

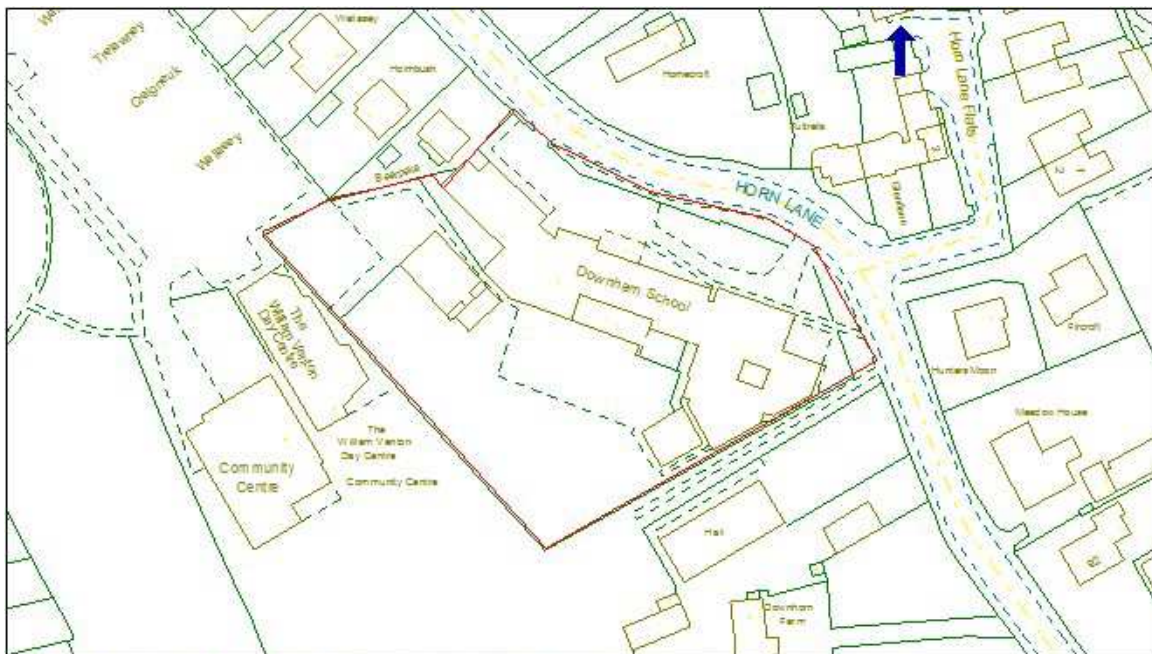
PLANNING APPLICATION REPORT



Application Number	15/01520/FUL	Item	06
Date Valid	27/08/2015	Ward	Plymstock Radford

Site Address	FORMER DOWNHAM SPECIAL SCHOOL, HORN LANE, PLYMOUTH		
Proposal	Development of former Downham school site consisting of 28 residential units in a mix of open market and affordable houses and flats		
Applicant	Rebecca Millman		
Application Type	Full Application		
Target Date	01/07/2016	Committee Date	Planning Committee: 09 June 2016
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Rebecca Boyde		
Recommendation	Grant Conditionally Subject to a S106 Obligation		

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This application was deferred by Planning Committee at its last meeting, held on 7th April 2016, for officers to seek amendments to the scheme in order to address concerns raised by the Planning Committee. The amendments relate to the block of flats located to the front of the site, facing towards Horn Lane. The applicant has now reduced this from two and half storeys, to two, in height. The application has been re-advertised, and the formal closing date for further representations was 31st May 2016.

1. Description of site

The site forms part of the Plan for Homes scheme. The site is located within the centre of Plymstock, close to the Broadway Shopping centre. The site is formally known as Downham Special School which was demolished in the later end of 2012 due to the relocation of the school. The site is generally rectangular on plan and slopes from South to North. Immediately behind the site along its South Western Boundary is an open public green space that is accessed either from the back of the car park to the Broadway Shopping Centre or via a paved track that runs between the old school fence line and the scout hut boundary situated adjacent to the sites south western boundary.

