

# PLANNING APPLICATION REPORT



Application Number 14/02401/OUT

Date Valid 05/01/2015

Item 03

Ward Plympton St Mary

Site Address LAND AT PLYMBRIDGE ROAD, BORINGDON PLYMOUTH

Proposal Proposed residential development of up to 280 dwellings with principal access off Plymbridge Road and emergency access off Meadow Way

Applicant Linden Limited

Application Type Outline Application

Target Date **24/07/2015**

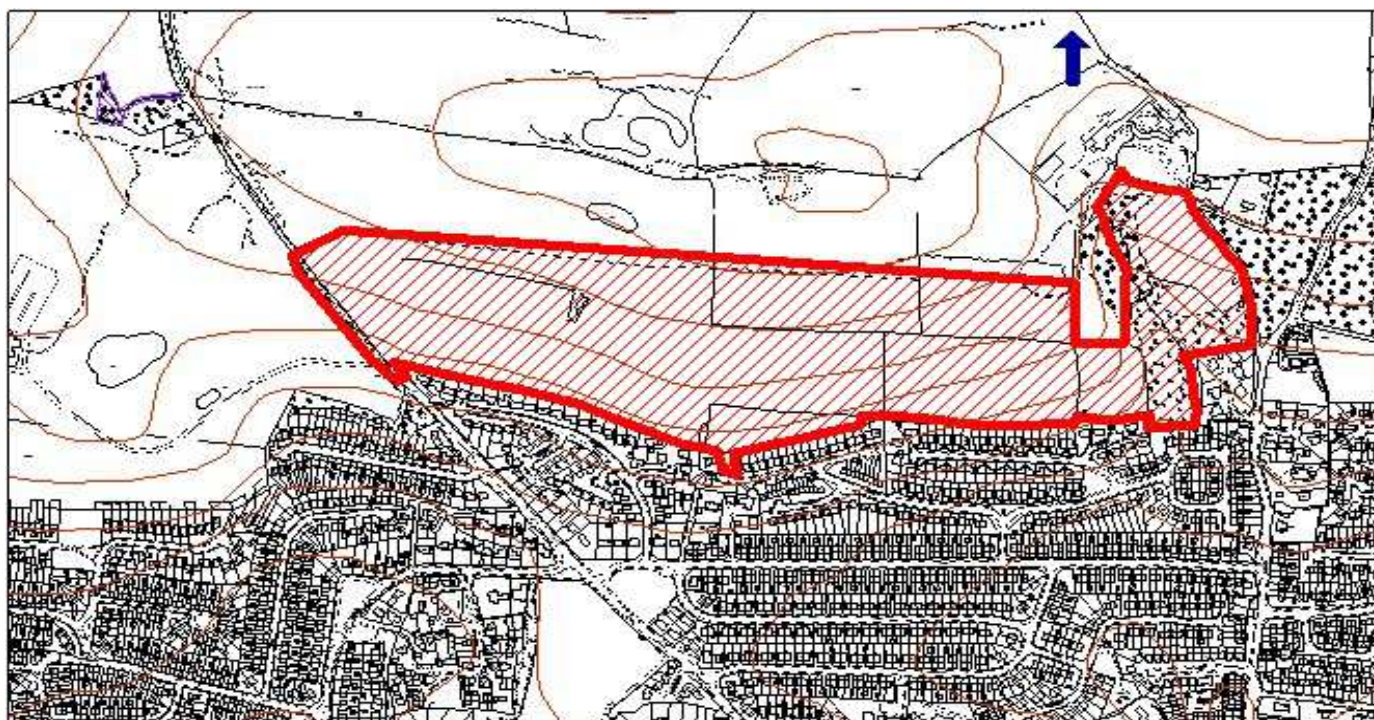
Committee Date **Planning Committee: 19 November 2015**

Decision Category Major - more than 5 Letters of Representation received

Case Officer Alan Hartridge

Recommendation Refuse

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## 1. Description of site

This 19.82 hectares site on the edge of Plympton is about 1.5 km northeast of the Marsh Mills interchange. The built-up area in the neighbourhood is predominantly low density with semi-detached and detached properties, but also some terraced properties. The street layouts in the neighbourhood are predominantly designed around cul-de-sacs. The urban edge in this area is defined by two storey properties that have been built into the hillside and incorporate underbuilt garages in places and dormer windows in other places. The site itself is farmland and largely comprises a series of pasture and arable fields with hedgerows and hedgerow trees on a sloping south-facing hillside rising above the elevated urban edge of Plympton (Plymtree Drive/Meadow Way/South View Park), and rising to a ridgeline marking the edge Boringdon golf course where there are expansive views across Plympton and the city. The agricultural land in this area is mainly classified as 3b with some areas of grade 3a.

The Plymbridge Road is a two way carriageway affording access to the clubhouse of Boringdon Golf Course and it forms the western boundary of the site behind an established densely vegetated Devon bank. The hillside fields to the east of this hedge across the site are at a higher level than the road. There is a field access to the site from Meadow Way on the southern boundary. The hilltop beyond the northern boundary of the site is countryside comprising the landscaped Boringdon golf course. There are a number of highly graded heritage assets in the immediate vicinity of the site, including Boringdon House (Grade I listed) 43m to the north east, Boringdon Triumphal Arch (grade II\* listed and scheduled) 264m to the North West, and Boringdon deer park (Scheduled Ancient Monument) to the north beyond the golf course. The Triumphal Arch was originally sited close to the western edge of the hilltop to be an attractive landmark feature prominent to view in the wider landscape and to be a visual link between Boringdon House and Saltram House—both of which were in the same family ownership in the C18th. (Saltram House is a grade I listed building within a registered II\* Park and Garden to the south west of Plympton).

The eastern boundary of the site skirts golf green and includes part of the dense and steep Boringdon Stream wooded valley corridor beyond, running south of Boringdon House—now known as Boringdon Hall. The eastern extremity of the site rises up steeply from this stream and wooded valley forming a south west facing slope of semi improved grassland and hedgerows. The access road to Boringdon Hall on Boringdon Hill defines the eastern boundary of the application site.

The site contains habitats of ecological importance and is used by foraging and commuting bats (a protected species). As for drainage, there is generally low permeability of the underlying soils across the site and the site falls within an area that has recently been under investigation in respect of the Colebrook Flood Alleviation Scheme.

## 2. Proposal description

The proposal is to excavate the hillside to facilitate a phased urban extension of the Plympton housing neighbourhood with the construction of up to 280 dwellings with associated access drives and parking spaces, SUDs drainage, landscaping and the provision of formal and informal public open space. The applicant's non-technical Environmental Statement states that during construction there would be some moderately significant adverse impacts as a result of the temporary construction activities.

Some lengths of established hedgerow within the site are identified for retention in the masterplan but the western boundary hedgerow would be removed/excavated and a new junction would be constructed to provide the principle access road into the site off Plymbridge Road. An emergency access with pedestrian and cycle routes would be constructed over rising land where there is currently a farm gate access off Meadow Way to the south.

This is an outline planning application containing details of the access from Plymbridge Road and the Design and Access statement states that all matters are reserved other than the primary access into the site.

The existing Devon Bank adjacent to Plymbridge Road would be excavated for its entire length on the western boundary of the site and a replacement set-back hedge bank would be provided. The existing steep bank in this location would have to be cut back to provide a 2m wide footway, as well as facilitating widening of the carriageway, the provision of visibility splays and the construction of the principle access road up into the proposed housing estate. A proposed footpath would be cut into the bank at right angles in the southern section of the boundary and the excavations for the set back of the Devon Bank would be greatest in the northern section. The illustrative masterplan shows a residential estate layout with culs de sacs to the north and east of a loop road that would be provided in the western half of the site. Housing would be a combination of market and affordable housing and the latest Design and Access Statement states that 30% of the of the overall numbers would be affordable

A significant proportion of the dwellings would be stepped units with front or rear elevations orientated to the south which would benefit from solar gain.

The phasing plan indicates that the development would be undertaken in six phases with the first phase involving some pre-commencement planting works. The non-technical summary to the Environmental Statement states that the residential build phases would run consecutively and would take approximately 5-6 years to complete. The applicant's agent states that it is proposed to subsidise diversion of the Citybus Service 20/20A into the site by the 100<sup>th</sup> dwelling occupation. The loop road would not be completed until phase 5 and so the applicant's agent suggests that a temporary loop road could be provided to facilitate safe bus movements within the site by the time of the 100<sup>th</sup> occupation. A locally equipped area for play (LEAP) would be provided in the Central open space in phase 5.

The woodland valley and hillside area in the eastern extremity of the site south of Boringdon Hall would be retained and would not be developed and is proposed to be a Nature Reserve with a Wildlife area south of the golf green that is adjacent to the eastern development boundary. Drainage areas would be located in this area (2 SUDS). A tree belt of variable width would be planted in phases beside the northern golf course boundary providing a publicly accessible green wildlife corridor. The 'Open Space Area plan shows this belt to be a proposed Local Nature Reserve.

The extent of any phased 'buffer planting' within a strip of land allocated as 'Parks and Gardens' alongside the southern boundary strip north of Meadow View/South View Park would not be as wide as that along the northern edge of the site as the strip of land in this area is required for the provision of flood alleviation and underground drainage infrastructure as well as for the construction of the Meadow Way secondary access road and pedestrian paths into the site. Due to the steep gradients the paths and access road would have to meander in order to facilitate an acceptable gradient for pedestrians, cyclists and emergency vehicles.

A southern boundary strip of land within the site north of Plymtree Drive would be required for the construction of a drain and bund and the 'Open Space Area plan shows this also to be a proposed Local Nature Reserve.

The Environmental Statement sets out the proposed drainage strategy to limit discharges from the development to at or below existing greenfield rates. The eastern part of the site would drain to the Boringdon Stream and the western part would connect to the existing surface water sewer at the junction of Cranfield and Plymbridge Road. Flood storage would be provided in 9 underground storage tanks together with 2 SUDS to further reduce peak and total discharges

The applicants state in their Energy Strategy that they would ensure that their development would meet and exceed the carbon reductions mandated by part L1A of the building regulations through fabric measures alone and their dwellings would be designed with active and passive design measures

to reduce energy demand. They state that solar photovoltaic panels would only be appropriate where cost-effective fabric measures were not sufficient.

The applicant's latest proposed Heads of Terms indicate that the applicants would deliver 30% affordable housing and 20% Lifetime Homes and that they would be prepared to contribute towards infrastructure (including towards primary education and health provision, playing pitches and strategic greenspace and bus service and cycle promotion to try to address some of the impacts that would arise from the development) and also commitments to management/maintenance of a play area, informal open space, nature reserves and SUDS drainage...

