

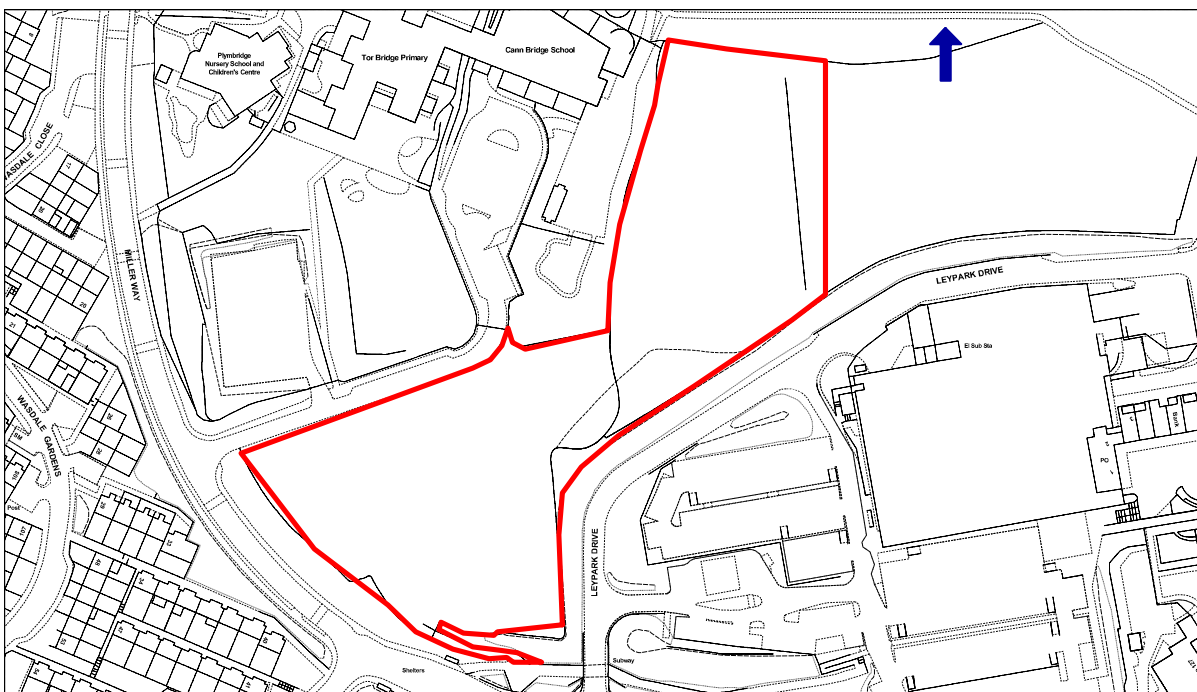
# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/01626/FUL	<b>Item</b>	08
<b>Date Valid</b>	09/09/2015	<b>Ward</b>	Moor View

<b>Site Address</b>	LAND OFF MILLER WAY PLYMOUTH		
<b>Proposal</b>	Construction of 68 dwellings together with associated access, car parking, landscaping and drainage infrastructure.		
<b>Applicant</b>	Taylor Wimpey Homes		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>09/12/2015</b>	<b>Committee Date</b>	<b>Planning Committee: 19 November 2015</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Simon Osborne		
<b>Recommendation</b>	Minded to grant subject to S106 obligation delegated to Assistant Director of Strategic Planning and Infrastructure in consultation with joint chairs. If Sport England's objection is not removed the decision is subject to referral to the National Planning Casework Unit.		

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## **1. Description of site**

The site is the former site of Estover Primary School located to the north of the city and sits between the recently redeveloped education campus (containing Tor Bridge Primary) located to the north west and ASDA to the south east. The site has good views over Forder Valley and is one of the higher points within Plymouth.

The site comprises two fields with connected hedgerows and woodland. The site has a gentle topography but drops suddenly at the boundary into Leypark Drive and Miller Way.

## **2. Proposal description**

Construction of 68 dwellings including 20 affordable homes together with associated access, car parking, landscaping and drainage infrastructure.

The access would be located on the southern side of the new access road serving Tor Bridge Primary School.