2. Proposal description

The previous scheme was for 31 residential units however the reduction in height of the flats have resulted in a reduction of three unit. The scheme is now for the development of former Downham school site consisting of 28 residential units in a mix of open market and affordable houses and flats

3. Pre-application enquiry

14/01389/MAJ- In principle the proposal of development on this site is satisfactory subject to design, scale and layout

4. Relevant planning history

12/01456/31- Determination as to whether prior approval is required for the method of demolition of the buildings and the proposed landscaping of the site, Prior approval is not required

01/01122/FUL- Single-storey extension to classroom 6, Grant conditionally

5. Consultation responses

Sport England has no comment to make on the application as there are no playing pitches being affected

Police Architectural Liaison officer has no objections

Local Highways Authority has no objection subject to conditions

Lead Local Flood Authority – No Objections, however further details on the drainage proposals were requested. Further details have been submitted and approved prior to the decision being issued

Housing Delivery Team supports the proposal

Tree officer has no objections

Public Protection Service recommends approval subject to condition

6. Representations

The formal consultation period on the revised scheme for 28 units ended on Tuesday 31st May. An addendum report has been produced with an update of any Letters of representation received. To date we have received two objections. The main reasons for objections were:

- Desire to have a swimming pool
- Overbearing
- Overdevelopment
- Loss of trees

On the previous scheme 23 Letters of objection were received. The main reasons for the objections were:

- Loss of public footpath
- Vehicle access lost to the field behind
- Too many houses proposed
- Loss of trees
- Not in keeping with surrounding area
- Traffic increase
- Privacy concerns
- No play area provided
- Desire to having a swimming pool instead of houses

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 2nd Review Supplementary Planning Document*

8. Analysis

1.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 CS01 (Development of Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS22 (Pollution), CS28 (Local Transport Considerations), and CS34 (Planning Application Considerations,) the Adopted Core Strategy of Plymouth's Local Development Framework 2006-2021, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

2.This application was deferred at the last committee due to planning committee's concern regarding the height of the three storey flats fronting onto Horn Lane. Since the last committee the developer has lowered the height of the three storey flats by removing the top floor. This has resulted in the loss of three units however it is considered that the reduction in height will now better address the street scene and mimic that already in situ along Horn Lane.

3.This application proposes to develop the site for a residential development of 28 residential units including associated access road, landscaping and public open space. It is considered that the main issues in the determination of this application are; the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon nearby properties residential amenities; and impact upon the surrounding highway network.

4.The Former Downham Special School Site was made available for housing through the Plan for Homes scheme, which aims to provide 5,000 homes over five years. The school closed in 2012,

following which the building was demolished. The brownfield site has remained vacant since. The site currently comprises of an overgrown field.

Character and appearance

5. Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. New development proposals are required to take account of the existing context and the criteria referred to. The form and use of existing development in the area is fairly consistent, the area is characterised by residential development mainly comprising of semi-detached and detached properties, on fairly large, generously proportioned plots.

6. The NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood's centre. It is considered that the proposed density level at the site is slightly higher than the immediate area, which is characterised by detached and semi-detached housing. It is officers' opinion that this is considered acceptable as the design and layout of the proposals meet policy requirements as set out below. It is not considered that the proposed scheme will result in over-development nor will it appear cramped.

7. There will only be one entrance to the site which will be the existing access allowing for visibility to be provided for those entering and exiting the site off Horn Lane.

Upon entry into the site, the access road then veers off to the right creating a cul-de-sac with no access through the site. The dwellings provide surveillance of the road to improve security for future residents. The plot sizes are consistent with the existing development in the area and the site layout respects the established pattern of development in this part of Plymstock.

8. The existing foot path which leads to the green space behind is proposed to be diverted through the development. It is considered that the new footpath will be a safe and secure environment, with natural surveillance and well lit.

9. The layout of the site has been designed to ensure that pedestrian permeability is improved and the development includes a clear and defined pedestrian link through to the areas of greenspace to the south of the site. It is considered that the layout has achieved an acceptable balance between providing a good quality residential development of homes whilst ensuring expansion and improvements to accessible local greenspace. The density of housing is similar to densities throughout Plymstock and therefore officers consider the development is in keeping with its surroundings.

10. With regards to massing, design and external appearance, the whole site follows the same design form. The house types proposed provide variation to the street scenes and has an appropriate mix of modern and traditional features that help to present external appearances that are acceptable considering the context. The form, scale and design of the external envelope to the houses are considered complimentary to the surrounding area, providing an individual and appealing design.