Off-site lighting/surfacing improvements would be undertaken to the existing pedestrian walkway snaking between the cul-de-sac heads of Meadow Way and Lynmouth Close to try to improve the attractiveness of this route to the Crossway bus stop. Each new resident/first occupier would receive a six month travel card to try to encourage bus use and a £50 voucher towards the purchase of a bicycle. Potential offsite improvements / mitigation measures would also include upgrading the B3416 Plymouth Road traffic signals at its junctions with Longbridge Close, Coypool Road and Woodford Avenue to MOVA operation.

### **3. Pre-application enquiry, Secretary of State Screening Direction and additional/revised information received since registration of application documents.**

**Pre-application discussions** have been held between the applicant and officers.

An initial scoping meeting was held in July 2014. There have been 3 Development Enquiry Service meetings in August, September and October 2014.

Officers advised upon the information that was needed to accompany any planning application and raised concerns regarding the need to address possible impacts of the suggested scheme for 250-300 dwellings.

The applicants state that their consultation exercise with the public and other key stakeholders was undertaken in September 2014 and that this identified areas for scheme refinement.

In August 2014 a formal request for a **Screening Opinion** was made (under Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011) for an urban development of 15.8 hectares of the site (for the construction of 250-300 dwellings). The formal response to this request was issued on behalf of the local planning authority 2014 stating that there are potential significant effects from such a development of this prominent site and the proposal could give rise to significant environmental effects upon the environmental sensitivity of the neighbourhood and wider area. The proposed application for such a development would need to be accompanied by an Environmental Impact Assessment being EIA development.

The Agent disagreed and requested a screening opinion from the Secretary of State via the National Planning Casework Unit (NPCU), enclosing documents and an indicative masterplan.

In May the NPCU responded that the Secretary of State concludes that the development could impact especially visually and potentially in ecological terms on areas of Plymouth's multifunctional Strategic Greenspace to the extent that significant effect is likely and therefore an EIA is required. The SoS formally directed the applicant that the proposal is EIA development.

**Additional/revised information received since registration of application documents.** The application was registered in January 2015.

- 17<sup>th</sup> February 2015 –additional information received in respect of photomontages showing planting in year 1 as well as year 15 as referred to in ES Volume, para 9.2.34.(subsequently superseded 31<sup>st</sup> July)

- 30<sup>th</sup> March 2015- six further documents/statements received in response to formal Regulation 22 request for further information.(Environmental Impact Assessment Regulations 2011)

This response was incomplete/inadequate

- 31<sup>st</sup> July 2015 –ten amended/additional documents/statements received in response to the formal Regulation 22 request.
- 24<sup>th</sup> August – revised draft Heads of Terms and the latest received 7<sup>th</sup> September

**The application documents now include the following:**

#### **Environmental Statement**

- Non-technical Summary – summarising the findings of the EIA in non-technical language
- Volume 1: Written Statement – reporting the findings of the EIA – the applicant’s agent states that this is not superseded but chapters 6,7,8,9 and 12 have been supplemented by the subsequent information provided in response to the Reg 22 request
- Volume 2: Appendices – technical material to support the main text presented in Volume 1 – the applicant’s agent states that this is not superseded but has been supplemented by the subsequent information provided in response to the Reg 22 request.

#### **Plans and planning documents**

It is not usual to give the list of documents but recent ones are listed below as there has been some confusion amongst those making representations due to the receipt of numerous amendments:

- A Design and Access Statement (Dec 2014) and an updated Design and Access Statement with a revised illustrative Masterplan layout Ref: 140507 L 02 02 F, and site sections and revised illustrative Phasing Plan (received 31<sup>st</sup> July 2015)
- A revised Air Quality Assessment (received 31<sup>st</sup> July 2015)
- A revised Transport Assessment (received 31<sup>st</sup> July 2015)
- A revised Travel Plan (received 31<sup>st</sup> July 2015)
- An addendum to Chapter 9 of ES Volume 1 Chapter 9, Landscape and Visual Impact Assessment to reflect changes to the masterplan including updated photomontages (received 31<sup>st</sup> July 2015 Ref: 1816\_R13)
- A formal statement regarding compliance with policy CS18 (received 31<sup>st</sup> July 2015 Ref: 1816\_R14)
- An additional Heritage Statement received 31<sup>st</sup> July 2015 (a response to comments received from English Heritage/Historic England and the National Trust following their consideration of the submitted Historic Environment Assessment)
- A revised Energy Statement (Energy & Carbon Reduction strategy) (received 31<sup>st</sup> July 2015).
- An Addendum to ES Volume 1, Chapter 8 A revised Ecological Assessment as the full season of surveys was incomplete. Additional surveys were needed in respect of bat activity, breeding birds and dormice. (received 31<sup>st</sup> July 2015)
- An updated drainage strategy and Flood Risk Assessment (Rev E received 31<sup>st</sup> July 2015).
- A revised Draft Heads of Terms for a S106 Agreement (received 7<sup>th</sup> September 2015).

#### **4. Relevant planning history**

The background planning history relevant to the consideration of this application is:-

**03/01967/FUL** –approved subject to S106 The site area was included within the wider red line area for the **Boringdon Golf Course** Complex planning application and described as ‘land for possible future golf course expansion’ (the approved site plan is reference TP.MD 01 103/1A). The Planning Committee report stated: “To the east of Plymbridge Road, and immediately north of existing houses, an area of land is identified on the submitted plans as being available for possible future expansion of the golf course.”

At that time the applicant stated that this land may be used to add more holes to the 27 approved and the planning case officer recalls the applicant specifically mentioned that this area might be used to create a 'junior development type small course' to 'complement' the full sized course. However, the planning application documents did not show any specific layout for a junior golf facility here and any such ancillary use was not a matter covered by the planning conditions or S106 clauses (although land beyond the golf course on the hillside urban edge to the west of Plymbridge Road was conditioned to be a Community Parkland Area - which has subsequently been provided).

## 5. Consultation responses

### Historic England–

Substantial objection that includes the following: “The amendments and additional information supplied do not alter our views that the proposals will cause serious harm to the setting of the Boringdon Arch... a Grade II\* listed building that is part of a Scheduled Monument.... and Historic England therefore maintains its objection to the proposals...”

“The significance of the heritage assets affected would be harmed by this development in their setting, without clear and convincing justification. We therefore suggest the proposals run counter to national planning policy and guidance, and should be refused permission.”

**Historic England Advice** - Since submission of the original application, an appeal into South Hams District Council’s refusal of permission for a 77m wind turbine on land close to the Boringdon Arch has been dismissed (Appeal reference APP/K1128/A/14/2229204). The planning inspector made a useful assessment of the character of the site, stating “Whilst urban influences are evident, including nearby housing as well as the golf course and some tall, distant transmitter masts, the combination of landform, woodland, water and the moorland skyline to the north create an area of high scenic quality. The largely unspoilt open qualities of the site make a pleasing contribution to the character of the area.”

The planning inspector noted that the arch had an “open landscape setting” and was the “focal point along a local ridge of land”. The inspector’s assessment of the wind turbine proposal as substantial harm confirms views held by Historic England that the functional relationship between Saltram and the Boringdon Arch is of great significance. He specifically cites the view of the arch from Saltram amphitheatre.

Historic England note that the applicant has sought to mitigate the harm by removing five housing units from the North West corner of the proposed development and increasing the size of a band of woodland to be planted along the site’s northern boundary. The loss of the 5 units will be barely perceptible in long views, and while the planting may over the course of 15 years provide some degree of screening, this will not compensate for the loss of the current open landscape setting to the arch.

The heritage statement addendum references the analysis set out in our previous correspondence that the level of harm incurred by the proposals is *less than substantial*, to use the language of the NPPF. Historic England stands by this assessment, but it does not follow that the harm Historic England has identified should simply be weighed against any public benefit offered by the proposals. Recent judicial review decisions, including the Barnwell Manor Farm decision (affecting the setting of Lyveden New Bield) have confirmed that both the legislative requirement to consider the desirability of preserving the setting of listed buildings and the NPPF injunction to conserve (in para 132) mean that great weight should be given to heritage conservation whatever the degree of harm, i.e. whether substantial or less than substantial.

As stated in previous letters, Historic England considers that the visual prominence of the arch in the landscape is enhanced by its current open setting, part countryside and part golf course. The visual

primacy of the arch in the landscape will be challenged by the construction of a housing estate in close proximity.

This is particularly apparent in views from the riverside amphitheatre on the Saltram Estate, which is within the registered landscape. The arch stands prominent on the hillside, set against a backdrop of mature designed planting. This is a key view, designed to be seen by travellers arriving at the landing stage by boat, and one which visually links the ancient seat of the Parker family at Boringdon with their new seat at Saltram. It has considerable aesthetic and historic value.

Historic England acknowledges that the view has changed since construction of the arch; there is residential development on the opposite bank of the estuary, and the suburban streets of Plympton have begun to climb the valley sides below the arch. However, the arch maintains a commanding position that is enhanced by the open landscape in close proximity. Construction of a housing estate on that open land will intrude in these views, and despite the applicant's amendments this will seriously compromise the setting of the arch. The recent appeal decision for the Boringdon golf club wind turbine referred to earlier confirms the importance of the open landscape setting of the arch.

Historic England acknowledges that the proposed development would assist your council in delivery of a 5-year supply of housing, and provision of affordable housing. But you must also give great weight (NPPF 132) to the conservation of the heritage assets affected. In our view the contribution the development will make to your Council's five year housing supply and affordable housing quota is not a sufficient benefit to outweigh serious harm to the historic environment (NPPF 134).

Historic England refers to another piece of case law, a recent appeal decision within Cornwall where an appeal against refusal of permission for the development of 153 homes on land near Falmouth was dismissed (Appeal reference APP/D0840/A/14/2221806). There are parallels between that case and this proposal in that the Falmouth development would have caused harm that was less than substantial to the setting of a Grade II\* listed heritage asset (a church) and its associated features, but the inspector concluded this harm was not outweighed by the provision of market and affordable housing, despite the absence of a 5 year housing land supply.

Boringdon Arch is listed at Grade II\*, and also part of the scheduled Boringdon Deer Park. The landscape at Saltram is designated Grade II\* on Historic England's register of Historic parks and gardens. These are highly-graded heritage assets, and as NPPF 132 reminds us, the more important the asset the greater the weight that should be given to their conservation. The NPPF defines "conservation" as the process of managing change to a heritage asset in a way that sustains and where appropriate enhances its significance.

