still being negotiated however officers are confident that an appropriate landscaping scheme can be delivered and consider it would help to mitigate the loss of the existing trees. An update will be provided in an addendum report.

### **Biodiversity**

22. A preliminary ecological report and accompanying bat survey has been submitted with the application. We are currently awaiting an Ecological Mitigation and Enhancement Strategy which will be informed by the Landscape Scheme which is currently being negotiated. At this time Officers are confident that acceptable mitigation and enhancement can be agreed and an update will be provided in an addendum report.

### **Drainage and Flooding**

23. A Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency consider that the proposal will be acceptable provided that a sustainable drainage

scheme meeting the Critical Drainage Area standards is implemented as has been indicated in the FRA. This would be secured by condition.

### **Public Protection Issues**

#### Noise

24. A full Noise Impact Assessment has been submitted as per the the pre-application advice. Public Protection agrees with the conclusions of the report and has no objections to the application. A condition will be added for internal noise levels and a verification report to evidence that the recommendations in the report have been carried through the build process to achieve the required results.

#### Contaminated Land

25. A land quality assessment Phase 1 Desk Study Report has been submitted in support of the application. The consultant recommendation is for further Phase 2 intrusive ground investigation. Public Protection agrees with the consultant recommendation and as such, conditions are recommended to support the necessary further site characterisation work, plus any other remediation and verification work that may subsequently be required.

### **Standard of Accommodation**

26. The accommodation would comprise of 59 one bed and 19 two bed apartments. All apartments would approximately meet or exceed the size standards of 40m for 1 bed apartments and 55m for 2 bed apartments found in the Development Guidelines SPD. Outdoor amenity space would be provided in the communal green space surrounding the buildings which is considered sufficient and meets the standards in the SPD.
27. The distance between the bedroom windows in the northern elevation of the northern block and the neighbouring dwelling would be marginally short of the 12 metre guidance found in the SPD, however it is considered that positioning of the building ensures there will be adequate outlook. All proposed apartments would therefore have adequate privacy, light and outlook.

### **Highways**

28. The application is accompanied by a Transport Statement. The Local Highways Authority does not wish to raise any objections to the proposal.

#### Trip Generation

29. On the basis of trip rates derived from the TRIC's database (which are nationally recognised and considered to be robust) the proposed development of 78 flats would generate in the region of 30 two-way trips (7 arrivals and 23 departures) during the am peak hour and 34 two-way trips (24 arrivals and 10 departures) during the pm peak.
30. Although these numbers of trips are relatively low when compared to existing flows on the local highway network (and in particular the A386), there are a number of junctions on the A386 Northern Corridor which are already operating at and in some cases beyond their theoretical capacity. Therefore any increase in traffic movements, however small, could lead to a material impact (especially when considering cumulative impacts associated with new development within the area).



31. Concerns have been raised in Letters of Representation received regarding the traffic impacts upon The Limes which provides the sole means of vehicular access to the smaller block of units which provides 18 flats in total. However based upon the agreed trip rates the 18 units would only generate 7 two-way movements during the am and pm peak hours which equates to just 1 movement every 8.5 minutes. Such a low number of traffic movements would not give rise to any highway safety or capacity issues.

#### Car Parking

32. Based upon application of the car parking standards for residential development outlined within the Development Guidelines SPD, a maximum of 98 spaces would be required to serve the 58 one-bed (1 space per unit) and 20 two bed (2 spaces per unit) units proposed within the development.
33. The applicant has confirmed that a total of 94 off-street car parking spaces will be provided which allows each unit to have access to one dedicated off-street car parking space along with the provision of 16 visitor spaces. Such a level of car parking is consistent with adopted policy and considered appropriate in view of the opportunities that exist to access the site by sustainable modes of transport and in particular public transport.
34. It is recommended that the visitor spaces be provided within demarcated bays and that a condition is attached relating to a Car Parking Management Strategy to ensure that the visitor spaces remain available for their intended purpose and are not used by those residents who may own more than 1 car.
35. It is noted that the creation of the new vehicular access to serve the main block and associated visibility splays will result in the loss of some existing on-street kerbside car parking that occurs along Hunter Close. Having visited the site at different times of the day the Highways officer considers that much of this car parking is associated with existing employment uses within the immediate area (Plumer House, Crownhill Police Station etc.) rather residents living within the area. Therefore the proposed removal of these spaces (through extending double yellow lines; see below) is considered justified.
36. It is noted that reference is made to cycle parking being provided in accordance with current standards. This would necessitate a minimum of 39 (rounded-up to 40) secure and covered cycle parking spaces being provided across the entire development. The cycle parking areas are shown to be provided within the buildings themselves which is preferable.