11. In summary, it is Officers' view that the proposals will provide a well thought out development that is easy to get to and move through and around (for both vehicles and pedestrians) and has public and private spaces that are safe, attractive, easily distinguished and accessible. The proposed development provides a good quality housing scheme that in terms of scale, massing and design is sensitive to the character and appearance of the existing surrounding development, making a positive contribution to local visual amenity. The layout and design of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of the Design SPD.

Residential Amenity

12. It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.

13. The layout of the site has been arranged in order to minimise impact on the surrounding properties. The closest property lies adjacent to the proposed development to the north where the flats are proposed. It is not considered that there will be any impact upon privacy as there is only one window facing the existing residential properties and this will serve a small kitchen area.

14. The houses on the opposite side of Horn Lane are sufficient distance away from the proposed dwellings in order to have a minimal impact in terms of light and privacy. The layout of the site has been arranged so that the relationship between the proposed dwellings within the site is acceptable. In summary, it is considered that there will be no significant residential amenity conflict created between the existing dwellings and proposed development and the application is therefore considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Letters of representation

15. A number of the letters of representations have highlighted the community need for a swimming pool. There is no proposal for a swimming pool within the Plymstock area and therefore this site must be considered for its suitability for housing only. It should be noted that a S106 contribution of £18,474 to allow for the development of the leisure centre in Sherford has been secured.

16. Some objections also referred to the loss of a footpath to the east of the site. Planning Committee have agreed that it is acceptable for the existing public right of way to be altered to go through the proposed site and will have access to the green space to the rear of the site. The diversion of the Public right of way was determined by the Planning Committee on 11th February 2016.

Local Highway Authority comments (LHA)

17. The LHA has not raised any objection in principle to the proposed mixed housing development. The site layout is indicated on the application site plan number 1485 PL-01 T. The application has been subject of pre application enquiries, and the applicant's proactive approach has been helpful in informing the development and road layout.

18.The application details describes the site and its context, which is well located close to the Broadway District Shopping Centre, and conveniently placed for a variety of local facilities and transport links, and the site has a high degree of accessibility.

19.To the rear of the application site there is Public Open Space (POS), currently accessed via a footway track that runs along the side of the southwest boundary adjacent to the Scout Hut. This pedestrian access would become redundant and replaced by an improved access route through the new development, via what is intended to become a new adopted cul-de-sac street, with footways and street lighting, and a new gate into the public open space.

20.Access to the development would be provided by forming a new road junction from Horn Lane to a satisfactory standard, including the necessary forward visibility. The two redundant vehicle entrance/ exits would be closed off and the footway reinstated.

The flats would be constructed as two separate blocks on the northwest portion of the site, with associated parking and cycle storage, with one cycle space per flat, except for the 'accessible units' that would instead have electric mobility storage and charging points, along with associated external amenity space.

21.Parking provision for the 14 flats would be 1.5 spaces per unit located within the private parking court; and parking for the 17 houses would have a mixture of fronting and on-plot parking to give two parking spaces per house, which includes five garages. This is in accordance with the Supplementary Planning guidelines. In accordance with best practice all garages would need to have a minimum internal size of 6 x 3 metres, to allow practical car parking use. Any boundary treatment would need to ensure that adequate inert-visibility would be provided at the driveway exits.

22.The traffic generation from the proposed new housing development is likely to be modest, particularly given its close proximity to the Broadway Shopping Centre and local facilities, which would be expected to encourage a higher number of walking trips. Allowance also has to be made for traffic that would have been generated by the previous use of the site as a special school. The overall traffic impact of the proposed new housing development is therefore considered acceptable.

23.As the intention is that the new cul-de-sac access road would be adopted as a public street (with the exception of the parking court which would remain in private ownership) the developer would need to enter into an adoption agreement with the Council, as a part of which the engineering details of the development would be further refined as might be necessary, notwithstanding the details thus far submitted for the purposes of the planning application. For instance an initial drainage scheme indicates the drains and sewers would be adopted by South West Water as public sewers. However the drainage details inappropriately show inspection chambers/manholes and drain-lines within the footways proposed for adoption in front of plots 15, 19, 24, & 26, and this would need to be addressed with the inspection chambers and drain-lines being relocated within the private property. This is being secured through condition.