**Historic England Recommendation** - Historic England state that the significance of the heritage assets affected would be harmed by this development in their setting, without clear and convincing justification. Historic England therefore suggests the proposals run counter to national planning policy and guidance, and should be refused permission.

#### **National Trust –**

Substantial objection as the Trust shares Historic England's concerns in relation to the view from the Saltram House Grade II\* listed Amphitheatre and the likely impact of the proposed development on the open landscape setting of the Boringdon Arch. Having considered the applicant's latest amendments their views include the following:

The role, and significance, of the Arch to Saltram has subsequently been confirmed in the appeal decision of 29 June 2015 for the wind turbine at Boringdon Golf Club (APP/K1128/A/14/2229204). That appeal decision is not referred to by AC Archaeology (on behalf of the applicants). The Inspector in that appeal decision establishes in relation to Boringdon Arch:

"The significance of this asset is primarily derived from its design as an eye-catcher to be seen from Saltram House, as well as a focal-point when viewed from a number of locations around the designed landscape to the house, including the Grade II\* listed mid 18th century Amphitheatre." (Para 30; emphasis added).



The Inspector also points to how the setting of the Arch itself contributes to significance, in that when viewed from the south west the open landscape setting assists in maintaining its historic function as an eye-catcher (para 31), with the Arch forming; "the focal point along a local ridge of land" (Para 34).

Recent High Court Judgements have stressed the need to apply the strong statutory presumption, inherent in s66 of the Listed Buildings Act, against approving development likely to harm a heritage asset, and that the presumption itself implies the need for a suitable rigorous assessment of potential alternatives where that harm might be avoided altogether. The Trust urges the Council to apply that presumption here.

### **The Gardens Trust**

The Gardens Trust, express concern about a late consultation and as Statutory Consultee, most strongly advise that this application be refused.

“The Gardens Trust **objects** most strongly to the proposed development due to its impact on the designed setting of the nationally designated designed landscape of Saltram including both views to the Boringdon Arch, and perhaps just as importantly, views from the Arch which are an essential element of the landscape design. We further advise that the proposed development would have a detrimental impact on the setting of the Listed Arch.

We conclude that the proposed development therefore conflicts with both national planning policy contained in NPPF, and local planning policy with regard to the historic environment.”

### **Highways England**

No objection (subsequent to an initial Direction of non-approval due to inadequate information being provided by the applicants).

### **Environment Agency**

Suggest planning conditions in respect of surface water drainage and that a contribution to the off-site strategic surface water drainage network might be sought from the developers (should permission be warranted).

“We consider that the proposed development can be acceptable if a planning condition is included on the subsequent outline permission to ensure the approval of the details of an appropriate surface water drainage scheme for whole site and the installation of this surface water drainage system for each subsequent phase. We do, however, wish to provide further detail relating to our comments about whether it is appropriate, in consultation with South West Water (SWW), that a Section 106 agreement is entered into to help deliver a strategic surface water drainage improvement in the Boringdon area which would help reduce flood risks overall in the catchment.

Nonetheless, it is important to note that paragraph 100 of the National Planning Policy Framework encourages using opportunities offered by new development in areas at risk of flooding (which in line with ref. 7-003-20140306 of the Planning Practice Guidance includes CDAs) to reduce the causes and impacts of flooding. This would seem reasonable for a new development of this scale in this location. It is for this reason we brought to your attention the possibility that this proposal might be able to help contribute toward the delivery of improvements to the strategic surface water drainage network. SWW (through Hyder) is undertaking an Integrated Urban Drainage study which includes developing options for a strategic improvement to the surface water drainage system in the area of Plymbridge Road which will ensure surface water is better managed and flood risks are reduced. It is, however, noted that SWW’s consultation response to you on 20 January 2015 refers only to capacity in the foul sewers and makes no mention of surface water drainage. We would expect that SWW provide information on how this development proposal could contribute to these plans and whether there is sufficient capacity in the system to manage the proposed additional flows into this system.



## **Environment Agency Advice – Reducing surface water flood risks**

We consider that the surface water drainage strategy submitted in support of the planning application demonstrates that a surface water drainage scheme can be delivered for the site which will ensure flood risks are not increased elsewhere within this Critical Drainage Area (CDA) as a result of development. We believe that our recommended conditions will ensure such a scheme can be delivered

## **South West Water**

Response received on the 25<sup>th</sup> September that that the drainage investigation previously requested in their initial response dated 20 January 2015 have now been concluded and determined that foul drainage capacity is available to support the development and therefore South West Water has no objection to the application.

## **Police Architectural Liaison Officer**

Concern. “I made comment concerning the proposed pedestrian link from the site to Meadow Way. I recommended that this link should be lit to ensure that users would not feel vulnerable walking along a dark and unlit pathway. To date I have not seen anything to say that this concern has been addressed...I anticipate that this will become a well-used route for residents wishing to access the bus service from Crossway...”

## **Public Health –**

Objection. “Poor quality built environments is associated with lower levels of mental wellbeing, particularly for women, the elderly and people that are unemployed. Health promoting neighbourhood conditions include: choice and diversity; well-kept environments; affordable and efficient public transport, safe and sociable play areas; high quality green space; well-lit and pedestrian-friendly footpaths and socially enhancing street patterns. (1).....Concerned regarding social cohesion on the site and the provision of community space within the development. The cul-de-sac as designed does not have any community space indicated to allow for the development of social cohesion between the people moving into it apart from one small area designated for children’s play. The development is isolated from other roads surrounding it except for one steep, walk way to Meadow Way or a walk along the access road..... Concerns regarding the sustainability of the development. The long distances of walking/cycling required in accessing local facilities will in all likelihood lead to a lack of connection to the local area. This will also affect social cohesion.

There are no community sports pitches, community centres or cultural facilities within reasonable walking distance (400m) of the development. This makes the provision of a social hub on site important if the people living on it are to feel part of a community rather than excluded. Public Health would therefore request that social cohesion on the site be considered in more detail and specific community facilities be provided or funded through the development either through s106 or CIL processes. (2)”

## **Public Protection Services (PPS)**

PPS recommend the imposition of conditions/informative relating to the proposed development should development be approved.

PPS state that there is a need for additional intrusive ground investigation

1. To identify the risk associated naturally occurring arsenic.
2. To identify the potential for the presence and migration of ground gas from an off-site source – ground gas investigation and subsequent gas monitoring in accordance with current guidance.

PPS suggest that land quality pre-commencement planning conditions are imposed on any decision notice for approval to support the required further site characterisation work, plus any other remediation and verification work that may also subsequently be necessary.

PPS state that their comments made in January 2015 relating to the draft Construction and Environmental Management Plan (CEMP) do not appear to have been addressed. “No final updated version has been submitted and this will need to be done before the application is recommended for approval. The draft CEMP recognises that it is not the final version and often refers to statements such as “the Full CEMP will be...” The draft CEMP includes a dust chapter, however in its current format will not be accepted. We draw the applicant’s attention to tables 23 and 24 of the Air Quality Assessment. It is expected as a minimum that the CEMP include the measures outlined within the air quality assessment. The CEMP also quotes two slightly different hours of work/ hours of deliveries. The applicant should note that the hours will need to comply with PCCs Code of Practice hours which are Monday-Friday 8am – 6pm, Saturdays 8:30am – 1pm and no work/ deliveries/ collections on Sundays or Bank Holidays. If planning permission is warranted the stated hours will be conditioned as well as requiring the final CEMP to be submitted to the LPA for approval prior to works commencing”.

PPS state that the Air Quality Assessment (AQA) baseline data and findings are accepted however, point out that the table 23 contents are not fully viewable. “Table 24 mentions a “dust management plan (DMP)” will be created and submitted to the LPA for approval and that the level of risk will determine the amount of detail in the DMP. It says that “desirable measures” will be included “as appropriate”. However, this information should be submitted as part of the Air Quality report mitigation measures section. Until this information is provided the AQA will not be recommended for approval.” NB: The applicant states that there are 2 AQMAs within Plymouth, however, PPS state that they should note this was amended in November 2014 to a large single city wide AQMA but does not extend to Plympton. They state that if planning permission is warranted noise conditions should also be imposed to include controlling hours of construction and setting a standard for soundproofing dwellings to BS8233:2014 as well as submitting a verification report prior to occupation to prove that the dwellings meet the standard.

**Education** - A S106 contribution is warranted if planning permission is granted. The schools in the Plympton area of the city are currently oversubscribed. The primary schools located within the area which would be affected by the development of the site are Boringdon Primary, Woodford Primary, Plympton St Mary's C of E Infant School and Old Priory Junior Academy, Plympton St Maurice Primary, Yealmpstone Farm Primary, Chaddlewood Primary, Glen Park Primary. Any additional dwellings built within this area will add pressure on places at these schools. A contribution amount negotiated in the section 106 agreement should be sought to mitigate the impact these additional dwellings will have on the surrounding primary schools, and more specifically to contribute towards the expansion project for Woodford Primary School. Secondary contributions would not be sought as Secondary education needs can be met by the City and the impact of the continued growth in primary school numbers will not impact upon the secondary schools until approximately 2017.

## **NHS England**

S106 contribution warranted if planning permission is considered to be justified.

The two GP Practice locations closest to the development are Glenside Surgery at Glenside Rise, and Mudge Way Health Centre, Mudge Way. These practices are equidistant being 1.2 miles from the site.

Using a nationally agreed formula of 500m<sup>2</sup> per 6000 patients (as per the NHS Principles of Best Practice – currently in draft form) Glenside Surgery is currently 50% undersized and the two practices based with Mudge Way Health Centre, i.e. The Beacon Medical Group and Pathfields Surgery, are 40% undersized. Therefore any increase in list size caused by this development will impact on the ability of these practices to deliver services for their patients.

## Local Highway Authority

Recommend refusal. Observations were previously provided on 1 July 2015. The points below are based on amendments to the Application and a revised Transport Assessment dated 30 July 2015 and accompanying letter.

It is proposed that the site be developed for up to 280 dwellings, accessed from Plymbridge Road. This is a sloping site immediately north of existing housing area which is served primarily from Crossway and connecting cul-de-sacs. There is an existing pedestrian access onto the land from Meadow Way which leads from Crossway. In order to facilitate the new access Plymbridge Road would be widened from the point at which the existing 2-way road finishes to the south of the site, northwards along the site frontage removing the existing hedgerow from the eastern side of Plymbridge Road and excavating land to facilitate road widening to 6.0m and a pedestrian footway on the eastern side of the road. This would provide the main vehicular access point. An 8m setback would be provided north of the access to allow any future widening. It is also proposed to provide a pedestrian access onto Meadow Way which would also function as an emergency access with suitable vehicular access being provided for emergency vehicles at a maximum 1:10 gradient.

