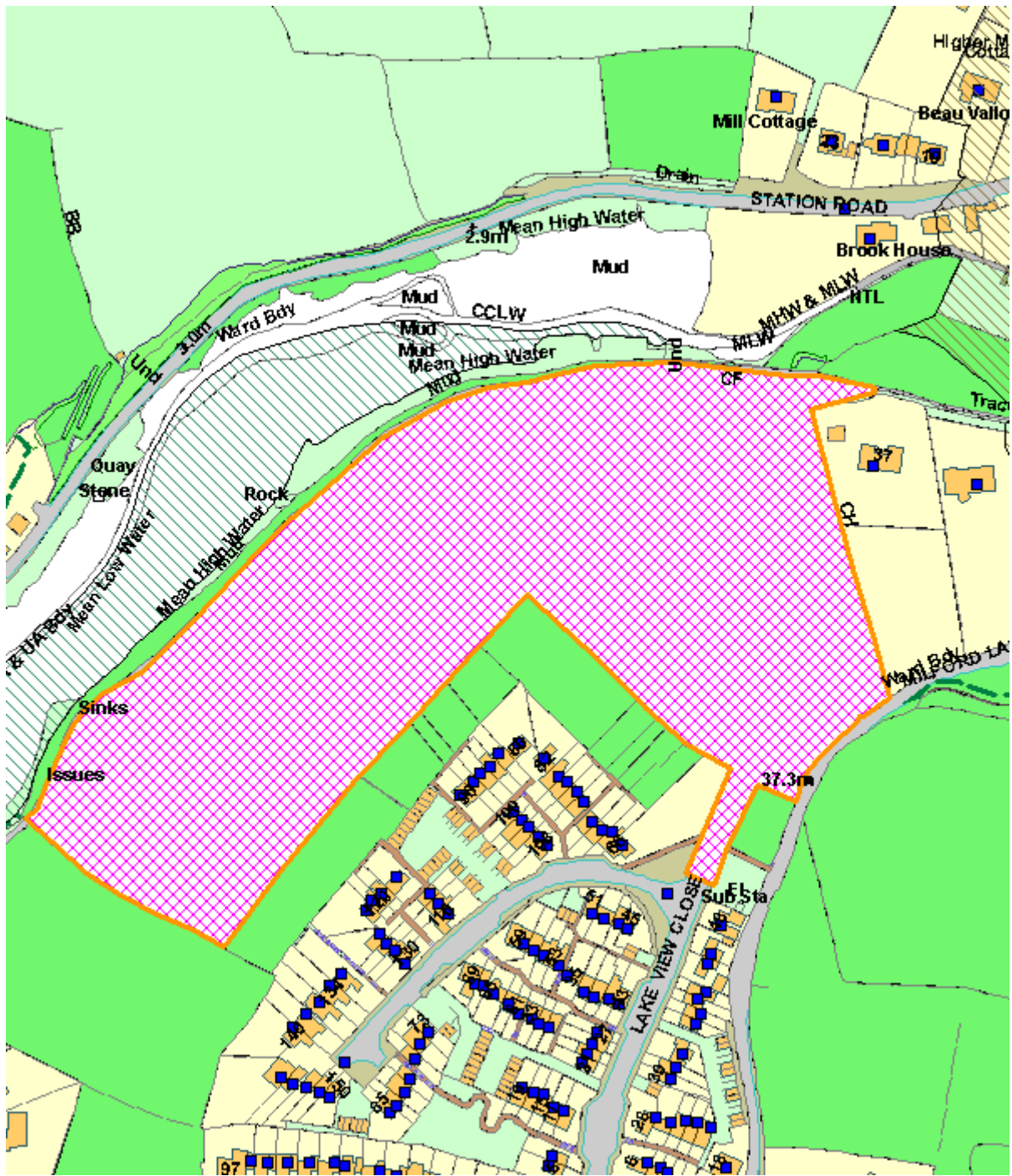


PLANNING APPLICATION REPORT



Application Number	16/02295/OUT	Item	03
Date Valid	13.12.2016	Ward	BUDSHEAD

Site Address	Land Off Lake View Close Plymouth		
Proposal	Outline application with details of access for the erection of up to 51 dwellings with associated greenspace, parking & estate road (details of appearance, landscaping, layout & scale reserved for future consideration)		
Applicant	Ms D Forshaw		
Application Type	Outline Application		
Target Date	14.03.2017	Committee Date	04.05.2017
Decision Category	Major - More than 5 Public Comments		
Case Officer	Mr Simon Osborne		
Recommendation	Refuse		



1. Description of Site

The site is located on the north eastern edge of Whitleigh and to the south west of Tamerton Foliot. The 3.95 hectares site has a valley setting, and comprises of steeply sloping agricultural fields, an area of scrub, with hedgebank boundaries, grassland and pathways.

