

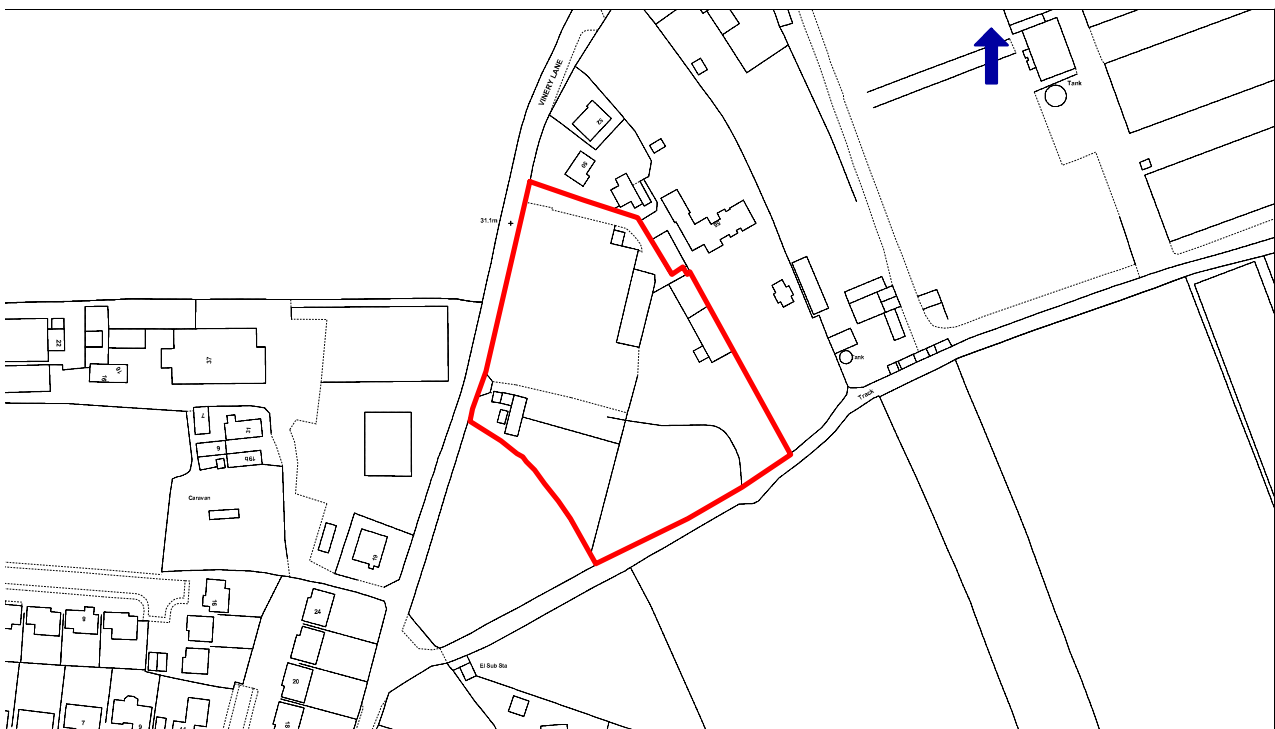
# PLANNING APPLICATION REPORT



<b>Application Number</b>	15/01940/OUT	<b>Item</b>	06
<b>Date Valid</b>	27/10/2015	<b>Ward</b>	Plymstock Dunstone

<b>Site Address</b>	OLD MAYS NURSERY, VINERY LANE PLYMOUTH		
<b>Proposal</b>	Outline planning application for 12 detached dwellinghouses		
<b>Applicant</b>	Mr P Douglas		
<b>Application Type</b>	Outline Application		
<b>Target Date</b>	<b>19/02/2016</b>	<b>Committee Date</b>	<b>Planning Committee: 11 February 2016</b>
<b>Decision Category</b>	Major - more than 5 Letters of Representation received		
<b>Case Officer</b>	Alan Hartridge		
<b>Recommendation</b>	Grant Conditionally		

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## **1. Description of site**

Vinery Lane is a single width country lane running north from Elburton and originally provided access for three commercial horticultural glasshouse complexes –with only one currently in business use. There is a ribbon of suburban houses to the east of Vinery Lane to the north of the application site and the King George V playing fields lie beyond Vinery Lane to the North West. The site is bordered by Vinery Lane and to the southeast by a green lane which continues away to the northeast.

The site is irregular in shape, with maximum dimensions of approximately 120m

(northwest-southeast) by 90m (northeast-southwest), and slopes gently down to the northwest. The Old May's Nursery site comprises 0.8 ha of land that was a former commercial nursery complex (1861 sqm) where light industrial use/storage activities have taken place (550 sqm). The western part of the site was formerly occupied by glasshouses with a now blocked/sealed access directly off Vinery Lane. In the southern section of this part of the site the remnants of concrete walls, which formed the base of the glasshouses, remain around the south eastern and south-western side of the former structures. The eastern part of the site is presently mainly open land, with species poor semi-improved grassland with some local areas of gravel hardstanding. There are several other structures within the site including a long narrow shed, measuring approximately 25m x 8m, comprising a metal frame clad in a mixture of corrugated iron and bonded asbestos panels and sheeting. A similar building, with a greater proportion of steel cladding and sheeting, is present along the northeaster boundary. . There is a suspected former air raid shelter in the north western section of the site and the remains of a former boiler house within the north east part of the site with associated fuel storage tanks to serve the former large glasshouses. Contamination is now suspected on parts of this site.

The site also includes a short access road parallel to the northern chain –link fence boundary and affords vehicular access to the site and to a couple of dwellings to the north of it. Hedge bank vegetation and trees are along the other site boundaries and these are utilised by foraging and commuting bats. The applicant's agent states that the former commercial horticultural land (1861 square metres) is currently vacant and the remaining buildings on site (550 square metres) formerly used as storage facilities and/or workshops have all been vacated and there are no tenants now. The applicants state that trip generation arising from this commercial/employment use of the site was in the region of 15 trips in the peak hour.