The main points to consider are the suitability of the site for development, and local access and traffic impact in the Plympton area. Concerns were originally expressed about these issues both at pre-application stage and when the Application was submitted. The Transport Assessment submitted in support of the Application, was revised as a result of comments previously made, and was resubmitted in April 2015 and again in July 2015.

[The concerns about sustainability issues are included in the analysis transportation section of this report.]

The highway network in the area experiences congestion at peak times along Plymouth Road and junctions with Larkham Lane, Cothill and at Glen Road/Plymbridge Road. Some residential streets in this area are already traffic calmed to deal with the impact of high traffic levels and there is widespread concern about increased traffic in the area. A detailed traffic modelling exercise covering Marsh Mills in the west to Glen Road/ Strode Road junction in the east has been carried out by the applicant which concludes that the impact of the proposed development is not severe and accords with local and national policies

While further information has been provided in July 2015 from the applicant regarding these points and while some of the details have been addressed there remain concerns about the impact of additional traffic from this development on the existing highway network particularly on Larkham Lane, Plymouth Road Glen Road and Plymbridge Road.

In relation to the assessment of traffic impact, The main conclusions which can be drawn from the assessment are that the development will generate around 179 car trips in the am peak hour and at least 163 in the evening peak hour. The development will add 131 vehicles to Larkham Lane in the am peak hour which is a 19% increase in traffic and an additional 24 vehicles at the lower end of Plymbridge Road.

However there remain concerns about some of the assumptions in the transport assessment as follows. There are some discrepancies in the traffic flow data which in some instances records almost 50% less movements than previously observed on the Plymouth Road corridor which has not been explained which cast some doubt on the conclusions of the Transport Assessment. Also the assessment of the Glen Road, Plymbridge Road, Ridgeway mini roundabouts, which includes the single file railway bridge, is not representative and casts some doubt on the conclusions of the document. There are also considered to be assumptions made about trip generation and mode share which are not validated by the data collected. With regard to the question of traffic mitigation the applicant recommends this is resolved through the introduction of the MOVA traffic

signal control system along the Plymouth Road corridor. Officers consider that MOVA is a recognised traffic control system that has already been secured from other sites to mitigate additional traffic generated by four already consented developments in the area including the Morrison and Lidl proposals. However whether such a system can resolve traffic issues from any additional development is doubtful given the scale of development proposed and the level of impact which is yet to be fully determined as explained above.

No mitigation is proposed for the Glen Road/Ridgeway roundabout junctions. Having considered all of the information submitted it is therefore considered that impact on the highway network is severe which impacts on both existing residents and road users and on the ability to deliver high quality and reliable public transport services on the network.

**Design Review Panel.** The applicant was advised to have an independent design review through the Devon Design Review Panel but this offer was not taken up.

## 6. Representations

A substantial number of objections have been received regarding this planning application which has had to be advertised once more (ie.twice) following the receipt of information to respond to the Regulation 22 request. A local 'pressure group' (known as The Boringdon Committee) has considered the additional information received and requests the local planning authority to take into account their detailed objections. These are reflected in the objections highlighted below.

2187 Representations have been received by the Local Planning Authority in relation to this planning application, of which 2181 raise objections, 1 letter of support and 5 observations. The following table demonstrates the breakdown of all the representations that have been received:-

<b>Breakdown</b>	<b>Quantity</b>
Total Representations	2187
Total Objections	2181
<ul style="list-style-type: none"> <li>• <i>Petition Signatures (2 petitions)</i></li> <li>• <i>Objections using Circulated Template</i></li> <li>• <i>Objections</i></li> <li>• <i>MP and Cllr Letters</i></li> </ul>	<p>1444</p> <p>454</p> <p>281</p> <p>2</p>
Total Letters of Support	1
Total Letters making Observations	5

Having reviewed all the representations, the following list demonstrates the planning issues that have been raised through the **letters** of objection and observations:-

- Loss of Greenspace
- Highways pressures, parking and increased congestion
- Impact on local community services and facilities
  - Schools
  - GP Surgeries
  - Infrastructure issues (public transport)
- Loss of public amenity space
- Increased risk of flooding in the area as a result of this proposal
- Impact on listed and heritage buildings within the area
- Inappropriate greenfield site and more should be done to develop brownfield land such as Coypool

- Conflicts with the Sherford development
- Negative impact towards wildlife and ecology
- Increased pressure on existing utility services
- Loss of residential amenity to existing residents
- Unsustainable location for a proposal of this size
- Impact towards the visual character of the area and landscape
- Overdevelopment of this site
- Poor infrastructure
- Public safety concerns
- Loss of outlook
- Loss of agricultural land
- Planning blight
- Departure from policy

As previously noted, the LPA was in receipt of a couple of **petitions**, and a further 454 letters utilising two **templates** that had been circulated amongst the residents of Plympton. The two templates focused on the following seven planning issues, and are therefore considered the primary residents' concerns:-

- Loss of Greenspace(682 references)
- Highways pressures, parking and increased congestion (681)
- Impact on local community services and facilities (659)
  - Schools
  - GP Surgeries
  - Infrastructure issues (public transport)
- Loss of public amenity space (650 )
- Increased risk of flooding in the area as a result of this proposal (610)
- Impact on listed and heritage buildings within the Plympton area (566)
- Inappropriate greenfield site and more should be done to develop brownfield land such as Coypool (47 references)

It is important to note that these primary issues were highlighted by residents who chose to submit bespoke letters rather than submitting the template. Whilst all the issues that have been included in the representations are valid inclusions, officers are of the view that there is some repetition, specifically with regards to three of the points raised in the circulated template; those being:

- Loss of Greenspace
- Loss of public amenity space
- Inappropriate greenfield site

These issues are all very similar themes; and can be grouped together as one particular issue. They have been reflected in discussions with the applicants and consultees and in the Committee report, but ultimately do not alter the significance of these issues in relation to the other points being raised.

The petition is a signed document, and it could be argued that the figures may be skewed, with possible duplication of representations which would be hard to verify. The mere fact that there is a petition however underlines the public unrest that is felt amongst many residents of Plympton.

Following the submission of additional documents, as requested by the local planning authority, the planning application was **re-advertised** for a further 21 days, commencing on the 10<sup>th</sup> August 2015. As well as the additional comments that were received from consultees commenting on the new information, additional letters of representation have been received within the recent 21 day consultation period, which expired on the 1<sup>st</sup> September. The local planning authority has received a further 17 letters of representation, of which 16 write to object, and one which makes observations. It is worth noting that of the 17 letters received, none were in the template format that had been so widely submitted in early LPA consultation periods. Notwithstanding this, no additional issues have been

raised in the newly received letters; and it is considered that the planning issues have been reflected in the main Committee report. However some of the letters do consider that the information is still inadequate.

Members are advised that, to date, no further letters of representation have been received since the end of the most recent consultation period (ended 1<sup>st</sup> September) and an update can be given at your meeting if members wish to receive one.

## 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 was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. 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) is 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 a relatively 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).

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 (adopted 2009)
- Development Guidelines Supplementary Planning Document (first review) May 2013
- Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document July 2012
- The evidence base for the Core Strategy (Greenscape Assessment 2000/2004)

## 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 application turns upon NPPF paragraphs 14, 17, 47, 49, 58, 60, 64, 95, 96, 97, 100, 109, 118, 129, 131, 132, 133, 134 and 137 and Core Strategy policies CS02 (3) and CS03 (Historic Environment) .CS05, CS15, CS18, CS19, CS20, CS22, CS28, CS33 and CS34 (3) and (4)'
3. The Plymouth Plan 2011-2031 (September 2015 Part One) contains emerging development plan policies which have yet to be tested through public examination. They are also relevant – including policies 24 (Delivering Plymouth's natural network), 28 (Promoting Plymouth's heritage) and 40 (Principles for development in Plymouth's urban fringe) mentioned in the section 3 below and policy 13 (Delivering a safe, accessible, sustainable and health-enabling transport system) mentioned in the Transportation section 5 below and policy 25 (Reducing carbon emissions and adapting to climate change) mentioned in the section 6 below.
4. The Planning Obligations and Affordable Housing SPD Second Review 2012 is also relevant in the event that planning permission was considered to be warranted. The main considerations are housing provision and the suitability of the site for development, impacts upon strategic greenspace and Historic environment and traffic in the Plympton area, sustainability and the carbon footprint, local access and transport impact and the need to adequately address socio economic impacts, biodiversity and drainage impacts.

### I. Principal of Residential redevelopment and summary of analysis

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

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.” However this presumption needs to be seen in the light of the duty imposed by section 66 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990 against causing harm to the setting of a listed building which is a heritage asset (considered further in sections 2.8 and 2.9 below).

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.

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.



1.2 Paragraph 14 of the NPPF states “At the heart of the National Planning Policy Framework is a presumption in favour of **sustainable** development, which should be seen as a golden thread running through both plan-making and decision taking...

For decision-taking this means:

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

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

1.3 The Environmental Statement, states that the current need for affordable housing in Plymouth is high and annually represents 1,323 affordable homes to meet the future needs over the next five years and the existing backlog. Such demand considerably outweighs the existing supply. The delivery of 30% affordable housing on the application site would need to be secured by a Section 106 Agreement should members decide that planning permission is warranted. Furthermore, the Design and Access Statement (July 2015) –states that there would be 84 affordable houses (50 rent and 34 Intermediate), comprising of 21 x 2 beds, 48 x 3 beds and 15 x 4beds. This detail is used in the calculation of some required planning obligations and it is suggested that, should members determine that permission is warranted, it should also be secured in any S106 (even though the applicant has decided not to make reference to it in their proposed Heads of Terms -- see section 11 below).

1.4 Whereas this development could, with a suitable S106, result in the phased provision of an appropriate number of affordable dwellings (and lifetime homes) It is relevant to consider whether this application would provide a sustainable neighbourhood development on an appropriate site with an appropriate level of mitigations to address particular impacts associated with it.

For the reasons given in detail in the analysis section of this report it is concluded that the proposal does not make sufficient provision for sustainability in terms of both the NPPF and the Council’s own policies and the proposal does not make sufficient provision for climate change in terms of both the NPPF and the Council’s own policies.