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

This site was the subject of a Site Planning Statement as part of the Plan for Homes initiative. An extensive pre-application enquiry took place over a number of months where consideration was given to the proposed layout, access and highway issues, quality of the accommodation, design, ecological mitigation and landscaping proposals. The Local Planning Authority adopted a positive, collaborative approach and a number of meetings were held with the applicant. Overall, officers considered the principle of the development was acceptable although further information and details would be required to support a formal application.

## **4. Relevant planning history**

There is various planning history relating to the former school none of which is considered relevant.

### The Adjacent Land

08/01698/FUL- Redevelopment of site (involving retention of specific buildings) to provide new community college including youth centre, nursery, primary school, and ancillary playing fields, car parks and amenity spaces (revised scheme) – Permitted.

## **5. Consultation responses**

Local Highway Authority – no objections subject to conditions

Public Protection Service – No objections subject to conditions.

Sport England – Object – see section 8.

Local Lead Flooding Authority - No objections subject to drainage condition.

Economic Development – No objections

Police Architectural Liaison Officer – No longer any objections.

Environment Agency – refer to Lead Local Flood Authority advice.

## 6. Representations

6 letters of objection and 1 observation has been received regarding the application. The nearby schools have not formally objected in writing. The issues raised are:

1. Traffic Problems/dangerous junction
2. There should be heavy goods restrictions on Miller Way
3. The existing access road needs to be improved.
4. The new development should not use the same access road as the school.
5. Crossings are needed. These should have been put in when the school was built.

A petition signed by 256 people has also been submitted requesting metal barriers on both sides of the road at the bottom, an extended pavement on the development side with a crossing and funding towards a crossing control person.

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

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at 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
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2<sup>nd</sup> Review Supplementary Planning Document

## 8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS30 (Sport, Recreation and Children's Play Facilities), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations) SO10(8), and Plymouth Plan policy 46.
3. The main planning considerations in this case are considered to be highway safety; parking provision; biodiversity; housing provision, impact on residential amenity, loss of playing fields and sustainability. These issues will be discussed in full below.

### **Principle of Development and Playing Pitches**

4. The site is the former location of the Estover Primary School and accommodated the school building and associated infrastructure including sports pitches. The school and sports pitches mitigation have now been delivered on the adjacent site by Tor Bridge Primary School.
5. This rationalisation process recognised that ultimately this would lead to the subject site being released for other forms of development that would no longer be required for educational purposes. Prior to disposal of the site the Council had to submit a Section 77 application under the School Standards and Framework Act 1998 (as amended) to allow for the playing field land to be released. The Secretary of State for Education agreed the application.

6. Sport England has been consulted and have objected to the proposal on grounds of loss of a playing pitch. Sport England note the improvements to the playing pitches at the adjoining Tor Bridge High Campus which now includes community use and a new cricket square for community teams funded by the ECB. However NPPF paragraph 74 states amongst others that playing fields should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. The resulting development would appear to result in the loss of a site that is capable of accommodating a playing pitch for football in a city where there is a recognised shortfall in provision and therefore Sport England are objecting.
7. It should be noted that should the local planning authority be minded to grant planning permission for the proposal, contrary to Sport England's objection then in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application would need to be referred to the Secretary of State, via the National Planning Casework Unit for potential call in.
8. There are options available to remove the Sport England objection including the possibility of re-providing the lost pitch on land to the north of the site. Sport England have indicated that they would be agreeable to such an approach. However this requires further negotiation with the landowner and leaseholder who would need to agree and be able to deliver this solution. Other options are still being explored by officers.
9. Due to the constraints of the site it was envisaged that any development on the site would share the school access road. The site is in a predominantly residential area and the principle of residential development is considered acceptable subject to the issues discussed below.

### **Housing Provision**

10. When determining applications for residential development it is important to give consideration to housing supply. It should be noted that this does include student accommodation developments that result in additional dwellings to the dwelling stock (i.e. cluster flats).
11. 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"
12. 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."