The site is currently a brownfield site located in EA Flood Zone 1 which the EA defines as being at a very low risk of tidal or fluvial flooding. There is no sewerage network for surface water or foul in the vicinity.

## **2. Proposal description**

The proposal is an outline application for the erection of 12 market houses. However the applicants state that they want the scope to provide self build plots as they have recently concluded that the site offers greatest potential for self-build plots. The applicants state that they have deliberated the self-build element on the current application and how this might be done and concluded that they would consider the potential plots that might be suitable to offer for self-build. They would let potential self-builders (identified from the PCC Housing register) explain their design intentions to them and then try and agree suitable designs that fit in with the area and using their own judgement as to what is likely to receive support through reserved matters for detailed design and plot

allocation. The detailed stage would also deal with CIL; self-builders would confirm their status through submission of the appropriate CIL forms.

The applicant's layout plan is submitted for illustrative purposes and demonstrates how an internal culs de sac estate road with turning head could be provided within the site with 6, two storey four bed roomed dwellings provided on either side of it, all with separate garages. The latest layout shows that there would be a new stone faced Devon hedge bank alongside Vinery Lane –on a set-back line either side of the new access road off Vinery Lane and there would be a new native hedge with gate adjoining the existing access road within the northern boundary.

The applicants have indicated that there could be a highway crate soakaway /landscaped area with either a foul pump station or storage treatment plant adjacent to part of the service access road along the northern boundary of the site South West Water has advised the applicants that foul drainage can be connected to the nearby SWW pumping station in Candish Drive.

An Energy Statement has not been provided but the applicants state that on site renewable energy production is likely to be provided by solar panels to accord with Council policy.

### 3. Pre-application enquiry

14/01032 –**First meeting** July 2014 –the owner was considering potential for 12 self build housing plots. The possible precedence set by approval of the Nightingale Close development on the North Plymstock AAP NP06 land was discussed and the agent was advised of potential ground contamination issues and need for phase 1 and 2 reports; pedestrian and cycle links to remaining NP06 land to the south east and implications of possible future links to Sherford, Vinery Lane widening for access with Devon Bank, bat activity in the area and biodiversity issues. **Second meeting** November 2014 –the agent was considering potential for 14 open market houses instead. Advice given on this option. **Third meeting** February 2015 –Advice given on the documentation required for an application for a development of 12 open market dwellings.

### 4. Relevant planning history

There is evidence of buildings on this site dating back to at least 1938 by reference to the historical mapping contained in the phase I land contamination .Historically this section of Vinery Lane was used as commercial nurseries, this particular site being known as Old May's nursery. By 1949 it is clear that more than half of the site was covered with buildings, it is likely that the glasshouses would have been erected prior to the first Planning Act coming into force. The applicant took over on the site in 1977 and began work in steel fabrication and it seems that the greenhouse business operated alongside this until around 2005.

**03/01704/OUT** - Outline application to remove greenhouses and develop land by erection of dwelling houses with associated access, parking and Landscaping -----Application **Withdrawn** 25/11/2003

**99/01110/FUL**- Continue use of workshops for steel fabrication and joinery -- -----Granted conditionally 14/12/1999

**94/00047/FUL** - Continue use for temporary period of workshops for steel fabrication and joinery ---- **Granted Conditionally** 03/05/1994

**92/00502/FUL** --use of part of building as store for garden maintenance equipment, fertilizers, etc. - **Granted conditionally** 02/06/1992

**91/01802/FUL** -- continue use for temporary period of workshops for steel fabrication & joinery. **Granted Conditionally** 18/03/1992

**90/01021/FUL** -- continue use of building for restoration of vehicle bodywork for a period of three years (average one vehicle per week). **Refused** 18/06/1990

**90/01017/FUL** -- retention of existing caravan (used as office & mess room) & nearby building as store & workshop until 31.12.91 in conjunction with permitted use – **Refused** 18/06/1990

**90/01018/FUL** -- continue use of building as a store for roofing felt for a period of three years – **Refused** 18/06/1990

**90/01022/FUL** -- continue use of premises as a joinery workshop and store for a period of three years -- **Refused** 18/06/1990

**90/01019/FUL** -- continue use of building for manufacture of g.r.p. dinghies and garden furniture for a period of three years.-- -- **Refused** 18/06/1990

**90/01020/FUL** --servicing and repair of vehicles for a period of three years (no h.g.v.)-- **Refused** 18/06/1990

**89/01538/OUT** -- outline application to develop land by the erection of dwelling house in connection with horticultural use of the land.-- **Refused** 06/10/1989

**82/00227/FUL** -- to use premises as a workshop including welding and fabrication work. -- **Granted conditionally** 22/04/1982

**80/01467/OUT** -- outline application to erect dwelling house with office and staff accommodation -- **Granted conditionally** 31/07/1980

## 5. Consultation responses

### Local Highway Authority (HA)

An extract from the HA views are as follows: There are no objections to the proposal in principle.