1.5 The site is located within a Biodiversity Network Feature and is identified in the Greenscape Assessment (2000/2004) where it is listed as being of Regional importance for **Separation/Buffer**, City importance for **Visual amenity**, and City importance for **Agricultural/food growing** and District importance for **Natural habitats/biodiversity**

1.6 The principle of development of this site would not be in accordance with the NPPF and Core Strategy Policy CS34, both of which encourage the efficient use of previously developed land (as outlined in paragraph 17 of the NPPF).

For the reasons given in the assessment section below, it is likely that this proposal would result in another cul-de-sac development with single pedestrian link with the adjacent estate (devoid of any community facilities and adequate permeability and inconvenient to public transport) harming the value of a prominent important hillside urban fringe site and heritage feature of value to the City and setting an undesirable precedence for further urban fringe developments.

1.7 Whilst the applicant has made a number of proposals to reduce impacts, support biodiversity and promote access, the applicant refuses to limit the carbon footprint of the development in a manner that has been followed by developers of major residential development sites in the City and would dispute the payment of the normal administration fee charge that has been accepted by other developers should a S106 be warranted.

## **2.Extent of residential development -landscape and heritage impacts**

2.1 At an early stage Historic England and the National Trust expressed concerns that if this development was permitted it would have an adverse effect on the setting (and thus the significance) of the Boringdon Arch, a Grade II\* listed building that is part of a Scheduled Monument. In response to this, the applicant recently made amendments to the proposed masterplan including a relocation of 5 proposed dwellings close to the northern boundary to a position at a lower elevation on the hillside site and a phased increase in tree planting along the northern boundary. The applicant has submitted a Landscape and Visual Impact Assessment to support this application and have submitted photomontages which have been referred to by the applicant's landscape and archaeology consultants. They have also prepared an addendum to their original heritage statement and a series of additional photomontages to demonstrate what they consider to be an acceptable development

The applicants conclude the following::

- That there will be a significant, beneficial effect on the character of the “elevated landform”
- That there will be a significant, beneficial effect on the character of the “field boundary hedgerows and trees”
- That the development will not introduce un-characteristic features into the local landscape.

2.2 The key viewpoints have been visited and a review of the applicants Landscape and Visual Impact Assessment has been undertaken by the local planning authority's Chartered Landscape Architect. Whereas there is agreement with the applicants regarding visual effect it is considered to be important to note that the assessment concludes that there will be 'significant' adverse visual effects on a number of viewpoints which represent local receptors (people) and there is disagreement with the applicant's conclusions (listed above) in respect of landscape effects. It is considered that effects on the “elevated landform” and “field boundary hedgerows and trees” will be adverse and the development will introduce residential development into an area that is noted for its important contribution to the local landscape character.

It is considered that the applicants have not demonstrated that that their proposed development would be sympathetic with the role and value of the area identified as the “elevated landform” and it would not adequately mitigate for the impact. The development would unacceptably intrude upon this important feature and would have an unjustified impact upon an important heritage feature in its open landscape setting of part countryside part golf course.

Concerns about landscape impacts have also been aired by Historic England and the National Trust as well as by several local residents.

2.3 It has been suggested in some responses that the photomontages are not representative of the true impact of the scale of phased construction and urban development that would adversely affect the important character and features of this area. Nevertheless it is considered that they are helpful in facilitating determination of the planning application. The current settlement follows a distinctive pattern and does not extend up the slopes. This is represented by viewpoint 5 where a clear line can be seen along the valley side

The photomontages provided with the application (particularly viewpoint 5) clearly demonstrate that the development would obscure east-west hedgerows and retain only the fragments on north-south aligned hedges. There is disagreement with the applicant's statement that the development would “enhance the hedgerows as an identifiable landscape feature at a local level” (ES 9.5.14).The result of the introduction of urban development would impair legibility of the historic field pattern. This conclusion is supported by statements in the conclusion (ES 9.7.3) that appear to contradict the assessment that there would be a significant beneficial effect.

2,4 It is considered that the introduction of this scale of urban development would result in an unacceptable conflict with the functions and characteristics for which this site was identified in the adopted evidence base for the Core Strategy

As stated in the Greenscape Assessment (2000) that forms the basis for landscape planning policies, this area is characterised by farmland with large to medium sized fields, hedgerows, hedgerow trees and shelterbelts. The rural edges are often visible from within the urban areas, and some elements of the rural edge penetrate the urban area. It is considered that the character of this area and heritage features within it are not adversely affected or undermined by the established landscaped Boringdon golf course on the hilltop.

The following statement in the Greenscape Assessment is considered relevant to the determination of this application:

The site survey sheet for this urban fringe area east and west of Plymbridge Road ('Woodford' site) states: ***The site forms part of an important setting and edge to urban development in the northern part of Plympton. Incremental development up the valley sides would erode the open nature of this area and be visible from afar.***

It is considered that the Planning Committee's decision to approve the Community Parkland Area to the west of Plymbridge Road reflects this (see reference to **03/01967/FUL** in section 4 above) and that it would be inconsistent to now approve a scheme for residential development across the hillside to the east of Plymbridge Road without clear justification.

2.5 Reference is made in the Assessment to character area objectives and CA 5.2 states: Maintain agricultural land on ridgeline and conserve features of local distinctiveness. However it is considered that this proposed hillside residential development would introduce an uncharacteristic and damaging element into a visually prominent rural area on the rural edge of the city. The hillside site provides an important and valuable rural buffer to the urban edge and contributes significantly to the setting to Plympton.

**Policy CS18** (1) states that the Council will protect and support a diverse and multi-functional network of green space and waterscape, through identifying a network of strategically and locally important Greenscape Areas. Development on or adjacent to these Greenscape Areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area. The applicants have submitted a formal statement regarding compliance with policy CS18. The applicants state that the Greenscape Areas have yet to be identified. The Core Strategy Key Strategy Diagram identifies the land as strategic greenspace network where the loss of greenspace is to be minimised ensuring that where greenspace is developed it achieves more significant sustainable development benefits relative to the function and importance of the greenspace (SO11).

2.6 The value of Plymouth's multifunctional Strategic Greenspace is recognised in the conclusion made by the Secretary of State that the development could impact especially visually and potentially in ecological terms to the extent that significant effect is likely (see NPCU comments in section 3 above).

2.7 There have also been strong local concerns expressed about the potential for a detrimental impact. The development would have significant adverse visual impact and adverse impact on landscape character which is considered to be contrary to NPPF Policies 60, 109, 131 and Core Strategy policies CS34 (3) and (4) and refusal would accord with 64, and CS02(3).

It is considered that a decision to approve this application would not promote or reinforce local distinctiveness due to the adverse impacts on local landscape character and the setting of Plympton. (**contrary to 60**). The proposal is tantamount to an over-development of the site and refusal is warranted as the proposed application fails to adequately take the opportunities available for improving the character and quality of the area and the way it functions (**in accordance with 64**). The mitigation measures proposed by the application reduce the impact of development however the resulting effects are significant, adverse and contrary to the recommendations in the Councils adopted evidence. The application fails to adequately protect and enhance a valued landscape (**contrary to 109**). The new development would not make a positive contribution to local character

and distinctiveness (**contrary to I31**) as it would impact on a key characteristic of the local landscape and intrude into an area that has been identified as an important buffer to the edge of the settlement. The proposed development would not protect important local and longer-distance views or contribute positively to the area's identity and heritage in terms of scale, density, layout and access (**contrary to CS02**). The applicants Landscape and Visual Impact Assessment conclude that there would be 'significant' adverse visual effect on local residents and properties that overlook the site. The development would not positively contribute to the townscape, landscape of the local environment and would not be compatible with its surroundings in terms of layout, visual impact, local context and views, scale and massing (**contrary to CS 34**). The proposal will have an adverse visual impact and will introduce a large area of residential development into a valued open landscape which has been identified as serving an important function as a buffer and edge to the existing settlement. The layout of the development, extending up the valley sides, is inconsistent with the existing townscape and inconsistent with adopted guidance for this area.

2.8 It is considered relevant to the determination of this application to consider the assessment of the character of the site and interpretation of similar policies by the planning inspector in a recent appeal decision (Appeal reference APP/K1128/A/14/2229204) :“Whilst urban influences are evident, including nearby housing as well as the golf course and some tall, distant transmitter masts, the combination of landform, woodland, water and the moorland skyline to the north create an area of high scenic quality. The largely unspoilt open qualities of the site make a pleasing contribution to the character of the area.”

There is a difference of opinion between the applicant's consultants and Historic England on the weight that should be given to the wind turbine appeal decision and also a difference of opinion on the elevation of the proposed housing development relative to the Arch and part of the golf course west of Plymbridge Road. There is also a different opinion that there is only one viewpoint that would potentially impact upon the setting of the heritage assets (only from the Saltram amphitheatre).

The envisaged layout implies a relatively uniform scale and mass of dwellings across the hillside in close proximity to important listed buildings and some at a higher level will have an impact upon the rural prominence of the Boringdon Arch landmark feature even though the applicant has revised the layout by relocating 5 of the highest dwellings previously proposed to a lower elevation .The development would have an impact upon the prominence of the Boringdon Arch landmark feature within this elevated open landscape character area and it is considered that the concerns about this by Historic England, the National Trust, The Gardens Trust and the local community are understandable. There are also issues with the likely proximity of residential development to the setting of Boringdon Hall (Grade I Listed) and the scheduled post medieval deer park, medieval fish pond, and 19thC lead mine, ore works and smelt mill at Boringdon Park which would also be affected by the proposal. As Historic England state, these are all very highly graded assets. Historic England advises that 'setting' is how one experiences a heritage asset, and part of the historic value of Boringdon House is derived from its rural location. The experience of Boringdon House may be harmed if the building were no longer experienced within a rural setting but flanked by a housing estate. Even if that housing estate cannot be readily seen, the historic value of the house is compromised by no longer being experienced in isolated countryside with extensive grounds. Harm to the setting of Boringdon Arch is more obvious and pronounced. The arch is designed as an eyecatcher to be viewed from the Saltram Estate, but also visible from other viewpoints locally. It is considered that the significance of the heritage assets affected in their setting would be harmed by this development, and there is no clear and convincing justification for this. .

2.9 The applicants state that it is material to consider that the harm would be less than substantial. It is considered that although the local planning authority can agree that the harm would be less than substantial it is considered that the reference made by Historic England to recent judicial review decisions and appeal decisions are particularly relevant to the determination of this application., Both the legislative requirement to consider the desirability of preserving the setting of listed buildings and

the NPPF injunction to conserve (in para 132) mean that very great weight should be given to the preservation of the setting of the heritage asset whatever the degree of harm, i.e. whether substantial or less than substantial.