13. For the reasons set out in the Authority's Annual Monitoring Report (January 2015) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2015-20 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 5,599 dwellings which equates to a supply of 3.1 years when set against the housing requirement as determined by the requirements of the NPPF or 2.5 years supply when a 20% buffer is also applied.
14. 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.
- 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"
15. 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.
16. Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8) (Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

### **Design and Layout.**

17. The NPPF attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed developments to promote the image of the city. It is important that the layout, massing and design of the proposal is acceptable.
18. The dwellings would be served by a central spine road which takes the form of a blockpaved shared surface arrangement with build outs provided throughout the layout to further lessen the dominance of the highway and create a residential environment. From the access point the internal road layout splits broadly northwards and southwards. To the north the road

serves the majority of the units and terminates at the northern end of the site. To the south the road serves the remainder of the units and terminates in a turning area at the southern end of the site.

19. In general the proposed layout has been designed to ensure that safe and overlooked streets and spaces are created by having dwellings facing public areas. The proposed layout at the site presents a clear street hierarchy which will be easily legible and is reinforced by building height and form, continuity of facades and the structure of landscaping and surfacing treatments. The layout of the proposed development is thus in accordance with the general policies CS02 and CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).
20. Buildings would range in height from 1 to 3 storeys. The house and apartment designs are simple but positively address the key routes and spaces. Facades contain appropriate levels of fenestration (windows) and cladding adds interest to the elevations. The building designs are considered to comply with policy CS02 and CS34.

#### **Standard of accommodation and neighbouring amenity**

21. The surrounding residential dwellings are located away from the site on the south-eastern side of Miller Way and would not be directly impacted by the proposal in terms of privacy outlook or light. Likewise the neighbouring school and supermarket would not be adversely affected by the development in this respect.
22. The proposed layout ensures that all proposed dwellings would have adequate privacy light and outlook. A condition has been added to ensure the windows on the north-western elevation of the southernmost apartment block (which are secondary windows) are obscured glazed to protect the privacy of the adjacent dwellings.
23. A schedule of the proposed garden sizes has been supplied and this indicates that 11 of the 68 proposed dwellings will have gardens that fall below the recommended size guidance in the Development Guidelines SPD. Whilst officers accept that this is not ideal, it is recognised that the constraints including retention of important hedgerows and the awkward shape and nature of the site has largely dictated this. The gardens are still considered to be a reasonable size and the site is also located within easy reach of accessible greenspace.
24. All but 2 (one housetype) of the dwellings would meet or exceed the space guidance found within the SPD. The housetype which falls below would be 68 sqm, only 4 sqm below the 72 sqm guidance in the SPD. Given that it is only 2 dwellings (under 3% of the total) and that 4 square metres would be relatively unnoticeable in terms of living space it is not considered that this should warrant refusal of the application.

#### **Highways**

25. As previously mentioned it was always envisaged that some form of development could come forward on this site of the former primary school and that access to it would be derived from the new access road that has been constructed which serves Tor Bridge Primary School and Cann Bridge School

### Trip Generation

26. Based upon a trip rate of around 0.5 movements per unit (rather than the figure of 0.72 used in the Transport Statement which would seem to be overly robust), the development of 68 units would generate in the region of 35 two-way trips during the am and pm peak traffic hours.
27. Some concerns have been raised by the adjoining school sites regarding the impact that the additional development-related trips will have upon the operation of the site access road during the am peak due to this route serving the adjacent schools as well as the development.
28. Whilst it is accepted that the development will lead to an increase in vehicular movements taking place on the access road that is shared with the school, in terms of the NPPF those impacts (just 8 arrivals and 27 departures between 8 and 9am) could not be considered as being 'severe' as they total less than 1 vehicle per minute. When combined with the existing school trips number of arrivals increase from 112 to 120 between 8 and 9am whilst departures increase from 51 to 78. Such small increases would not lead to any capacity issues on the local road network.
29. It is also acknowledged that when fully occupied the development itself will generate demand for child placements at the school which would therefore reduce some of the car-borne trips associated with the schools.
30. In view of the scale of growth planned within the Derriford area, it is the view of the Highway Authority that the development would lead to a cumulative impact on the operation of the wider highway network. It is therefore considered justified that a Section 106 Contribution be sought from this development towards strategic transport improvements which in this case would be the Derriford Transport Scheme (DTS).