- Although now unused the site would have, and could under permitted rights, generate traffic onto Vinery Lane and the local Highway Network. Traffic impact for 12 houses will be minimal, during the highway peak hours, and therefore will not have a detrimental impact on the immediate highway. It could be suggested that the permitted trips from the site could be comparable to the proposed trips
- All vehicular access onto the site, parking and servicing, will be made from Vinery Lane which is a single width country road with a national speed limit designation in the location of the entrance to the site. At the residential area to the south of the site, the speed limit reduces to 30mph.
- In principle site access is acceptable with the visibility as shown. Vinery Lane, however, is subject to a S30 order of the Public Health Act (1925) and therefore the development itself should be set back in order to provide the required increase in width. The required road width is 5.5meters (measured from the opposing road edge / hedgerow) and a footway of 2 metres is required along the site frontage. The S30 order should be applied and the site set back accordingly to provide these dimensions. A negative condition should be attached to any consent to agree a suitable scheme.
- There may be scope for block paving at this site and this should be investigated during any reserved matters application. The applicant has proposed to provide off street parking for each unit and it is noted from the drawings supplied that three cars can easily fit within the building curtilage. This does exceed the required Development Guidelines SPD standard which requires 2 spaces per house, as a maximum, but it is not considered that this gives rise to any objection and is therefore acceptable in this instance all parking spaces should be

surfaced and drained to ensure that no private surface water or loose material is permitted to flow or be deposited onto any of the adjoining highway. This should be secured by way of a planning condition. The indicative plan shows that each unit has a garage, it is expected therefore that cycles will be able to be stored within the garage. This will accord with the SPD minimum standards for cycle storage.

- The site is located close to public transport services which operate along Plymstock Road and will have easy access to the services that will operate at Sherford. As Sherford is built out there will be changes to the road network in the local area. A new access road will be built from Hays Road to serve Sherford which severs Vinery Lane to the north of the application site. Vinery Lane will be stopped up accordingly, at its interface with the new road and as such all development vehicle trips will only be able to access this site from the south, from Sherford Road. Pedestrians and cyclists will still be able to use Vinery Lane. As part of the Sherford application it is noted that Vinery Lane will become a cycle route as part of a new network of pedestrian cycle links in the area in addition to a further link provided by residential development opposite to this site at Nightingale Close, west of Vinery Lane. It is therefore recommended that a cycle link from this site onto the North Plymstock AAP NP06 land should also be provided at the southern end of the site to future proof this network in accordance with details to be submitted to and approved in writing. A condition is recommended (reflected in the proposed decision notice).
- As access to the site will be through a residential area the applicant must provide and comply with a strict code of practice during construction to ensure minimal impact on surrounding properties. There are no objections to the proposal, subject to conditions (reflected in the proposed decision notice).

### **Environment Agency**

No objection and gives advice about need to consult PPS Unit and impose appropriate planning conditions as the Geotechnical and Contamination Assessment report indicates that the proposed development site may have been the subject of past activity which could pose a risk of pollution to controlled waters (e.g. in-filled fuel tanks, a boiler house and chemicals which may have been used in past horticulture activities). Also the EA welcomes the commitment to manage surface water through the use of sustainable drainage systems and points to the need to consult PCC drainage unit in their role as leading local flood authority.

### **PCC Local lead flood authority**

Unmanaged surface water run-off from this site can increase the risk of flooding in Vinery Lane near the Sherford development approximately 100m from the site. In the past this has caused Vinery Lane to be closed to traffic.

The drainage plan shows a soakaway drainage system proposed for the development consisting of individual soakaway "crates" for each property and a separate soakaway tank to drain run off from the access road. Infiltration tests have been completed for five test pits on the site in accordance with BRE365 and the results have been submitted in a soakaway test report. The applicants were advised of the detailed technical response to this and in response the applicants subsequently submitted revised highway/drainage layout proposals (drawing I064 C-100 Rev P6). Planning conditions are now suggested (repeated in the suggested conditions).

### **Public Protection Service (PPS)**

Recommend approval subject to conditions/informative (reflected in the proposed decision notice). These include an informative to encourage provision of good quality living spaces and to prevent unwanted disturbance from external noise to future residents and an informative that

requires the applicant to adhere to the Public Protection Service Code of Practice. The aim of this informative is to prevent or control any nuisance or negative impact on the environment and residential amenity arising from any demolition/construction work carried out.

In PP Service experience, low frequency noise can often be an issue with the proposed types of pumping station installations. Because the application does not include any technical specification to specify decibel levels it is recommended that a noise exceedance planning condition is imposed to protect the amenity of the nearby residents.

The PPS Unit note that the consultant makes several recommendations for remediation as follows:

1. Removal of all made ground, i.e. contamination source removal across the site; or
2. Further chemical (contamination) laboratory testing on made ground to determine whether there are any widespread levels of contamination present and/or to inform site zoning for remediation; or
3. In lieu of contamination source removal or further laboratory testing, installation of a clean cover system in proposed soft landscaped area to comprise a depth of 600mm of inert topsoil and subsoil underlain by a geotextile membrane.

The PPS Unit agree with the consultant's above conclusions and recommendations and as such, conditions are recommended to support the required further site characterisation work, plus any other remediation and verification work that may subsequently also be necessary. The remediation works need to be undertaken before any development takes place and advice is given regarding proposed landscaping, demolition management and waste removal.

### **Natural Infrastructure Team**

The team is now satisfied with the revised proposals for hedge banks, bird nesting and bat roosting provision and raise no objection to the application subject to appropriate mitigation (reflected in the suggested conditions)

### **Low Carbon Team**

The submitted planning statement suggests that 'on site renewable energy production is likely to be provided by solar panels to achieve an offset of 15% to 2016. The proposal will comply with the requirements of CS20'.

Solar PV could work well; it's just that it may not be deliverable with the wrong roof orientation, as the outline plan suggests a variety of orientations.

Condition suggested to ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20, the draft Plymouth Plan Policy 25 and relevant Central Government guidance contained within the NPPF.

(The condition is reflected in the proposed decision notice).

### **Architectural Liaison Officer**

The Devon and Cornwall Police are not opposed to the granting of planning permission for this application.

## **Economic Development Department**

This piece of land has not been identified as required for the employment land provision for the coming plan period nor do we consider it key to delivering the city's objectives on employment land. No objection to its loss.

## **Housing Delivery Team**

In response to growing interest, the Self-Build and Custom Housebuilding Act 2015 requires Councils to take steps to provide more opportunities for self and custom builders. Plymouth City Council holds a register of 230 households which are interested in self or custom build in Plymouth, although it is believed demand is likely to be higher than this figure, and is keen to promote opportunities to fulfil this demand. The Housing Delivery Team is supportive of the above application as it could provide such an opportunity.