#### Layout

37. It is recommended that the access into the car parking areas for both the main and top block are constructed as footway crossovers. In respect of the access serving the main block, visibility splays of 2.4m x 22m will be required in each direction which is likely to require the extension of the existing double yellow lines on Hunter Close along the frontage of the development in order to prevent parked vehicles from obstructing visibility (the existing restrictions finishing just beyond the junction of Hunter Close with Tailyour Road). The existing footway/cycleway link through to the A386 adjacent to the top block would be maintained.

### Travel Plan (TP)

38. Rather than just maintaining existing baseline modal shift figure (64% car driver), the TP should actually be seeking to improve on these figures in order to make the development more sustainable.
39. Whilst the traffic impacts of the development-related trips are relatively low, the development is still generating the need for additional car trips on a network that is already operating beyond its' theoretical capacity at several key junctions (Manadon, Derriford Roundabout etc.). It is therefore considered justified that a financial contribution of £19,500 be secured from this development towards travel planning initiatives which could include a free bus pass for 4 months or be used towards the purchase of a cycle. Although the need for this funding should be included as a Section 106 obligation, Plymouth City Council would not wish to receive this funding direct. Instead the monies would be deposited into a dedicated Travel Plan Account which would then be available for use by the Travel Plan Co-ordinator. The TP Account would be audited by PCC on a 6-monthly basis.

### Energy Efficiency

40. A Sustainability Statement has been submitted with the application which proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production together with the proposed installation size and location. The carbon savings which result from this will be 15% above and beyond what is required to comply with Part L Building Regulations and therefore satisfies the requirements of CS20. This will be secured by condition.

### Affordable Housing

41. The original submission included 24% affordable housing (18 apartments) located entirely in the northern block. Negotiations have taken place and the applicant has now agreed to 30% affordable housing 60% of which will be rent and 40% Intermediate / shared ownership. The applicant has also agreed that this can be located in both blocks. The proposal therefore now complies fully with policy requirements.
42. The location of the affordable units would be controlled by condition. It should be noted that whilst every endeavour will be made to ensure the units are located appropriately in both blocks, this may be dependent on the requirements of Registered Housing Providers.

### Other Issues

43. The representations have raised concerns regarding the construction process. A condition requiring a Construction Code of Practice has been added to ensure the impact is kept as minimal as is reasonably possible.
44. With regard to the concerns about crime, the Design and Access Statement has been updated and includes a chapter on designing out crime. Measures include controlled access to the undercroft parking and appropriate levels of passive surveillance. The Police Architectural Liaison Officer is satisfied and has no objections.

## 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

Community Infrastructure Levy

The provisional Community Infrastructure Levy liability (CIL) for this development £132,836.38 (index-linking applied, but subject to change before final liability confirmed).

The applicant has indicated that they do intend to apply for social housing relief.

## 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:

Local Greenspace: Access improvements at Bircham Valley Local Nature Reserve off Blunts Lane.  
£22,262

Playing Pitches: Manadon Football Development Centre – Grass Football Pitches: £40,383

Strategic Greenspace: Access improvements to connect Bircham Valley LNR with land adjacent to Poole Farm: £49,654

Transport: Travel Plan Initiatives for the subject development £19,500

Health: Expansion of Capacity at Crownhill or Knowle House Surgery £22,400

S106 Management Fee. £11,604

Total Financial Obligations: £165,803

The applicant has accepted these heads of terms and therefore the impact on infrastructure is fully mitigated.

## 12. Equalities and Diversities

Lifetime Homes

20% of the dwellings would be lifetime homes compliant in accordance with policy CS15.

## 13. Conclusions

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

As explained in section 8 the impacts of the scheme are considered acceptable. Whilst the loss of trees on the site is undesirable, it is considered that a suitably designed landscaping scheme will mitigate this. Furthermore in the context of a shortfall in the deliverable supply of housing land the proposal would give rise to important economic and social benefits that weigh strongly in favour of planning permission being granted. The proposal is therefore recommended for conditional approval.