### Car Parking

31. An overall car parking standard of almost 2.0 spaces per unit (1.98) has been proposed to serve the development which is considered acceptable in view of all of the units having 2 or more bedrooms. Although the apartments only have access to 1 dedicated car parking space the applicant has sought to provide an additional 4 visitor spaces (2 per block). It is accepted that the limited space available means that it is not possible to provide more visitor spaces.
32. Cycle Parking – Each of the apartment blocks are served by a secure cycle parking area which provides spaces for a minimum of 6 spaces (12 in total). This is considered to be acceptable and as the details of the cycle storage areas are considered acceptable there is no need for any further planning conditions relating to such.

### Layout

33. Following the submission of initial comments, the applicant has now provided a pedestrian route from the development through to Asda via Leypark Walk. Unfortunately due to the difference in levels the use of steps is unavoidable although an alternative pedestrian route



(which does not require steps) is provided through to Miller Way to the south of the site. The final location of the crossing point on Leypark Drive will need to be agreed with the Highway Authority in order to avoid an existing parking bay and service covers. This will be covered by condition.

34. The applicant is required to provide a new footway of a minimum of 2m in width along the southern side of the existing access road. The provision of such will help to address the current lack of inter-visibility for pedestrians at the tactile paving crossing point where the access road meets Miller Way (this being raised as an issue by the existing schools).
35. The proposal also includes a pedestrian crossing point across the access road to the school. It is noted that its location currently to the rear of plot 67 will be determined on-site depending on the location which provides the greatest level of visibility.
36. In order to prevent parents dropping-off/collecting their children from parking within the development (particularly around the junction of the internal site access road with the existing access road), a shared space area has been created along with the introduction of bollards which should help deter parents from parking in this location. Final details of the layout of this area will need to be subject to a Section 38 Agreement.
37. With regard to the issue raised in the letters of representation and petition regarding improvements to the existing access road, as mentioned the proposal would include a new crossing and a new footway on the southern side of the road. Officers consider that the barriers and a school crossing patrol mentioned would not be required to make the subject development acceptable and therefore it would be unreasonable to secure this. However the applicant has indicated that they will consider sponsoring a school crossing patrol in the area.
38. It is worth noting that at present the access road serving both the site and adjoining schools is not adopted highway. Whilst the applicant was under the impression that the road built by PCC was to an adoptable standard it would appear that this is not the case. It should be noted that whilst failure to bring the existing access road up to adoptable standards would result in the roads within the development remaining in private ownership this is not in itself a planning issue and is a separate issue between the applicant and Plymouth City Council. An informative has been added to this affect.

#### Travel Plan

39. Although the applicant has confirmed that a Residential Travel Plan will be implemented across the site in order to encourage the use of sustainable modes of transport as an alternative to the private car, few details have been included regarding the actual measures/initiatives that form part of the RTP that will deliver a modal shift. A condition has therefore been added to secure the required details.

#### Section 106 Agreement

40. In view of the cumulative impact that the development-generated trips will have on the operation of the wider highway network taking into account future growth within the area and based upon the quantum of development proposed, it is recommended that a final

contribution of £149,000 be secured from this development towards the Derriford Transport Scheme. The Derriford Transport scheme will provide new and enhanced transport infrastructure in the form of two major junction upgrades in the Derriford area on the Northern Corridor at Derriford Roundabout and the Tavistock Road / William Prance Road junction and the associated approach roads. Localised widening to William Prance Road will also be undertaken to support the future Forder Valley Link Road project. The Scheme will provide new highway capacity, public transport priority and provides new and upgraded pedestrian and cycling facilities.

### **Affordable Housing**

41. The delivery of affordable housing development is one of the top corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). Consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.
42. The proposal includes 20 (30%) affordable housing units. It would be made up of 12 affordable rented apartments and 8 shared ownership houses. This is a 60/40% split which complies with affordable housing policy found within the Planning Obligations and Affordable Housing SPD First Review. The mix, house types and their locations are considered acceptable. In Respect to Affordable housing the proposal is welcomed and is considered to comply with CS15.