It is considered that the proposals run counter to national planning policy and guidance, and also to **CS03** that requires the council to safeguard and where possible enhance historic environment interests and the character and setting of areas of acknowledged importance including listed buildings.

Due to its scale, character and prominence of the proposed development it is considered that refusal would accord with paragraphs 34, 58, 60, 129, 131, 132, 134 and 137 of the NPPF.

Paragraph 129 states that a local planning authority should take into account the particular significance of a heritage asset when considering the impact of a proposal on it and; Paragraph 131 of the NPPF sets out the basic framework for determining applications that affect the historic environment, requiring local planning authorities to have regards to the desirability of sustaining and enhancing the significance of heritage assets, the positive contribution that conservation of heritage assets can make to sustainable communities, and the desirability of new development making a positive contribution to local character and distinctiveness. It is considered that approval would not accord with paragraphs 58 or 134 as the development would not respond positively to local character and history.

2.10 Housing development is needed in the City, but it is considered that this should be sustainable development and should not outweigh the harm to a listed building and feature of special architectural or historic interest that is prominent in the landscape and enhances the special open landscape character of this area. In this respect it is considered that the views of Historic England and the National Trust on this matter merit support from the local planning authority mindful of the requirement of the Town Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 that requires the decision maker to give great weight to the desirability of protecting the setting of listed buildings, and which, in effect, operates as a strong presumption against causing harm to the setting even if this harm is classified as less than substantial (as in this particular case.)

If, however, members decide that planning permission is warranted then a condition should be imposed requiring a programme of archaeological work to be agreed prior to commencement of development and such to be in accordance with an approved written scheme of investigation to ensure as far as possible the recovery and recording of currently unknown archaeological remains.

### **3 The emerging Plymouth Plan 2011-2031 (Sept 2015) Part One.**

3.1 The Plymouth Plan Part One contains emerging development plan policies approved by Council which have yet to be tested through public examination). Policies 40, 24 and 28 are relevant to the consideration of the planning issues relating to this site as they indicate the local planning authorities continued desire to protect sensitive urban fringe areas and safeguard historic assets and the need to avoid setting an undesirable precedence for similar urban fringe developments.

**Policy 40-** Principles for development in Plymouth's urban fringe.

The LPA will work proactively with adjoining local authorities on a joint approach to Plymouth's northern, eastern and southern urban fringe within Plymouth's Principal Urban Area, in support of the city's housing and employment needs and the protection of the city's high quality setting.

Future growth in the urban fringe, as suggested by the applicants for housing across this site, needs to adhere to the following principles if they are to accord with this policy:

- (5.) New housing development will accord with the principles of sustainable linked neighbourhoods.
- (7.) The high quality landscape setting of the city, and the natural networks which extend from within Plymouth out into surrounding areas, will be identified and their role for leisure and in setting the city's limits to growth will be recognised.

(9.) Developments in the urban fringe will need to provide a high quality edge to the city, with an effective visual transition from an urban to a rural environment.

**Policy 24-** Delivering Plymouth's natural network.

The local planning authority is required to contribute to enhancing the natural network by:

(9.) Protecting and valuing iconic and historic landscapes, green space sites that enable a visual and physical connection to the water environment, and seascapes and views that define the city whilst enhancing the relationship between Plymouth and the surrounding landscapes that provide its enviable setting

**Policy 28** –Promoting Plymouth's Heritage

The City will pursue a proactive and solution –orientated approach for the conservation of the historic environment, ensuring that it is promoted as a key element of the local character and distinctiveness, forms a strategic context for regeneration and development, and is conserved as part of the city's cultural offer, by:

(1) Safeguarding and enhancing historic assets and the character and setting of areas of acknowledged importance including scheduled ancient monuments, listed buildings, registered parks and gardens, conservation areas and archaeological remains.

3.2 It is considered that approval of the planning application would not be consistent with the objectives behind the Plymouth Plan Part One policies 40 and 24 and 28 (above) and policies 13 (Delivering a safe, accessible, sustainable and health-enabling transport system) and 25 (reducing carbon emissions and adapting to climate change) as indicated in the sections 5 and 6 below.

**4. Biodiversity**

4.1 The main areas of tree/hedge loss would be where the new access road would be constructed and where the proposed estate road would bisect existing hedgerows. The masterplan indicates the retention of the majority of trees/hedgerow\_features currently within the site that have been identified as 'worthy of retention' in the applicants tree survey. If Planning permission is warranted then this should be subject to conditions to secure the additional planting at the appropriate time and to secure management to enhance the tree cover/biodiversity. A detailed Arboriculture Implications Assessment and detailed Tree Protection Plan would be warranted for each phase to accompany reserved matter applications. In addition a draft arboriculture method statement would also be required to give details of how the trees in the woodland located to the east of attenuation ponds would be protected during the installation of the outfall pipe/swale from the proposed attenuation tanks and open attenuation ponds. This should also include details of how the drainage connections between the tanks and ponds would be installed to minimise damage to the sections of hedgerow that they would be routed through/beneath.

4.2 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on every public authority in the exercise of its functions to the purpose of conserving biodiversity and Policy CS19 (3) states that the council will promote effective stewardship of the city's wildlife through maintaining a citywide network of local wildlife sites and wildlife corridors, links and stepping stones between areas of natural greenspace.

The Devon Wildlife Trust when consulted at an early stage noted that the bat activity surveys (late June to late October 2014) pointed to the use of the site by several species of bat, including the European protected barbastelle bat. However, to maximise the chance of revealing the importance of the site to bats, they considered that the surveys needed to be extended to cover the months of April, May and June, as recommended in Good Practice Guidelines 2012. The applicants responded positively on 31<sup>st</sup> July with additional and revised information relating to additional bat activity surveys, dormouse surveys and breeding bird survey. These indicate no known dormice or bat roosts on the site but it is used by foraging and commuting bats. and have now proposes a number of nature reserves and has submitted and should the decision be made to approve the application

relevant conditions and S106 clauses are warranted that development retains, protects, and enhances the features of biological interest and provides for the appropriate management of these features to accord with Policy CS19 and Paragraph 118 of the Framework;

4.3 It is considered that, with the imposition of suitable conditions, the proposed landscaping and management of the site would retain its functionality as part of the biodiversity network. However, the bat corridor along the northern boundary would vary in width. It would be 30m at its widest but only 20m wide in places and include footpaths and concerns have been raised as to whether this is sufficient to maintain a dark corridor for bats.

If planning permission is warranted a condition should be imposed stating that all ecological enhancements in areas shown on the masterplan as Local Nature Reserves should be carried out prior to commencement of development and (notwithstanding what the applicants suggest) provision for roosting bats and nesting birds must form part of the built form at locations to be agreed and lighting should be designed to ensure that levels within the bat corridor are less than 0.5 Lux.

A condition would be warranted stating that prior to commencement of development, an Ecological Management Plan should be submitted to the Local Planning Authority for approval and this should detail full management responsibilities in perpetuity and confirm details to ensure that all open space areas shown on the masterplan should be accessible to the public including all wildlife areas.

Such conditions would also be warranted in the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

## **5. Transportation**

5.1 The main transportation points to consider are the suitability of the site for development, and local access and traffic impact in the Plympton area.

5.2 The National Policy Planning Framework requires amongst other things that local authorities should promote sustainable transport and that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (para 34). Safe and suitable access to the site should be achieved. Developments should also be located to give priority to pedestrians and cyclists and have access to high quality public transport facilities (para 35).

The Transport Assessment (TA) notes that the maximum walking distance to local bus stops/services should be 400m walking distance. This refers to guidance issues by the Institute of Highways and Transportation which actually states that the maximum distance should not exceed 400m and preferably be no more than 300m. The Plymouth Core Strategy Strategic Objective 14 identifies 400m as a target distance for walking distance to local bus stops. Policy 13 of the Draft Plymouth Plan 2011-2031 (Delivering a safe, accessible, sustainable and health-enabling transport system) specifies the 400m distance for all residents.

The applicant's TA points out that the core strategy guidance should not be rigidly followed and illustrates this point by highlighting two developments in the City which have previously received planning permission at Boston's Boat yard and Hooe Lake Quarry. It is considered however that both these developments are previously developed sites within the built up area which, while lie partially outside of this 400m range, they do have established vehicular and pedestrian accesses and provide better access to public transport and local services than this proposal.

5.3 With regard to the current Application, while the edge of the site is within 400m of an existing bus route, there are only a handful (3-5) of dwellings on the illustrative Masterplan within the minimum distance using acceptable gradients, and no dwellings within the preferable 300m. The shortest route linking the site with bus stops and local facilities is via a pedestrian access onto Meadow Way and a narrow existing alleyway without natural surveillance. Also the site is steeply sloping (1 in 6) gradient and local shops and facilities services are also remote from the site. It is



probable that this would also act as a deterrent to walking and cycling. It could therefore be argued that the site does not provide convenient access to high quality public transport and does not achieve safe and suitable access. To mitigate this the applicant proposes off-site lighting and surfacing improvements to the footpath link between Meadow Way and Lynmouth Close, a residential travel plan and fund traffic signal improvements on Plymouth Road.

5.4 The applicant's Transport Assessment also identifies the proximity of various local facilities from the development site including schools and shops. Further information has been provided by the Applicant on 19 May 2015 identifying desirable walking distances for destinations on foot and advises that 400 metres is a desirable walking distance for local facilities and those 800 metres is an acceptable one. The Transport Assessment identifies that almost all the local facilities are beyond 800m walking distance from the site and that only the local convenience store/post office is less than this lying around 600m from the nearest dwelling on the site and 1000m from the furthest. Distances to local schools for example are in excess of a kilometre walking distance from most of the homes on the site which is above what is considered to be both desirable and acceptable within relevant guidance. The Applicant points out that this guidance should not be rigidly followed and that in fact 2km is an acceptable walking distance.

5.5 The Transport Assessment submitted in support of the Application has been revised and attempts to address the issues of sustainable development in sections 2 and 3 of the report. The document as previously drafted advised that consultations had been made with the bus operators and concluded that diversion into the site of bus services and increasing the frequency of buses had been ruled out by the operator on grounds of cost and downgrading the service for existing users. The current situation is that while the applicant still maintains that the site accords with current guidance a contribution towards local bus services is offered by the applicant to cover the cost of providing a bus service by the Council for three years. The applicant intends that the bus service be provided into the site after 100 dwellings are built and for a temporary loop is used by the bus. However after discussion with a bus operator and given the nature and location of the site it appears to the Council's highways officers that there is no long term reasonable prospect of a commercial bus service operating to the site without a subsidy. It is suggested that a S106 contribution would therefore not be an acceptable way of overcoming the objection and would at the very best if realised be likely to only provide a short term (three year) bus service. There is concern that the applicant's suggested contributions to encourage bus use would not deliver the required sustainable development that is warranted.