## **Sherford Delivery Team**

The proposals do not undermine the requirements of providing adequate landscaping and wildlife enhancement necessary to Sherford and the re-aligned HQPT route. It would be useful to ensure that any highway (and highway offered up to adoption) terminates before the southern site boundary but that access by cyclists and pedestrians is facilitated at the boundary as part of the proposed network of possible links with Sherford and the Community Park. The southern boundary of the site fronts onto an existing footpath path. Whilst this is not a formal public right of way, the path has been integrated into the Sherford development, and the first dwellings which now benefit from reserved matters approval. It will also provide good footpath links from Sherford, the sports hub and Vinery lane and therefore we would wish to see the cyclist/pedestrian connection through the application site to this.

## **6. Representations**

Seven letters were received from locals which raise the following objections/

Concerns:

- the likely increased amount of traffic (and construction traffic) from this development on local roads with the potential for even more development when Vinery Lane is narrow and there is no path for the regular users walking this way to the playing fields. There would be noise and inconvenience from construction traffic and there is no provision made for parking construction vehicles.
- the end of the estate road left for further development into the adjoining fields (for about 20 further dwellings).
- Now that Vinery Lane has been closed to through traffic all construction traffic will have to pass our house into the narrow stretch to the site. We have had many years of Vinery Lane being used as a "Rat Run" for vehicles travelling from Plymstock to the A38 and Plympton. Also considerable traffic travelling the other way, on a road which has been poorly maintained due to the amount of traffic that it was never designed for.
- Questions the proposed location of the SUDS drainage area given the proximity of the natural discharge from a neighbour's septic tank. A rising water table with the extra drainage from the development would be of concern. The proposals locate a foul pumping station on the boundary of the existing driveway that the neighbours have rights of way over and the right of access to the driveway shouldn't be restricted in any way. Also concerned about the possible levels of noise that might be associated with a foul pumping station and asks if a bio

disc drainage system would be more appropriate and it would also be better if the drainage was rerouted so that it exits the proposed site via the main access road onto Vinery Lane.

- The proposed site is contaminated with asbestos and this is of particular concern to existing residents. Whilst there is a plan in place to safely remove asbestos from the surface of the plot, they would also expect to see a plan for how registered contractors would be used to remove any asbestos in a safe manner from demolished buildings on the site
- The proposed new hedgerow with bank along the boundary with existing dwellings should be extended along the entire length of the driveway down to the boundary with Vinery Lane. This would help to provide a habitat for wildlife and would also be in fitting with other land boundaries in the surrounding area.
- A double garage features in the original layout plan needs repositioning to accommodate a bank and hedge (the layout has subsequently been revised)
- Concerns about the potential noise impact that contractors work and ask that as per other planning consents in the local area, the times within which contractors can work be restricted to between 08.00-18.00 on weekdays, 08.30-12.30 on Saturdays and no work to be permitted on Sundays or Bank Holidays. If consent is granted to this development, then no vehicular or pedestrian access should be allowed over the existing driveway for construction or residential purposes. The driveway has an irregular boundary and the opportunity should be taken to smooth out and square up its edges.
- In line with previous planning consent in this locality, any properties on the proposed development should be sufficiently soundproofed to minimise on any potential noise pollution from the properties.

#### Non planning issue

- A neighbouring resident has a right set out in land covenant to use the existing driveway from Vinery Lane adjacent to their property and the right to use services and discharge water over the application site and rights of access for instance the right to run a power supply across the site. An agreement needs to be reached between all parties prior to any development on access rights.

## 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). In the case of this application, it also comprises the North Plymstock Area Action Plan.

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft was approved September 2015. As such it is a material consideration for the purposes of planning decisions

The National Planning Policy Framework (the Framework) is a weighty material consideration. It replaces the majority of Planning Policy guidance issued at National Government Level. Paragraph 215 of Annex I to the Framework provides that the weight to be afforded to Core Strategy policies will be determined by the degree of consistency of those policies with the Framework.



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.

In addition to the Framework, the following Adopted Supplementary Planning Documents are also material considerations to the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document (first review)

## 8. Analysis

The main planning issues are:

- **The principle of residential redevelopment at this stage, on a site allocated in the North Plymstock AAP as NP06 land, with part of the site identified for a future highway route and part for future investigation of housing / greenspace options.**
- **The traffic and accessibility issues - as there are local concerns about the possibility of adding to traffic problems on a narrow country lane.**
- **The need for a sustainable development - as the site is close to a future network of cycle/walkway links and bat corridors and recreation areas associated with the nearby Sherford development**
- **Need to encourage opportunities for providing 12 self-build dwellings on this site.**

This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework Core Strategy 2007, and North Plymstock Area Action Plan 2006-2021 and the Approved Plymouth Plan-Part One and is considered to be compliant with National Planning Policy Framework guidance.

In this case the proposals turn on policies CS01 and CS02 although these are general policies relating to the development of sustainable linked communities and design and this is an outline application, CS05 (Development of existing sites) NPPF para 14 presumption in favour of sustainable development and CS15 (housing provision), CS18 (Plymouth's Green Space); CS 19 (wildlife) CS20 (Sustainable resource use ) CS22 (pollution), CS27 (strategic infrastructure) CS28 (transport considerations) CS33 (planning obligations )and CS34 (planning application considerations) and Plymouth Plan-Part One policies 12,13,15,22,24,25,29,30 and 46 and NP06 of the North Plymstock Area Action Plan.