### **Sustainable Resource Use**

43. Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to offset at least 15% of predicted carbon emissions for the period 2010 – 2016. An amended Energy Strategy has been submitted which proposes installing a combined PV array of 30.4 kWp across the development meeting 15.1% carbon reductions required by Policy CS22. This will be secured by condition.

### **Surface water drainage**

44. A Flood Risk Assessment and Drainage Strategy was submitted with the application. Further information has been received following discussions with officers which is now considered acceptable subject to further details being secured by a condition.

### **Public Protection Issues**

45. The site is located in a residential area and is near to existing houses, the occupiers of which are likely to be sensitive to development. Public Protection is therefore recommending a pre-commencement condition requiring submission of a code of practice. Public Protection has also recommended an Hours of deliveries and collections condition however this can be covered in the Code of Practice.

Noise

46. The proposed site is in close proximity to existing schools and a large supermarket. To safeguard future occupants of the proposed development, Public Protection are recommending a condition requiring all dwellings to be suitably soundproofed and constructed in accordance with BS8233:2014 (Good Room Criteria) so as to provide sound insulation against externally generated noise.

#### Land quality

47. Combined Phase 1 and Phase 2 investigation reports plus supplementary investigation reports have been submitted in support of the application. The consultant conclusion is that either further site characterisation involving further sampling and analysis for Arsenic is required, or that installation of a clean soil cover system across the site is necessary.
48. Public Protection agrees with the consultant recommendations and as such, conditions have been added to support the further site characterisation work option, plus any other necessary remediation and verification works.

#### **Biodiversity**

49. The site is partially located within a Biodiversity Network Feature and is identified in the Green Space Strategy where it is listed as being of District importance for visual amenity and sports as well as Neighbourhood importance for informal recreation, natural habitats/biodiversity, separation/buffer, and access corridors/links. Development on this site must ensure that the site continues to perform its function as a biodiversity network feature. The relevant ecological surveys have been submitted with the application and the proposed layout secures the retention of the sites important 's shaped' vegetation, trees and hedgerows linking the sites biodiversity features with the surrounding area. Biodiversity conditions will ensure the proposal will have an acceptable impact on ecology and delivers net-biodiversity gain required by policy CS19.

#### **50. Other Issues**

The Police Architectural Liaison Officer has assessed the development and although there are some concerns regarding potential anti-social associated with the footpath at the south of the site they are satisfied that with appropriate lighting the proposal will create a safe and secure environment for future occupiers. A condition to secure lighting has been added.

## **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## 10. Local Finance Considerations

The provisional Community Infrastructure Levy liability (CIL) for this development is £213,004.69 (index-linking applied, but subject to change before final liability confirmed).

A breakdown of the final calculation will be shown in the liability notice once planning permission first permits the development (including all pre-commencement conditions details being agreed). The liable party(s) will be given the opportunity to apply for social housing relief or ask for a review of the calculation at that stage. There is no negotiation of CIL. The Levy is subject to change and will be index-linked.

The applicant has indicated that they intend to apply for Social Housing Relief, if agreed, the provisional liability will be reduced to £165,670.31.

## 11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations have been sought in respect of the following matters:

- £25,000 towards access improvements to connect Bircham Valley Local Nature Reserve with land adjacent to Poole Farm.
- £149,000 towards the Derriford Transport Scheme
- £1,000 S106 management fee

These contributions have been secured following the submission of viability information and officers are confident that this level of mitigation is the maximum that could be achieved on this site without affecting delivery.

## 12. Equalities and Diversities

There are no further equality and diversity issues specifically related to this application although approving this proposal will facilitate the delivery of 68 dwellings. A percentage of these dwellings are being provided as affordable housing and will be available to people on the Council's Housing Register through a Registered Social Landlord and the rest will be offered for sale on the open market and therefore will be available to people from all backgrounds to purchase. No negative impact to any equality group is anticipated.

A condition has been added requiring details of how 20% of dwellings will comply with Part M4(2) (Accessible and Adaptable Dwellings) which has effectively replaced Lifetime Homes.