A 6m road width would be required for bus operators to serve the site as well as a turning area to allow a bus to enter and leave the site in the early phases before the completed layout is achieved.

5.6 Taking all the information into consideration, and the transportation concerns expressed above, and the concerns of public health and the Police Architectural Liaison Officer, and given the distance from local bus routes, and other facilities and considering the gradients and lack of a suitable footpath it is considered that this proposal does not form a sustainable development and is not consistent with existing planning policies both national and local including the requirements of Policy 13 of the Plymouth Plan Part One (Delivering a safe, accessible, sustainable and health-enabling transport system). This refers to the need to consider the delivery of a transport system that encourages and enables sustainable and active travel choices, provides good accessibility for the city's population to jobs and services, and supports a healthy environment. This will involve ensuring through the planning process that new development delivers safe and convenient facilities for walking, cycling and public transport and the delivery of a public transport system that everyone can use, including working with the bus companies to provide easier ticketing, providing clear journey planning and timetable information, and accessible boarding and alighting across the city where all residents live within 400 metres of a bus stop.

Careful consideration has been given to the additional information provided with revisions and amendments submitted by the applicants over the past months to try to address these particular accessibility concerns and to the applicant's assertion that it is relevant to consider that certain other areas of the city do not accord with current guidance on accessibility. In the applicants view, PCC have applied guidance on acceptable walking distances from bus stops too rigidly and state that the Council should be more flexible in the way that these rules are applied. A late submission by the applicants points out other sites have been approved in the City which do not comply with this guidance and the fact that they were built on brownfield sites does not overcome this argument. In response to this it needs to be recognised that the proposal is not only contrary to the Plymouth Plan Part One policy for new development (as mentioned above ) but that no more than a handful of the 280 dwellings at the application site would be within the acceptable walking distance and notwithstanding the fact that while the minimum 10% gradients requirement can be met, the site lies on a hill and the main pedestrian connection is via a narrow poorly lit alleyway. It is considered that it is fair and reasonable to conclude that accessibility concerns remain and that this particular proposal would not provide a sustainable development of this greenfield site.

5.7 In addition to the concerns about the applicants' transport assessment being able to demonstrate satisfactory minimisation of adverse impacts and likely provision of a sustainable development there is also concern that no mitigation is proposed for the Glen Road/Ridgeway roundabout junctions and that impact on the local highway network would be severe and harmful to existing residents and road users and on the ability to deliver high quality and reliable public transport services on the network. relevant to the determination of this application.

5.8 However, in the event of members determining that planning permission is warranted the following is relevant: The applicant's previous S106 heads of terms included their suggestion of a sum of £155,000 approx. payable to the local authority to implement traffic signal upgrades at various junctions on the Plymouth Road corridor. This S106 contribution is not agreed by the local highways authority. In the event that permission was granted conditions would be warranted to secure off-site lighting and surfacing improvements to the footpath link between Meadow Way and Lynmouth Close prior to the first occupation of houses in phase 3 and traffic signal upgrades and the implementation of MOVA at the following locations along the Plymouth Road corridor prior to the first occupation of houses in phase 2 in order to mitigate the likely impact of the development:

- Marsh Mills roundabout
- Longbridge Close
- Coypool Road
- Woodford Avenue
- Larkham Lane
- Cothill Junction

Also conditions would be warranted to try to secure an adequate turning area for buses and large vehicles throughout the phased development

## **6. Energy savings**

6.1 In line with the adopted Core Strategy policy CS20, the applicants need to review options and set out proposals for on - site renewable energy generation equipment to deliver the policy position of 15% reduction in carbon emissions on site. In cases where the on-site renewable energy objective is found to be undeliverable, the Affordable Housing and Planning Obligations SPD allows for a contribution to be made towards the delivery of off-site CO<sup>2</sup> reduction measures. The level of contribution is based on the estimated capital cost of the renewable energy equipment needed to meet the 15% reduction in total predicted carbon emissions for the planned development.

However, in this case, the applicants are not proposing to follow the policy or make any offsite S106 contribution The applicants are proposing a 'building fabric' approach in providing dwelling units that would themselves meet the target of carbon reduction in CS20 as they believe that that CS20 is

contradicted by the National Framework, para 95 and that it is appropriate for the matter to be considered at reserved matters stage.

6.2 This was not the case that was put forward by the applicants in respect of another application recently determined by the Planning Committee (Plan ref. 14/01103). In that case Linden Homes followed CS20 and agreed to off-site contributions towards the delivery of off-site CO<sup>2</sup> reduction measures for their proposed 142 unit Millbay Marina Village development.

It has been accepted by other developers within the City that policy CS20 is clear that the specific target of 15% relates to onsite renewables and that it is not superseded or contradicted by the National Framework, para 95 (or indeed paras 96 and 97, which are also of some relevance) It has been accepted by developers (including the applicants) that S106 contributions are warranted where solar PV cannot be delivered or District Energy is proposed.

6.3 It is suggested that the local planning authority should apply the policy in a consistent and objective way in the consideration of the ways of mitigating CO<sub>2</sub> impacts. The approach in CS20 and the Plymouth Plan has as its starting point a number of objectives. **One** is reduction of carbon emissions. **A second** is to maximise the amount of energy generated using renewables. CS20 is still the yardstick we are using (together with the Plymouth Plan) and it is compliant with the NPPF and latest guidance. In this case, the developer is using arguments to show that they will meet the emissions reduction by another means. This does not meet the second policy objective in CS20 of using renewables and is therefore failing to comply with CS20 (and indeed the draft Plymouth Plan policy 25) because they would be relying on the use fabric measures. Therefore they would not meet the policy objectives and criteria as set out in the Core Strategy, and in the draft Plymouth Plan, together with the NPPF.

6.4 NPPF Paragraph 95 states (among other things) that “To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;”

Paragraph 96 states (among other things) that 96.” In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply\* unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.”

Paragraph 97 includes the following” To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- Have a positive strategy to promote energy from renewable and low carbon sources;
- Design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts

The Governments zero carbon buildings policy references in NPPF para 95 are now unclear as there is no longer a published policy to achieve this.

6.5 It is considered that CS20 is not contradicted by the 24<sup>th</sup> March Ministerial Statement, which states that ‘for the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015’. Those amendments have not yet been commenced. At this point in time the original provisions in the Planning and Energy Act 2008 remain in force, and it is considered that the uncertainty over the future of the zero

carbon homes policy places renewed emphasis on CS20 as the principle means to deliver the requisite reductions in carbon emissions across the City.

6.6 Policy 25 (Reducing carbon emissions and adapting to climate change) of the Plymouth Plan 2011-2031 Part One expects development to incorporate low carbon or renewable energy generation to achieve regulated carbon emission levels of 20% less than that required to comply with Building Regulations Part L 2013 (policy 7c)

6.7 It is considered that approval of this proposal as currently formulated would not comply with the local planning authority's approved policy CS 20 which requires carbon reductions through on-site renewable energy generation and also as set out in policy 25 of the Plymouth Plan 2011-2031 Part One (reducing carbon emissions and adapting to climate change). The applicant's 'building fabric approach' would not provide a sufficiently robust basis to fulfil the objective of these policies. A 'building fabric approach', does not optimise the overall carbon savings that could be realised by using renewable sources of generation. Although the amount of power used in each home may be reduced, that power would be coming from the grid (and therefore from coal fired power stations), when our planning policies are in place to facilitate and encourage the use of renewable methods of generation (some that might be situated within the development).

## **7. Construction work –impact Issues**

7.1 The applicant has advised that should planning be granted, the anticipated duration of the project would be approximately 320 weeks and that development would take place in phases from west to east across the hillside site.

The site is located in immediate vicinity to existing residential properties and there would be some disturbance during construction operations and construction activities would be visible to view from a distance throughout the phased construction operations.

7.2 Consideration has been given to the applicants' submitted cross sections, proposals for a series of flood tanks, draft CEMP and the phased development and planting proposals. It is considered that the envisaged development would require extensive hillside earth moving/excavation operations to provide a relatively uniform scale and mass of dwellings with drainage tanks and access roads across the hillside. It is accepted that this would be undertaken in a phased manner and that such could be controlled by planning conditions if planning permission is warranted.

It suggested that should permission be granted conditions are imposed to protect existing residents and new residents as much as feasibly possible by controlling the proposed work (see suggestions made by the PPS Unit above).

7.3 The applicants claim that tree planting on the northern boundary would enhance biodiversity and help to mitigate visual impact. However the applicant's proposal is that this planting would only be completed in part prior to development commencing on site. It is considered that trees would take many years to provide the backcloth suggested by the applicants in their drawings/documents and that the extent of phased pre-commencement tree planting for only part of the northern boundary is considered to be inadequate to mitigate impacts contrary to the applicant's assertions.

It is considered that should permission be warranted a condition should be imposed requiring the northern planting belt to be planted in full to accord with CS 02 and CS 19 and CS 34 and in accordance with detailed landscaping plans to be agreed by the local planning authority prior to the commencement of development.

## **8. Drainage**

8.1 The applicant has submitted an updated drainage strategy and Flood Risk Assessment with a drainage plan to demonstrate drainage of the site. The Environment Agency is satisfied that the surface water drainage is acceptable subject to further details conditions and suggests that the views of SWW be sought on the need for a possible potential off-site S106 contribution to flood alleviation

works in the area. SWW views have been obtained and it seems that they do not need a S106 to deliver such.

They state that their primary concern is to ensure there is no foul sewer flooding as a result of the development hence propose planning conditions relating to this should planning permission be warranted. (see section 5 above).

They state that the survey to establish the extent and cost of improvements required is currently underway and that the improvements will then be secured/delivered by means of the applicant entering into a S98 sewer requisition. Once they are at that stage their objection will be withdrawn.

South West Water made no adverse comment in relation to the surface water aspect as, where this is proposed in part to connect to the public surface water sewer network, they state that they are satisfied that capacity is available.

8.2 In view of this, it is suggested that, should members wish to approve the application, appropriate planning conditions should be imposed to address the above drainage concerns of drainage consultees.