### **8.1 Principle of Residential redevelopment**

**8.1.1** 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.”

**8.1.2** 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.

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”

**8.1.3** 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.

**8.1.4** The proposed development does not accord with safeguarding policy NP06 of the North Plymstock Area Action Plan 2006-2021 which identifies part of this site within land to the north and north east of Elburton and up to the suggested route of the proposed High Quality Public Transport (HQPT) (that runs through this site and is identified for the provision of an interchange). The policy NP06 points out that the total NP06 area could accommodate in the region of 300 mixed type and tenure dwellings. The NP06 land is safeguarded for possible residential development beyond 2016 but other options include retaining the area as a green buffer. The southern half of this site is therefore shown within a possible greenscape area as well as possible long term development beyond 2016 subject to assessment of need and economic justification through a Plan, Monitor and

Manage process. This remains to be done as part of the Plymouth Plan and the planning application could therefore be said to be premature. The applicants are aware of this but point out that this is previously developed land and the glasshouses have been empty since 2005 and the commercial units have been empty since 2010/2011. It would also require a significant level of investment to bring the units to modern standards and request determination of this application. It is considered that the views of the Economic Unit are relevant (section 7 above) as both established uses are not within the priority economic sectors and arguably these are not now located in a suitable area given the wholesale change around the wider area following recent planning permissions. The southern half of the site is not in a greenscape use (as is NP06 land to the south and east,) and it is considered that the proposal should not conflict with adjacent greenscape uses with the proposal to retain existing hedges and replace one on Vinery Lane and provide enhanced biodiversity and pedestrian/cycle links through the site to greenscape areas.

**8.1.5** The route of the HQPT link and interchange within the northern half of the site has changed and Vinery Lane will be severed to the north with the approval of the planning application for Sherford. With approval of the Sherford planning application the change of HQPT route and interchange from that shown in the AAP is accepted to comply with CS27 (and policy 22 of the Plymouth Plan part One). The relevant AAP policies affecting the northern half of the site could therefore be said to be out-of-date in terms of para 14 of the NPPF and in this respect it is considered that there is a presumption in favour of sustainable development .

**8.1.6** This site is only a small part of NP06 land and in allocating housing land it is the Council's policy to prioritise previously developed land, vacant or underused buildings (Strategic Objective 10 and CS16). Unlike NP06 land to the east, this site comprises established previously developed land and it is relevant to consider that, in respect of NP06 land to the west, beyond Vinery Lane, conditional planning permission has been given by the local planning authority recently for the Nightingdale Close Development for 70 dwellings (–ref 13/2348/FUL). It is considered that this precedence is a material consideration and reinforces the suggestion that in favour of sustainable development of the previously developed land on this site.

**8.1.7** As stated above, with issues over the Council demonstrating a 5yr housing supply and some AAP policies affecting this NP06 site now out of date, there is a presumption in favour sustainable development that would accord with the NPPF, and there is precedence for choosing the residential option in NP06 for this previously developed site. NP06 policy goes on to point out that the residential option should consider local traffic management impacts, opportunities for access from Elburton and seek to include zero carbon development, include the delivery of local facilities ,linked greenspaces and access to the HQPT and to other recreational areas including the Sherford Community Park. These considerations have been undertaken in the consideration of the planning issues relating to this application.

## **8.2 Traffic and accessibility considerations**

**8.2.1** The planning history is an interesting one, with attempts being made in the past to intensify the range of business activities on this site which have been resisted due to several reasons including the likely adverse impact of additional vehicular traffic on the narrow Vinery Lane. The concerns of local residents about this are understandable. However, the applicants stated that the trip generation for their residential proposal is likely to be 6-7 trips in the peak hour and public transport along Sherford Road is within 400m of the site. It is considered that if there was investment in the

established lawful use on the site this would also generate construction traffic and there could be noise impacts and disturbance to nearby residents from busy commercial operations and a level of traffic generation (with HGV deliveries and collections,) on Vinery Lane that would be at least equal to (and the applicant states possibly more than )that expected from a residential development of 12 dwellings and it is considered that the views of the local highway authority in section 7 are relevant; particularly that traffic impact for 12 houses will be minimal, during the highway peak hours. Furthermore traffic levels on Vinery Lane can be expected to decrease with the road being severed to the north by the provision of the Sherford HQPT link road which should dramatically change its attractiveness for external traffic.

**8.2.2** With the provision of the proposed set-back for the proposed access visibility splay defined by a Devon bank and the prevention of further vehicular access down the spine road to NP06 land to the south east, it is considered that the proposal will not have a detrimental impact on safe and convenient road traffic movements on the immediate highway (in accordance with CS28 and CS34) or set a precedence for further residential development (which is also a concern of some local residents).The proposed spine road will allow pedestrian and cycle connectivity between King George V playing fields (and strategic cycle route alongside the Nightingale Close scheme) and the green lane to the south east (NP06 land).It is considered that this would align with the Council's encouragement to promote a network of safe walking and cycle routes in the area and accessibility to the proposed Sherford Community Park (in accord with CS18 and CS 28 and policy 13 of the Plymouth Plan part one).

### **8.3 Sustainable development**

**8.3.1** The proposed occupiers would be is within 400m of bus services and would have links with King George V playing fields which has an equipped play space, well within 400m.The proposed Sherford Sports Hub , with swimming pool, should be within walking distance in the future. This is an outline application but planning conditions could set a sound framework for, adequate landscaping and drainage and the submission of detailed reserved matter applications that respect the need for well - designed low density sustainable development in accordance with the Council's planning policies

The safeguarding of boundary trees and hedges, on – site landscaping and provision of a new Vinery Lane Devon bank should not have an adverse impact upon protected species (bats) and should result in a net gain for biodiversity (in accordance with CS18 ;CS19 and CS34 and policy 29 of the Plymouth Plan part one and NPPF para 109).

Although the re-establishment of any existing lawful use might be considered to increase disturbance for local residents, this is not proposed and a strict code of practice needs to be followed during construction to facilitate the proposed residential development to ensure minimal adverse impact on nearby and conditions are warranted ,as suggested by the Council's PPS Unit in section 7 above, to protect people and the environment from unsafe ,unhealthy and polluted ground conditions and operations (in accordance with CS22 and policy 30 of the Plymouth Plan part one.)