## 13. Conclusions

The quality of the development being provided is appropriate in scale, form and design for the area. Appropriate mitigation has also been secured to benefit other local green spaces and highway infrastructure improvements.

Officers consider, taking in to account the lack of a 5-year housing land supply, that the proposal will provide much needed market and affordable housing for the City. Careful consideration has been given to the potential impacts of the development including the highways issues and officers are working with Sport England to overcome their objections prior to approving this application. However should the objection from Sport England remain and Planning Committee are minded to approve the application it will require referral to the Nation Planning Case Work Unit.

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and therefore the recommendation is minded to grant subject to S106 obligation delegated to Assistant Director of Strategic Planning and Infrastructure in consultation with joint chairs, If Sport Englands objection is not removed the decision is subject to referral to the National Planning Casework Unit.

### 13. Recommendation

In respect of the application dated **09/09/2015** and the submitted drawings Phase I Desk Study and Phase 2 Preliminary Ground Investigation Report: GCE00462/R1 August 2014, Flood Risk Assessment and Drainage Strategy (and subsequent information received on 09/11/15), Ecological Impact Assessment Nov 2015, Transport Statement Ref: 14.247 Revision: A August 2015, Statement of Community Involvement, Arboricultural Impact Assesment and Method Statement 3rd June ( with drawing JBA.14.111.TS01/B), Tree Survey Schdule Rev A, Planning Statement, Lifetime Homes Statement, Landscape and Ecological Management Plan Nov 2015, Landscape Management Plan Nov 2015, Energy Statement (ref. Version 3, November 2015), and accompanying Design and Access Statement (June 2015 v3),it is recommended to: **Grant conditionally subject to S106 Obligation**

### 14. Conditions

#### CONDITION: DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Plymouth Plan Policy 46.

#### CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 7735-PL01 Rev B Site Location Plan, 7735-PL02 Rev B Existing Site Plan, 7735-PL03 Rev E Proposed Site Plan, 7735-PL04 Rev D Proposed Boundaries Plan, 7735-PL05 Rev C Proposed Materials Plan, 7735-PL06 Rev C Proposed Affordable Housing Plan, 7735-PL07 Rev C Proposed Heights Plan, 7735-PL08 Rev C Proposed Tree Plan, 7735-PL09 Rev C Proposed Phasing Plan, 7735-PL12 Rev B Street Elevations, 7735-PL13 Rev A Bin & Cycle Store, 7735-PL14 Rev C Garage Plans &

Elevations, 7735-PL15 Rev C Proposed Garden Conformity Plan, 7735-PL16 Rev A Proposed Access Steps to Leypark Drive, 1643 02 Rev F (received 09/11/15) Detailed planting proposal 1 of 2, 1643 03 Rev F Detailed planting proposal 2 of 2, 7735-PL21 Rev B House type AA31, 7735-PL23 Rev D House type PA340, 7735-PL26 Rev C House type PA44, 7735-PL27 Rev C House type PB30, 7735-PL29 Rev B House type PT210, 7735-PL20A-AA22 House Type AA22, 7735-PL22A-AA41 House Type AA41, 7735-PL24B-PA220 House Type PA220, 7735-PL25C-PA330 House Type PA330, 7735-PL28A-PT36 House Type PT36, 7735-PL30B Apartments Block, 7735-PL31B-PA250 House Type PA250, 7735-PL32B-PT37 House Type PT37, 7735-PL33A\_PT41 House Type PT41, 7735-PL36\_PA440 House Type PA440, 1643 01 Rev E Outline Masterplan, 1643 04 Rev E Ecological enhancement

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

### **Pre-commencement Conditions**

#### **PRE-COMMENCEMENT: STREET DETAILS**

(3) No development shall take place until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)

2007

(Pre-commencement justification: To ensure that the development can reasonably accommodate the external design / layout / levels / gradients / and materials of the streets/ highway that are acceptable to the local planning authority.)

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

(4) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

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

(Pre-commencement Justification: To ensure the contractors access is safe for road uses and pedestrians).