## 14. Recommendation

In respect of the application dated **05/03/2015** and the submitted drawings 9001/A, 3000/A, 3001/A, 2006/A, 2002/A, 2005/A, 2003/A, 2004/A, 2001/A, os083-14.3(draft), 4001/A, 4000/A, 4002/A, 4003/A, 1998/B, 1999/B, 2100/B, 3100/A, 2101/B2102/B, os 803-14-PI, SK01, Tree Overlay Plan, S35RPRdms/sk/001/PI, P15159/H001 Rev. P2 (from RPA), Lifetime Homes Statement received 09/06/15, Flood Risk Assessment (May 2015), Transport Statement (April 2015), M and E Sustainability Statement (12/01/15), Acoustics Report A752/R01 (07/07/14), Tree Report (May 2014), Preliminary Ecological Assessment (June 2014), Phase I Desk Study Report (June 14), Bat Survey Report (July 2014) and accompanying Design and Access Statement (Amended), it is recommended to: **Grant conditionally subject to S106 agreement delegated to Assistant Director for Strategic Planning and Infrastructure to refuse if not signed by target date (4<sup>th</sup> August 2015) or other date agreed through an extension of time.**

## 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: 9001/A, 3000/A, 3001/A, 2006/A, 2002/A, 2005/A, 2003/A, 2004/A, 2001/A, os083-14.3(draft), 4001/A, 4000/A, 4002/A, 4003/A, 1998/B, 1999/B, 2100/B, 3100/A, 2101/B2102/B, os 803-14-PI, SK01, Tree Overlay Plan, S35RPRdms/sk/001/PI, P15159/H001 Rev. P2 (within FRA).

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: EXTERNAL MATERIALS**

(3) No development shall take place until details (including samples) 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.

(NB This pre-commencement condition is considered necessary because of the prominent location of the proposal).

#### **PRE-COMMENCEMENT: ACCESS (CONTRACTORS)**

(4) Before any other works are commenced adequate road accesses 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.

(NB This pre-commencement condition is considered necessary because it regards the access for construction purposes).

#### **PRE-COMMENCEMENT: DETAILS OF NEW JUNCTIONS**

(5) No development shall take place until details of the junctions between the proposed vehicular access points to the car parks and the highway (including sight lines) have been approved in writing by the Local Planning Authority; and the buildings shall not be occupied until those junctions have been constructed in accordance with the approved details.

Reason:

To ensure that appropriate and safe points of access are 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.

(NB This pre-commencement condition is considered necessary to ensure that the development can ensure the safety of road users and pedestrians can be maintained).

#### PRE-COMMENCEMENT: WAITING RESTRICTIONS (YELLOW LINES)

(6) Prior to commencement of development the developer shall seek to implement Traffic Regulation Orders together with the required statutory consultation to extend the existing double yellow lines on Hunter Close up to and including the development frontage and depending on the outcome of that consultation shall implement the agreed alterations to the existing double yellow lines as necessary prior to occupation of the development. A written description of the measures taken by the developer to initiate the processes leading to the introduction of the said yellow lines shall be submitted to and approved in writing by the Local Planning Authority before the dwellings are occupied.

Reason:

To limit the extent of on-street kerbside car parking that takes place along the frontage of the proposed development in order to provide sufficient inter-visibility at the junction of the vehicular access to the main block with Hunter Close 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.

(NB This pre-commencement condition is considered necessary to ensure that the development can ensure the safety of road users and pedestrians can be maintained)

#### PRE-COMMENCEMENT: CONTAMINATED LAND

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

#### Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

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

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

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

## Section 2. Submission of Remediation Scheme

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

## Section 3. Implementation of Approved Remediation Scheme

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

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

## Section 4. Reporting of Unexpected Contamination

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

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to

ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 120 – 123 of the National Planning Policy Framework 2012.

(NB This pre-commencement condition is considered necessary to ensure that risks to health through contamination are properly considered and addressed before building works commence)

#### PRE-COMMENCEMENT: EMPLOYMENT AND SKILLS STRATEGY

(8) No development shall take place until an Employment and Skills Strategy has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Strategy should demonstrate how local people and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Strategy should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved Employment and Skills Strategy unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure that local people and businesses benefit from development within the City in accordance with the Council's growth agenda and Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(NB This pre-commencement condition is considered necessary as intended to include the construction process).