**8.3.2** The applicants state that the drainage proposal for the scheme seeks to demonstrate a possible solution, however, it is not a final scheme design. In response to the concern of a neighbour the applicants point out that access to the foul pumping station would be from the new highway with an easement secured for maintenance in the future, this would be secured through adoption of the highway and drainage scheme in a Section 38 and 104 agreement. There would be no need to rely on the service lane serving the existing dwellings. It is considered that the applicants have demonstrated

that drainage, waste water and sewage infrastructure capacity can be enhanced to enable the residential development to proceed in accordance with CS34 and the provision of SUDs drainage and solar panels to off-set carbon emissions would (in compliance with the recommended conditions) be in accord with CS20 and policies 24 and 25 of the Plymouth Plan part one.

**8.3.3** There is a need to provide for the on-going maintenance of facilities provided as a result of the development (policy CS 33) and the applicant's suggestion that management of the grassland over the SUDS will be supervised by a suitably qualified ecologist. The highway authority is aware that the highway, including the highway soakaway, is likely to be adopted under a Section 38 legal agreement. This will occur outside of the planning process.

## **8.4 Housing details**

**8.4.1** The locality is characterised by low density suburban housing development and the proposed low density development should enable larger dwellings to be built on adequate plots providing satisfactory levels of amenity for future occupiers and respecting the privacy and amenity of existing nearby occupiers (in accordance with CS 34 and policy 15 of the Plymouth Plan part one). It is possible to orientate buildings to benefit from solar gain, and provide space for three car parking spaces and a garage for each dwelling which is ample in this location to prevent on street parking congestion (in accordance with CS34)

**8.4.2** The provision of at least 20% dwellings being accessible and adaptable (Lifetime Homes equivalent and compliant with part M4(2) of the Building Regulations) would accord with policy CS15 and policy 15 of the Plymouth Plan part one..

As pointed out by the Housing Delivery Team (section 7 above) there is a need for self-build plots. However, the applicants do not want to be limited to this provision (as explained in section 2 above). Bringing forward self-build opportunities to meet identified need would accord with policy 15 of the Plymouth Plan part one and the planning conditions should enable individual reserved matter applications to be submitted within a framework of adequate ground conditions, landscaping roads and sewers.

**8.4.3** There has been layout changes and assurances about not serving the site from the existing service road adjacent to neighbours. Some of the concerns of existing residents relate to non-planning issues. There may well need to be legal agreements to facilitate development. Changes to the boundaries are legal entities and would need to be agreed through a formal legal process between the respective landowners. Such matters cannot be required through the planning process.

## **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

Local finance considerations are a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990.

The development will be liable for a charge under the Community Infrastructure Levy. The calculation will be made at Reserved Matters stage. If applicable, each self-builder will be required to follow the Self-build Exemption procedure prior to commencement. It is recommended that each self-build plot submits an individual Reserved Matters application, to ensure that each builder has control of the consent's commencement date.

For the purposes of CIL each reserved matters application generates its own calculation and commencement date – so becomes a phase for CIL purposes. If carrying out work either within the outline consent, or within a reserved matters application which does not contain permission for the details of dwellings, just the supporting infrastructure – this will not cause any commencements to be triggered for CIL. An Informative C3 (Liable to pay CIL) is relevant for this application

## 11. Planning Obligations

There needs to be compliance with the required planning conditions and it is considered that planning obligations are not necessary or reasonable for this scale of development on this site.

## 12. Equalities and Diversities

The proposals make provision for at least 20% dwellings being accessible and adaptable (Lifetime Homes equivalent and compliant with part M4(2) of the Building Regulations), local walkers and cyclists but otherwise do not raise equality and diversity issues.

## 13. Conclusions

Officers have taken account of the NPPF and S38 (6) of the Planning and Compulsory Purchase Act 2004 and concluded that the redevelopment of this particular site with 12 dwellings in accordance with the submitted documentation and required planning conditions accords with policy and national guidance and specifically does not harm the character and appearance of the locality or the amenities of neighbours. Conditions are necessary to mitigate adverse impacts, provide a framework for sustainable development and on-going maintenance and provide satisfactory access, and there are possibilities for biodiversity gain and for encouraging self-build housing development as a realistic development option. It is therefore recommended that permission be granted.

## 13. Recommendation

In respect of the application dated **27/10/2015** and the submitted drawings Site location plan 1413ABL01.01.00; Tree Constraints Plan 04435TCP05.06.15; Updated Site layout Plan 1413DPL01C; Block Plan 1413DPL02.00; Typical Street Elevations 1413DPL03.00; Drainage layout 1064-C100-P6 highways layout C100=P4; Planning Design and Access Statement (subsequently revised) , a Landscape and Construction Ecological Management Plan (subsequently revised) an Ecological Appraisal and Mitigation and Enhancement Strategy (subsequently revised) , and a Phase I

and 2 Geotechnical Investigation and Contamination Assessment Report (subsequently revised), it is recommended to: **Grant Conditionally**

## 14. Conditions

### Pre-commencement Conditions

#### PRE-COMMENCEMENT: APPROVAL OF RESERVED MATTERS

(1) Approval of the details of the design and scale for each dwelling within each of the 12 approved plots and the details of their associated plot/garden boundary treatment (all hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any residential development on any plot is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required before development on any plot is commenced..

#### PRE-COMMENCEMENT: APPROVAL OF OTHER RESERVED MATTERS

(2) Approval of the details of the proposed roads and drainage arrangements and landscaping (within the site and on the boundaries of the site) and schemes for their management and maintenance (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

#### PRE-COMMENCEMENT: LIGHTING DETAILS

(3) No development shall take place until details of any external lighting scheme have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be fully implemented before any building is first occupied and henceforth permanently maintained for the occupiers of the site.