Public Protection comments

24.The site is located in a mixed use area and is partly surrounded by existing houses, the occupiers of which are likely to be sensitive to development. Because of this a condition will be attached which states that prior to the commencement of development the developer should comply with the

Council's own Code of Practice for Construction. Compliance with this should be stated in writing prior to the start of any Construction works.

Housing delivery

25.This application proposes 28 new dwellings, of which 12 (39%) will be affordable and built to Code for Sustainable Homes level 4. This level of affordable housing exceeds Core Strategy Policy CS15 and with 12,927 households on the housing register (as of 07/09/15), the provision of affordable housing remains a priority for Plymouth City Council.

26.Furthermore, the applicant has proposed two one-bedroomed ground floor wheelchair flats to accommodate disabled persons in housing need. There are currently 83 Plymouth households in need of wheelchair affordable housing, of which 54 require one-bedroomed properties.

27.Policy CS15 of the Core Strategy requires 20% of homes to be built to Part M Building regulation standards to future-proof a proportion of the future housing stock. Aster Homes have indicated that 29% of homes will meet the lifetime homes standard, which exceeds planning policy. There are currently 507 households on the housing register in need of this type of housing.

Sustainable Neighbourhood Assessment

28.The Plymouth Plan Plymstock Area Assessment (June 2014 draft for consultation) highlights a very low percentage of affordable rented accommodation in Plymstock (<5% compared to >19% across the City) in addition to an ageing and unsustainable population. The neighbourhood is characterised by large detached and semi-detached houses with high rates of under-occupation. The Assessment recommends that new development should include more affordable housing to help address the imbalance in house type, size and tenure in the area. Not only does this application propose high levels of affordable housing, it offers a good mix of one, two, three and four bed dwellings. Furthermore, it contains nine private two-bedroom flats to encourage downsizing, potentially freeing up larger accommodation in Plymstock.

Other Issues

29.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.

30.In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic Panels installed on the roofs of the proposed dwellings. These will be almost flush with the roofline and will only have a minimal visual impact. Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. The use of Photovoltaic Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

31.There will be some loss of some trees, but this will be compensated with additional tree planting and a condition to ensure that retained trees are protected during the construction phase.

5 year housing supply

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

33. Paragraph 47 of the NPPF stipulates that *“to boost significantly the supply of housing, local planning authorities should... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”*

34. Paragraph 49 of the NPPF states that *“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”*

35. For the reasons set out in the Authority's Annual Monitoring Report (January 2016) Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2016-21 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 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

36. The NPPF (footnote 11) also specifies that to be considered deliverable, a site must be:

- Available to develop now
- Suitable for residential development in terms of its location and sustainability; and
- Achievable, with a reasonable prospect that homes will be delivered on the site within five years and in particular that the development of the site is viable.

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

37. 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”*

38.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.

39.Due to the need to accelerate housing delivery 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), paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and Policy 46 of the Plymouth Plan.

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 £78,207.59 (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 resulting provisional liability will be £43,850.89

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.

The impacts that officers consider should be mitigated as a consequence of this development are as follows:

- Impact on local primary school places.
- Impact on local green spaces and play facilities. In particular this relates to Downham Park which is immediately adjacent to the development.
- Impact on sports and recreation needs for the local population.

In order to respond to these impacts planning obligations have been sought in respect of the following matters:

- £18,475 for Pomphlett Primary School.
- £17,051 for the provision and maintenance of green space and access improvements at Downham Park
- £18,474 for Sherford leisure centre . The Sherford development has now commenced on site and the Sherford leisure centre is required to be built once 701 houses are completed at Sherford.

12. Equalities and Diversities

The application proposes 28 new residential units that on completion will be available to people from all backgrounds to purchase or rent. No negative impact to any equality group is anticipated.

13. Conclusions

To summarise, this application will provide 28 new dwellings with associated car parking and landscaping.

It is considered that the application proposes a good quality housing development with a layout that is sensitive to the existing pattern of development in the area and constraints of the site, and which has been amended to reflect the Planning Committee's previously stated concerns. The design of the dwellings is relatively contemporary although the form of the development is traditional, with consistency in appearance achieved through subtle repetition of key features and materials. The layout is considered to be a positive response to the constraints of the site and the proposal allows for publicly accessible greenspace.