#### PRE-COMMENCEMENT: CODE OF CONSTRUCTION

(9) Prior to the commencement of development approved by this planning permission the developer shall submit a Code of Practice for the site that outlines how they intend to prevent or control any nuisance arising from any work carried out. The Code of practice must comply with all sections of the Public Protection Service, Code of Practice for construction and demolition sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust. All sensitive properties surrounding the site boundary shall be notified in writing of the nature and duration of works to be undertaken, and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

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.

(NB This pre-commencement condition is considered necessary 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

(10) 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 [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.

(NB This pre-commencement condition is considered necessary to ensure the landscaping can be properly incorporated within the development proposals),

## PRE-COMMENCEMENT: BIODIVERSITY.

(11) No development shall commence until a Ecological Mitigation and Enhancement Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

### Reason:

To ensure the development does not have an unreasonable impact on biodiversity and achieves net biodiversity gain in accordance with policy CS19 of the Plymouth Local Development Framework Core Strategy 2007.

(NB This pre-commencement condition is considered necessary to ensure that wildlife habitats are adequately protected from the development.,

## PRE DPC LEVEL: AFFORDABLE HOUSING

(12) No development shall take place beyond damp proof course level until the locations of the affordable housing units have been submitted to and agreed in writing by the Local Planning Authority.

Reason:

To ensure the affordable housing tenure details are acceptable in accordance with Policy CS15 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

### **Pre-occupation Conditions**

#### **PRE-OCCUPATION: NOISE**

(13) All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The levels as described in Table 4 of the guidance shall be applied, meaning there must be no more than 35 Db Laeq for living rooms and bedrooms (0700 to 2300 daytime) and 30 Db Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 Db Laf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Prior to any occupation of dwellings, a verification report shall be submitted for written approval by the Local Planning Authority, proving that the dwelling meets the aforementioned criteria.

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 adopted City of Plymouth Core Strategy Development Plan Document 2007.

#### **PRE -OCCUPATION: TRAVEL PLAN**

(14) None of the Units hereby proposed shall 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 residents and visitors to use modes of transport other than the private car to get to and from the development. 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 occupation the applicant 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. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

#### **PRE -OCCUPATION: CAR PARKING MANAGEMENT STRATEGY**

(15) None of the residential units hereby approved shall be occupied until details of a car parking management strategy have been submitted to and approved in writing by the Local Planning Authority. The said strategy shall include information relating to the allocation of all off-street car parking spaces and how those spaces and the dedicated visitor spaces will be managed.

Reason:

To ensure that the on-site car parking areas are properly managed in order to avoid vehicles spilling out onto the residential streets surround the site and adding to existing car parking difficulties which would be contrary to Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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

(16) Neither of the buildings hereby approved shall 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.

#### PRE -OCCUPATION: MINIMUM CAR PARKING PROVISION

(17) The development 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 a minimum of 94 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

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.

#### PRE -OCCUPATION: ENERGY SAVINGS

(18) The development hereby approved shall not be occupied until the energy saving measures detailed in the Plumer Road M&E Sustainability Statement dated 12th January 2015 showing 15% carbon savings from renewables have been implemented and a certificate submitted to the LPA by a certified contractor confirms that all the measures are in place. The measures shall thereafter be retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development is sustainable in accordance with policy CS20 of the Plymouth Local Development Framework Core Strategy 2007 and the NPPF

#### **Other Conditions**

##### CONDITION: LIFETIME HOMES

(19)The development shall be built in accordance with the Lifetime Homes Statement and the approved plans showing 20% of dwellings meeting Lifetime Homes Standard.

Reason:

To ensure that the development provides Lifetime Homes provision in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### CONDITION: DRAINAGE

(20) The development shall be carried out strictly in accordance with the drainage strategy shown on drawing PI5159/H001 Rev. P2 found within the submitted Flood Risk Assessment. The drainage measures shall be thereafter retained.

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 in accordance with Policies CS22, CS19 and CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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

(21) 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 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.

## **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.

### **INFORMATIVE: SOUTHWEST WATER AND WALES AND WEST UTILITIES**

(3) The developer's attention is drawn to the comments and/or requirements South West Water and Wales and West Utilities, copies of which will have been sent direct to the applicant or the applicant's agent.

### **INFORMATIVE: KERB LOWERING**

(4) Before the access[es] hereby approved are first brought into use it will be necessary to secure dropped kerbs [and footway crossings] with the consent of the Local Highway Authority. 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.