Reason:

To ensure that lighting arrangements can be adequately accommodated within the development

To ensure that adequate external lighting is provided for future occupiers of the site, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 125 of the National Planning Policy Framework 2012.

#### PRE-COMMENCEMENT: STREET DETAILS

(4) 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 and that service road shall thereafter provide the sole vehicular access to serve that dwelling.

#### 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, and paragraph 32 of the National Planning Policy Framework 2012.

#### PRE-COMMENCEMENT: ACCESS (5)

(5) 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. This shall be the sole access to the site for construction traffic (including for redeveloping and clearing the site of buildings) and for maintenance vehicles.

#### 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, and paragraph 32 of the National Planning Policy Framework 2012.

#### PRE-COMMENCEMENT: LOCATION OF ACCESSIBLE/ADAPTABLE HOUSING

(6) Notwithstanding the submitted drawings, unless otherwise previously agreed in writing with the Local Planning Authority, at least 3 of the residential units hereby permitted shall be part M4(2) compliant in accordance with details (including details of the precise siting of the specific units) which shall have been previously submitted to and agreed in writing by the Local Planning Authority. Unless otherwise agreed previously in writing with the Local Planning Authority, the approved details shall be fully implemented prior to the occupation of the penultimate residential unit and thereafter so maintained and retained.

#### Reason:

To ensure that at least 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 Policy 15 of the Plymouth Plan 2011-2031 Part One September 2015 and Government advice contained in the NPPF.

#### PRE-COMMENCEMENT: CODE OF PRACTICE DURING CONSTRUCTION



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

Reason:

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

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

#### PRE-COMMENCEMENT: SUSTAINABLE RESOURCE USE

(8) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

Unless otherwise agreed in writing, the approved on-site renewable energy production methods shall be provided in accordance with these details prior to the first occupation of the development and thereafter retained and used for energy supply for so long as the development remains in existence.

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, the draft Plymouth Plan Policy 25 and relevant Central

Government guidance contained within the NPPF.

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

(9) No development shall take place until details of the junction between the proposed service road and the highway 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: PROVISION OF SIGHT LINES

(10) No development shall take place until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines (together with a stone-faced Devon Bank defining the sight line boundary) shall be provided before the first occupation.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-COMMENCEMENT: ACCESS / HIGHWAY IMPROVEMENTS (GRAMPIAN

(11) No development shall take place until details of the Section 30 order highway widening scheme to Vinery Lane, to provide a 5.5m carriageway and a 2m footway along the site frontage, have been submitted to and approved by the Local Planning Authority. Furthermore, no dwelling shall be occupied until such time that the approved highway works have been completed.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-COMMENCEMENT: ACCESS / HIGHWAY IMPROVEMENTS (GRAMPIAN

(12) No development shall take place until details of the footway / cycleway link from the proposed estate road towards the existing (to be upgraded by others) pedestrian route, have been submitted to and approved by the Local Planning Authority. The details shall include the details of the surfacing of the access gap to be constructed through the existing southern boundary hedge bank and walling details to retain the hedge bank safely at that location.. The development shall be carried out in accordance with the approved details prior to occupation of the penultimate dwelling.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-COMMENCEMENT: LAND QUALITY

(13) 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 commence until conditions 1 to 4 below 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 condition 4 has been complied with in relation to that contamination.

##### I. 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,
- archeological 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'.

## 2. Submission of Detailed 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 shall include all works to be undertaken, proposed remediation objectives, 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.

## 3. Implementation of Approved Detailed Remediation Scheme

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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.

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

## 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 must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of condition 2 above, 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 shall be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3 above.

Reason (common to all):

To ensure that risks to health through contamination are properly considered and addressed before building works commence

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

### **Pre-occupation Conditions**

#### **PRE-OCCUPATION: PROVISION OF ADEQUATE SEWAGE/DRAINAGE WORKS**

(14) No dwelling shall be occupied until sewage disposal/drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These should comprise the following :Detailed drainage proposals and calculations for the site that demonstrate that the proposed drainage scheme, including any storage, is designed for a 1% AEP (1 in 100 year return period) event with 30% allowance for climate change; Details for all proposed drainage features;. Supporting information with reference to Sewers for Adoption 7th

Edition where appropriate.

A plan showing that surface water run off exceedance flow routes for events greater than the 1 in 100 year return period flood event are contained on site and not directed off site onto the highway or third party land should be submitted.

A drainage maintenance and management plan should be submitted which should include details of ownership of the final scheme and access for maintenance purposes.

Reason:

To ensure the drainage provisions within the development are adequately provided for before dwellings are occupied and does not cause undue problems to the wider drainage infrastructure.

To ensure that satisfactory infrastructure works are provided 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-OCCUPATION: LANDSCAPE WORKS IMPLEMENTATION**

(15) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the sixth dwelling 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: LANDSCAPE MANAGEMENT PLAN

(16) A Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling . The Plan shall include the long term objectives of the landscape scheme, and must set out how these objectives will be met. The Management Plan must indicate the ownerships and responsibilities of all landowners or agencies following the completion of the development and intended land transfers and leases etc for all landscape areas, and must include this information graphically on a plan. The Landscape Management Plan should also set out all maintenance operations for 5 years following establishment of the scheme.