Officers consider that the proposed development would not impact significantly upon nearby properties residential amenities due to the layout and orientation of the proposed dwellings and would not harm the surrounding highway network, providing adequate levels of off street car parking. The application is therefore recommended for approval, subject to conditions and the satisfactory completion of a S106 legal agreement.

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. The application is therefore recommended for approval.

14. Recommendation

In respect of the application dated **27/08/2015** and the submitted drawings PL-01ZD, PL-02 REV F, PL-03 REVE, PL-04 REV D, PL-05 REV G, PL-06 REV D, PL-07 REV B, PL-08 REV C, PL-09 REV B, PL-10 REV B, PL-11 REV B, PL-12 REV B, PL-13 REV A, PL-16 REV A, PL-17 REV A, PL-101 REV B, PL-102 REV C, PL-103, PL-104, PL-105, PL-106, PL-21, PL-31 REV A, PL32 REV B, PL33 REV A, it is recommended to: **Grant Conditionally Subject to a S106 Obligation**

15. 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01ZD, PL-02 REV F, PL-03 REVE, PL-04 REV D, PL-05 REV G, PL-06 REV D, PL-07 REV B, PL-08 REV C, PL-09 REV B, PL-10 REV B, PL-11 REV B, PL-12 REV B, PL-13 REV A, PL-16 REV A, PL-17 REV A, PL-101 REV B, PL-102 REV C, PL-103, PL-104, PL-105, PL-106, PL-21, PL-31 REV A, PL32 REV B, PL33 REV A

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: RENEWABLE ENERGY

(3) 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. To ensure the proposal complies with policy CS20.

This pre-commencement condition is required to ensure that the development meets CS20 and renewable energy standards.

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.

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.

This pre-commencement condition is required to ensure highway and pedestrian safety. To ensure pedestrian safety

Pre-occupation Conditions

PRE-OCCUPATION: SERVICE ROADS

(5) 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 plans.

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.

PRE-OCCUPATION: REINSTATEMENT OF FOOTWAY

(6) No dwelling shall be occupied until the existing footway crossings in Horn Lane (to become redundant) have been removed and the footway reinstated.

Reason:

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-OCCUPATION: PROVISION OF PARKING AREA

(7) 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. Garage parking spaces shall have a minimum internal size of 6 x 3 metres.

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

PRE-OCCUPATION: CYCLE PROVISION

(8) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved details for 14 bicycles to be securely parked. The secure area for storing bicycles shown on the approved plan 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, and paragraph 32 of the National Planning Policy Framework 2012.

PRE-OCCUPATION: SURFACING OF DRIVEWAY/PARKING AREAS

(9) Before the development hereby permitted is occupied, the driveways and private parking areas shall either be (a) constructed using a permeable construction or (b) hard paved for a distance of not less than 1 meter from the edge of the public highway and drained to a private soakaway; and shall thereafter be maintained to ensure satisfactory access to the adjoining highway, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that no private surface water or loose material is deposited onto the adjoining highway in the interests of highway safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

Other Conditions

CONDITION: CODE OF PRACTICE

(10) During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust.

Reason:

The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONDITION: EXISTING TREE/HEDGEROWS TO BE RETAINED/PROTECTED

(11) 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 15.022.1.TPP 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: PRESERVATION OF SIGHT LINES

(12) No structure, erection or other obstruction exceeding 600mm in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

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

CONDITION: REPORTING OF UNEXPECTED CONTAMINATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

Where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

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

CONDITION: SECURE BY DESIGN

(14) All gates to private pathways giving access to the rear of this property shall have gates with locks fitted with key access. Details of these shall be submitted to, approved by the Local Planning Authority, in writing, and shall be installed before any of the residential units requiring using the respective private pathways and parking courts are occupied.

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.

CONDITION: BIODIVERSITY & LANDSCAPING

(15) 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 Landscape Ecology Management Plan (dated 18/01/2016) for the site.

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.

Informatives

INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS

(1) No work within the public highway should commence until engineering details of the alterations to the public highway have been approved by the Highway Authority and an agreement under Section 38 & 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth

Transport and Highways for the necessary approval. It should be noted that this planning permission does not authorise the applicant to carry out works within the publicly maintained highway.

INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

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

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

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