#### PRE-COMMENCEMENT: DETAILS OF NEW JUNCTION

(5) No development other than the construction of the contractors access shall take place until details of the junction between the proposed service road and the existing school access road have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

(Pre-commencement justification: To ensure that the development can ensure the safety of road users and pedestrians is maintained).

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

6) No development shall take place until an Employment and Skills Strategy has been submitted to and approved in writing by the Local Planning Authority. The Employment and Skills Strategy should demonstrate how local people

and local businesses will benefit from the development in terms of job opportunities, apprenticeship placements, work experience opportunities, business supply chain opportunities and other employment and skills priorities. The Employment and Skills Strategy should cover the construction of the development. The development shall thereafter be carried out in accordance with the approved Employment and Skills Strategy unless a variation to the strategy is agreed in writing in advance by the Local Planning Authority.

Reason:

To ensure that local people and businesses benefit from development within the City in accordance with the Council's growth agenda and Strategic Objective 6 and Policy CS04 of the Plymouth Local Development Framework

Core Strategy (2006-2021) 2007.

(Pre-commencement justification: To ensure that the employment and skills strategy incorporates the whole construction phase.)

## PRE-COMMENCEMENT: CONTAMINATED LAND

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

### Section 1. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

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

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

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

### Section 2. Submission of Remediation Scheme

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

### Section 3. Implementation of Approved Remediation Scheme

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



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

#### Section 4. Reporting of Unexpected Contamination

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

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

#### Reason:

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

(Pre commencement justification: To ensure that risks to health through contamination are properly considered and addressed before building works commence).

#### PRE-COMMENCEMENT: SURFACE WATER DISPOSAL

(8) No development shall take place until further details of the proposals for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is first occupation.

#### Reason:

To enable consideration to be given to any effects of changes in the drainage regime on landscape features in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012.

Pre-commencement justification: To ensure the drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure).

## PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION

(9) No development shall take place, including any works of demolition and/or construction, until a Code of Practice has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. Noise and vibration from equipment and activities associated with construction including piling
- ii. Hours of work
- iii. Lighting
- iv. Measures to control the emission of dust and dirt during construction including wheel washing facilities
- v. A scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. Pest control
- vii. Contamination where applicable

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, such as noise, vibration and dust and to comply with

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

(Pre-commencement justification: To ensure that the construction phase does not unduly impact on local amenity such as disturbance to local residents or disruption to traffic and parking).

## PRE-SLAB LEVEL: EXTERNAL MATERIALS

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

Reason:

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

## **Pre-occupation Conditions**

### PRE- OCCUPATION: SUSTAINABILITY

(11) The development hereby approved shall be carried out in accordance with the approved Energy Statement (ref. Version 3, November 2015), or a subsequently approved Energy Statement, and the on-site renewable energy methods installed prior to occupation of the dwellings.

Reason:

To deliver on-site renewable energy in accordance with policy CS20 of the Local Development Framework Core Strategy (2006-2021) 2007 and Government advice contained in the NPPF

#### PRE-SLAB LEVEL: BIRD AND BAT BOXES

(12) No development above slab level shall take place until further details of the exact locations of the proposed bird and bat boxes have been submitted and approved in writing by the Local Planning Authority. The development shall accord with the approved details.

Reason:

To ensure that the ecological mitigation is acceptable in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

#### PRE-OCCUPATION: PEDESTRIAN ACCESS

(13) The development shall not be occupied until a means of access for pedestrians has been constructed in accordance with the approved plans which includes the provision of a new footway on the southern side of the school access road along with a new pedestrian link through to Leypark Walk as shown on the approved site layout plan referenced 7735-PL03 Rev E.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-OCCUPATION: CAR PARKING PROVISION

(14) No dwelling shall be occupied the associated car parking provision has been laid out within the site in accordance with the approved plans for an overall maximum of 135 cars to be parked.