Reason:

To ensure that due regard is paid to the continued enhancement and maintenance of amenity is afforded by the changed landscape in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-OCCUPATION: PLOT BOUNDARIES AND EXTERNAL MATERIALS

(17) No dwelling to be built within a plot shall be occupied until details of the materials to be used in the construction of the plot boundaries and external surfaces within the plot frontage to the highway 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: CYCLE PROVISION

(18) No dwelling shall be occupied until a scheme for providing bicycle storage space has been previously submitted to and approved in writing by the Local Planning Authority for bicycles to be securely parked. Any secure area for storing bicycles shown on the approved plan/s shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-OCCUPATION: SURFACING OF DRIVEWAY/PARKING AREAS

(19) Before each dwelling hereby permitted is occupied, the driveway and parking area for each dwelling shall either be (a) constructed using a permeable construction or (b) hard paved from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with [the approved plans][details to be submitted to and approved in writing by the Local Planning Authority

#### Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### PRE-OCCUPANCY : COMPLETION OF ROADS AND FOOTWAYS

(20) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 2 above before the first occupation of the penultimate dwelling.

#### Reason:

To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

#### **Other Conditions**

#### CONDITION: APPROVED PLANS

(21) The development hereby permitted shall be limited to 12 dwellings and carried out in accordance with the statements and framework set out in the following approved documents and plans (and largely in accordance with the illustrative plans) : Site location plan 1413ABL01.01.00;Tree Constraints Plan 04435TCP05.06.15; Updated Site layout Plan 1413DPL01C;Block Plan 1413DPL02.00;Typical Street Elevations 1413DPL03.00;Drainage layout 1064-C100-P6 highways layout C100=P4;Planning Design and Access Statement (as revised) , a Landscape and Construction Ecological Management Plan (as revised) an Ecological Appraisal and Mitigation and Enhancement Strategy (as revised) , and a Phase 1 and 2 Geotechnical Investigation and Contamination Assessment Report (as revised).

#### Reason:

For the avoidance of doubt and in the interests of good planning, and highway safety 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.

#### CONDITION: TIME LIMIT FOR COMMENCEMENT

(22) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters referred to in condition 2 to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.

#### BIODIVERSITY

(23) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Mitigation and Enhancement Strategy and the Landscape and Construction Ecological Management Plan (both dated December 2015).

Reason:

To ensure that wildlife habitats are adequately protected from the development

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.

#### SOFT LANDSCAPE WORKS

(24) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection. For the avoidance of doubt, the soil depth above the soakaway will be a minimum of 450mm.

Reason:

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

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.

#### CONDITION: TIME LIMIT FOR SUBMISSION

(25) Application for approval of the reserved matters referred to in condition 2 above shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990.

#### CONDITION: SOFT LANDSCAPE WORKS

(26) Soft landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including

topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection.

Reason:

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

#### CONDITION: SUBMISSION OF RESERVED MATTERS

(27) Plans and particulars of the reserved matters referred to in conditions 1 and 2 above, relating to the house designs and plot boundaries, estate layout, drainage arrangements landscaping and the future management and maintenance of the landscaping and SUDS drainage areas, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

Application was made in outline only under Section 92 of the Town and Country Planning Act and approval of the details specified is still required.

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

(28) 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.

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

Reason:

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



## DRIVEWAY GRADIENT

(29) The driveway to the dwelling(s) hereby permitted shall not be steeper than 1 in 10 at any point.

Reason:

To ensure that safe and usable off street parking facilities are provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007

## PROVISION OF PARKING AREA

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

Reason:

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

## NOISE MITIGATION

(31) The noise generated by any proposed pumping equipment (laeqt) shall not exceed the background noise level (la90) by more than 5 decibels, including the character/tonalities of the noise, at any time as measured at the façade of the nearest residential property.

Reason:

To protect the amenity of the nearby residents in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

## **Informatives**

### INFORMATIVE: (I) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION

(I) 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: PUBLIC HIGHWAY APPROVAL

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

#### INFORMATIVE: 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: SITE FRONTAGE WORKS

(5) The applicant is advised under the requirements of Section 30, Public Health Act 1925, to contact the Highway Authority to agree the extent of 'set-back' that is required along the site frontage to facilitate the necessary widening of Vinery Lane.

#### INFORMATIVE: NOISE STANDARDS

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

As noise insulation works can be costly after developments are completed, it is advised that, in order to meet the above criteria, a noise assessment is carried out to assess the level of sound insulation required, to ensure the standards are met prior to development.

#### Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

#### INFORMATIVE: CONSTRUCTION AND DEMOLITION

(7) With neighbourhood interest in mind we advise that demolition or construction works should not take place outside of 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays, and that demolition and/or construction should be carried out in line with the city wide code of practice for demolition and construction.

The Code is available from Planning, or online at:

[http://www.plymouth.gov.uk/construction\\_code\\_of\\_practice.pdf](http://www.plymouth.gov.uk/construction_code_of_practice.pdf)

#### INFORMATIVE: SOFT LANDSCAPE DETAILS

(8) The applicant should provide:

- Full soft landscape specification including (but not limited to); tree and plant species and size (to HTA standards), soil details, planting spec and establishment care, etc.
- Drawings identifying the arrangement of proposed soft landscape elements and soil layouts (min 1:200 scale). Plans should include a planting schedule for reference.
- Drawings identifying planting details (1:20 scale or as appropriate) such as tree pit details, tree protection details, hedge planting typical planting details etc.
- The specification and incorporation of 500m<sup>2</sup> of native grassland/wildflowers on the SUDS feature as per the Landscape and Construction Ecological Management Plan to create an attractive amenity space

All new trees will require a minimum of 15m<sup>3</sup> root zone that is free from compaction and filled with soil conforming to BS 3882. The root zone should be calculated based on 900mm depth of soil only. The applicant will need to specify sufficient underground crating to provide a 15m<sup>3</sup> root zone where compaction from vehicles may occur.

#### INFORMATIVE: LANDSCAPE MANAGEMENT PLAN

(9) The application should include a Landscape Management Plan that clearly identifies management responsibilities and outlines in detail how each element of the landscape will be managed and maintained. Please note: the Landscape Management Plan should include a commitment to replace and dead or defective planting stock for a period of 5 years.

#### INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

(10) 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 [including pre-application discussions] and has imposed planning conditions to enable the grant of planning permission.