## **9. Other Issues**

9.1 The application has been advertised in accordance with the Council's consultation protocol including site notices and newspaper. Attempts have been made to address the salient planning issues raised in the letters of representation in discussions with the applicants and consultees and the applicants have responded to the need to amend/provide justification for their proposals. The revisions/amendments containing additional information have been re-advertised (twice). It is appreciated that some residents might feel that this report does not give adequate weight to some particular issue of concern but an attempt has made to reflect that concern in section 6 above.

9.2 There are established centres of employment in the neighbourhood including Marsh Mills Park and Newnham Industrial Estate. If the application is approved a condition would be warranted requiring an employment and skills strategy to be agreed prior to the commencement of development relating to local employment during construction to demonstrate how local people and local businesses would benefit from the phased development of this site.

9.3 If the application is approved a condition would also be warranted to secure effective scheme of lighting to address the reasonable concerns of the Police Architectural Liaison Officer and CS32.

## **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**

If approved, the scheme would be liable for a charge under the Community Infrastructure Levy; however the calculation would be made at Reserved Matters stage when the floorspace figures were known. Using the Development Guidelines SPD minimum floorspace standards, the Market Housing would generate a minimum CIL payment of £560,500 based on the current rate and current indexation level. The Affordable Housing has not been included in this calculation as it is assumed that Social Housing Relief would be applied.

## 11. Planning Obligations

11.1 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.

Attempts have been made to identify agreed planning obligations should permission be granted

11.2 The applicant confirms that, if approved, a management company would fund the maintenance/management of all of the POS, nature reserves, biodiversity enhancements and SUDs and that the scheme for this could be a requirement of the S106.

The applicants' proposed Heads of Terms indicate that they would agree to 30% affordable housing ((60/40 tenure split) and 20% Lifetime Homes. They would also make the required contributions to education (£719,064) and health (Glenside Medical Centre - £81,600) and towards enhancements to Chelson Meadow strategic greenspace (Saltram Masterplan - contribution of £280,402.52). They propose bus service improvement payments (£369,032 worth of travel cards over 3 years available for first occupiers for 6 months) and a £50 voucher to the first occupier of each dwelling to put towards the purchase of a bicycle.

11.3 The applicants agree to an off-site playing pitch payment but dispute the 'normal' calculation behind the S106 contribution that the local planning authority has specified to address the need for adequate provision. The calculation is based on publicly available documents (the Planning Obligations and Affordable Housing SPD Second Review 2012, and associated Planning Obligations Evidence Base updated July 2015). (Based upon the information provided about the housing mix the contribution should be £325,510)

The details can be given to you at your meeting should you determine that planning permission is warranted subject to a S106.

11.4 If planning permission is warranted the local planning authority would require completion of an obligation to pay the 'normal' Administration fee for monitoring the S106. The legality of this is being disputed by the applicants. The details can be given to you at your meeting should you determine that planning permission is warranted subject to a S106.

11.5 It is also relevant to note that there is absence (in the applicants proposed Heads of Terms) of information relating to the size breakdown of dwelling units proposed (although this is within the Design and Access Statement). Also, as stated in the report the applicants consider that they should not adhere to CS20 and so there would be no agreed contribution towards the provision of off-site CO2 reduction measures (which the local planning authority has identified as £279k if no on-site renewable energy technologies are technically or financially viable).

## 12. Equalities and Diversities

If approved, the scheme would provide 20% Lifetime homes. However, as outlined above, there are issues regarding the sustainability of the proposed development that could disadvantage residents with physical and economic mobility issues and the concerns regarding social cohesion are raised in the Public Health comments above.

### 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 does not accord with policy and national guidance and specifically upon paragraphs 14, 17, 29, 32, 34, 35, 49, 58, 60, 129, 131, 132, 134 and 137 of the NPPF and Core Strategy policies CS01 (Sustainable linked communities) CS02 (3)(Design) and CS03 (Historic Environment) CS18 (Green Space) , CS28 (Local Transport ) , CS33(Planning Obligations) and CS34 (3) and (4) (Planning applications) and policies 13, 24, 25, 28 and 40 of the Plymouth Plan 2011-2031 Part One . The harm caused to the setting of the historic asset and the lack of sustainability of the proposals for the reasons discussed above are not outweighed by the public benefits of the proposals, notwithstanding the significant weight to be attached to the provision of market and affordable housing in present circumstances.

The applicants have made efforts to address the salient planning issues in the provision of additional and revised information, plans and documents. It is considered that the provision of housing would be outweighed by the harm to the setting of a grade II\*listed building in this locality and unwarranted impacts that would be likely to occur as it is considered that sustainability, landscape, heritage, energy and transportation issues have not been adequately addressed to warrant a recommendation of approval (subject to a S106). It is likely that this proposal would result in a development without adequate permeability and inconvenient to public transport and neighbourhood community facilities. The proposal does not make sufficient provision for sustainability and for climate change. It is likely that approval would result in a development harmful to the value of a prominent important ridgeline and hillside urban fringe and open landscape with a prominent listed building and heritage features of value to the City and would add traffic problems on the highway network.

Even if it were considered that less than substantial harm would not be caused to the setting of the grade II\* listed heritage asset and the presumption in favour of development applied (applying para. 14 of the NPPF), it is considered that the lack of sustainability of the proposals considered in the context of the policies of the NPPF as a whole, significantly and demonstrably outweigh the presumption, notwithstanding the significant weight to be attached to the provision of market and affordable housing.

### 13. Recommendation

In respect of the application dated **05/01/2015** and the submitted drawings (readvertised due to submission of revised and supplementary information upon environmental impact) , it is recommended to: **Refuse**

### 13. Recommendation

In respect of the application dated **05/01/2015** and the submitted drawings Readvertised due to submission of revised Transport Assessment and Geo-environmental report and supplementary information upon environmental impact.,it is recommended to: **Refuse**



## 14. Reasons

### ACCESSIBILITY AND INTEGRATION

(1) There would be a lack of integration between the proposed development and existing community and the development would not provide convenient access to community facilities and public transport. The development would not be sustainable and it is considered that the occupants would be overly dependent on the private car as a means for getting to and from the site for almost all journeys. The proposals, including those detailed in the updated Design and Access Statement and Transport Assessment and Travel Plan (received 31st July) are contrary to Strategic Objectives 2 and 14 and Policies CS01, CS02 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and paragraphs 14, 29, 32, 34 and 35 of the National Planning Policy Framework 2012 and Policy 13 of the Plymouth Plan 2011-2031 Part One (Delivering a safe, accessible, sustainable and health-enabling transport system) and would not in accord with advice in the Sustainable Design Supplementary Planning Document (adopted 2009).

### PLYMOUTH'S GREEN SPACE.

(2) The principle of development of this site would not be in accordance with paragraph 17 of the National Planning Policy Framework 2012 and Policy CS34 of the Core Strategy of Plymouth's Local Development Framework 2007, both of which encourage the efficient use of previously developed land. It would be a harmful encroachment of unsustainable urban development onto greenfield land across a prominent important urban fringe hillside into a ridgeline of value and importance to the setting of the City contrary to policy CS 18 of the Core Strategy of Plymouth's Local Development Framework 2007. The impacts of such development would significantly and demonstrably outweigh the benefits of providing housing and refusal would accord with par 14 of the National Planning Policy Framework and that approval of the planning application would not be consistent with the Plymouth Plan 2011-2031 Part One policies 24 (Delivering Plymouth's natural network), 28 (Promoting Plymouth's heritage) and 40 (Principles for development in Plymouth's urban fringe). Approval would set an undesirable precedence for further urban fringe developments that together would undermine the safeguarding of Strategic Greenspace identified by the local planning authority in Diagram 7 of the Core Strategy of Plymouth's Local Development Framework 2007 and the related policies that need to be applied in a consistent and objective way.

### HISTORIC ENVIRONMENT

(3) There is a statutory presumption against causing harm to the setting of a listed building by section 66 of the Town Planning (Listed Buildings and Conservation Areas) Act 1990. The harm caused by this proposal would be less than substantial but the harm to a listed building in this locality would not be outweighed by the public benefits of the proposal, by the provision of open market and affordable housing. The proposed development would, if approved, harm, and compromise the open landscape setting, part countryside and part golf course, and challenge the visual primacy of the Boringdon Arch (a Grade II\* listed building that is part of a scheduled monument) contrary to policy CS 03 of the Core Strategy of Plymouth's Local Development Framework 2007 and with the Plymouth Plan 2011-2031 Part One policy 28 (Promoting Plymouth's heritage). Due to its proposed scale, character and prominence of the proposed development it is considered that refusal would accord with paragraphs 34, 58, 60, 129, 131, 132, 134 and 137 of the NPPF.

## SUSTAINABLE RESOURCE USE

4) It is considered that approval of this proposal would not comply with the local planning authority's approved policy CS 20 of the Core Strategy of Plymouth's Local Development Framework 2007 which requires carbon reductions through on-site renewable energy generation and also as set out in policy 25 (Reducing carbon emissions and adapting to climate change) of the Plymouth Plan 2011-2031 Part One. The applicant's 'building fabric approach' would not provide a sufficiently robust basis to fulfil the objective of these policies in a consistent and objective way.

## LOCAL TRANSPORT CONSIDERATIONS

(5) The submitted Transport Assessment (received 31st July 2015) contains insufficient technical detail and traffic modelling information to determine the impact of the development on the local highway network which experiences significant traffic congestion, to the extent that it has not been demonstrated that there is no conflict with the policies and intentions set out in the adopted policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007, and paragraphs 32 and 35 of the of the National Planning Policy Framework 2012. As such it is considered that the likely traffic movements associated with the scale of development proposed could have adverse impacts on the safety and convenience of highway traffic movement in the locality.

CS28 - Local Transport Consideration

CS33 - Community Benefits/Planning Obligation

CS34 - Planning Application Consideration

CS22 - Pollution

CS18 - Plymouth's Green Space

CS19 - Wildlife

CS20 - Resource Use

CS03 - Historic Environment

CS05 - Development of Existing Sites

CS02 - Design

CS15 - Housing Provision

SPD2 - Planning Obligations and Affordable Housing

SPD1 - Development Guidelines First Review

SPD3 - Design Supplementary Planning Document

NPPF - National Planning Policy Framework March 2012

PP13 - Delivering a safe, accessible, sustainable and health-enabling transport system

PP24 - Delivering Plymouth's natural network

PP25 - Reducing carbon emissions and adapting to climate change

PP28 - Promoting Plymouth's heritage

PP40 - Principles for development in Plymouth's urban fringe