Reason:

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

#### PRE-OCCUPATION: RESIDENTIAL TRAVEL PLAN

(15) The development hereby permitted shall not be occupied until a Residential Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The said Residential Travel Plan shall seek to encourage residents and visitors to use modes of transport other than the private car to get to and from the site. It shall also include measures to control the use of the car parking areas; arrangements for monitoring the use of provisions available through the operation of the Travel Plan; and the name, position and contact telephone number of the person responsible for its implementation. From the date of occupation the developer shall operate the approved Travel Plan.

Reason:

The Local Planning Authority considers that such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

#### PRE-OCCUPATION: LANDSCAPING

(16) All hard and soft landscape works shall be carried out in accordance with the Landscape and Ecological Management Plan November 2015, Landscape Management Plan Nov 2015, drawings 1643 02 F (received 9/11/15), 1643 03 F, PL05/C, 1643 01/E, and approved plans. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

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

#### PRE-OCCUPATION: NOISE

(17) Unless otherwise agreed in writing all dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB Laeq for living rooms (0700 to 2300 daytime) and 30 dB Laeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-OCCUPATION: LIGHTING OF PEDESTRIAN PATH

(18) The development shall not be occupied until a lighting scheme for the footpath at the south of the site has been implemented in accordance with details previously submitted and approved in writing by the Local Planning Authority. The lighting scheme will thereafter be retained.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policy CS32 of the Plymouth Local Development framework Core Strategy and Government advice contained in the NPPF.

## Other Conditions

### CONDITION: BIODIVERSITY

(19) Unless otherwise previously agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment November 2015 and drawing 1643 04 Rev E. Notwithstanding the submitted details ecological supervision shall take place during works to tree G4 and the works shall take reasonable avoidance measures to avoid disturbance to any bat roosts.

#### Reason:

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.

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

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

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

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

C: The erection of barriers and ground protection for any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars drawing JBA.14.111.TS0101/B before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

#### Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

#### CONDITION: OBSCURE GLAZING

(21) The windows in the northwest elevation of the southern most apartment block (labelled as 22-27), shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

#### Reason:

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

#### CONDITION: PART M ( ACCESSIBLE AND ADAPTABLE DWELLINGS)

(22) Unless otherwise agreed in writing 20% of the dwellings hereby approved shall be Part M4(2) compliant in accordance with details previously submitted and approved in writing by the Local Planning Authority.

#### Reason:

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

#### CONDITION: SENSITIVE LIGHTING

(23) A sensitive lighting scheme shall be adopted which ensures that the light levels are minimised along the hedgerows and trees within and adjacent to the site and on any bat boxes which are installed. Any external lighting required should be directed away from these areas with light levels as low as guidelines permit. Where lighting is required, in order to minimise the impact of lighting on bats, accessories such as hoods, cowls, shields or louvers must be used on all external lighting to ensure these features are not lit beyond 0.5 lux unless agreed in writing by the LPA. In areas where lighting shall be installed timers should be used to reduce the hours lit.

N.B. The use of low or high pressure sodium lamps instead of mercury or metal halide lamps is preferred due to the UV filtration characteristics or modern lighting solutions such as LED, highly directional, and/or light on demand.

#### Reason

To minimise disturbance to bats, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in accordance with in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in the NPPF paragraphs 109, 118.

## **Informatives**

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

(1) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant [including pre-application discussions] and has negotiated amendments to the application to enable the grant of planning permission.

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

(2) The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at [www.plymouth.gov.uk/CIL](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

### **INFORMATIVE: ROADWORKS**

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

### **INFORMATIVE: CODE OF PRACTICE**

(4) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and
- c. Hours of site operation, dust suppression measures and noise limitation measures.

### **INFORMATIVE: CONDITION 8 DRAINAGE DETAILS**

(5) With regard to condition 8 the details should include further information regarding :  
-Exceedance flows.

-Detailed design of the adoptable drainage system-

-Flow control mechanism details

-The microdrainage calculations- Additional evidence should be provided that confirms that the system including storage is designed for a 1% AEP event with a 30% allowance for climate change.

- catch pit manholes and interceptors

- The maintenance programme and cleaning regime/methodology for the attenuation system

#### INFORMATIVE: ROAD ADOPTION

6) The developer is advised that it will not be possible for the proposed roads to be adopted until the existing school access road is adopted.