The site is currently accessed by footpaths from Milford Lane and Lake View Close, and by a footpath running alongside the creek linking Riverside Walk to Tamerton Close.

The site is adjacent to a tidal Creek which forms part of the Plymouth Sound and Estuaries Special Area of Conservation (SAC) and lies alongside, but not within, the Tamar Valley AONB which extends westwards and northwards from the western end of the site. The site does form part of the setting to the AONB.

The site is also adjacent to the Tamar Valley Estuaries Complex Special Protection Area (SPA) and Tamar Tavy Estuary SSSI.

2. Proposal Description

Outline application with details of access for the erection of up to 51 dwellings with associated greenspace, parking & estate road (details of appearance, landscaping, layout & scale reserved for future consideration)

The site would have a vehicle access from Lake View Close. A pedestrian and cycle access would be provided from the site to Riverside Walk and the existing footpath.

3. Pre-application enquiry

There has been a relatively extensive pre-application process and public consultation. Notwithstanding the fact that officers raised potential concerns regarding the principle of the development due to potential greenspace and landscape impacts, officers worked with the applicant to identify and address other issues including potential s106 heads of terms.

The applicant carried out a public consultation event which took place on 26 July 2016 at Wood View Learning Community Centre. According to the application details the number of people registered as having attended the meeting totalled 175, with 115 questionnaires completed.

The application details that as a result of the consultation exercise (together with the pre-application) there have been adjustments, including the number of dwellings on site reduced from 60 to 51 and the size of the dwellings reduced by approximately 15% including the removal of 4 dwellings originally proposed to be accessed from Riverside Walk.

4. Relevant planning history

16/2265/ESR10 – Screening Opinion for the current development – An Environmental Statement (EIA) is not required.

Adjacent Site (Land at Riverside Walk)

88/ 00118/FUL - Erection Of Fourteen Dwelling Houses And Garages And Construction Of Highway – Permitted.

This permission was subject to a s52 agreement (the predecessor of s106) which prohibits the development of the land subject to the current application. However it should be noted that the current application should be assessed on its own merits.

5. Consultation responses

Local Highway Authority – no objections subject to conditions

Public Protection Service – No objections subject to a contaminated land condition.

Local Lead Flooding Authority – No objections subject to conditions.

Police Architectural Liaison Officer – No objections subject to conditions.

Environment Agency – No objections.

Natural Infrastructure Team – Object to the proposal on greenspace and landscape grounds.

Historic Environment Officer – No objections subject to an archaeology condition.

Natural England – No objections in respect to the impact on designated sites subject to an appropriate Habitats Regulation Assessment and recommends consultation with the AONB.

Tamar Valley AONB – objects due to the impact on the AONB.

RSPB - Objects due to impact on nature.

Economic Development – No objections subject to condition.

Housing Delivery Team – No objections.

6. Representations

The Local Planning Authority has received a total of 386 individual letters of representation and 1 petition containing 74 signatures all objecting to this planning application. The views, opinions and comments contained within these letters of objection have been summarised as follows:-

Local Highways and Transport Concerns

- The surrounding roads are already congested and the proposed accesses are poor
- Local roads cannot sustain the likely increases in traffic
- Development will cause major road disruptions
- Parking in the area is already an issue
- Buses and emergency vehicles will be impacted
- Other developments in the area already under construction (such as Tamerton School site) are adding to highways problems
- Construction traffic will cause significant issues
- Access and roads can be dangerous in poor weather conditions;
- Highway proposals are inadequate to cope with additional 100-150 vehicle movements;
- Access points such as Holly Park Road are dangerous, and have poor visibility which would pose risks to vehicle and pedestrian safety
- Public transport in the area is poor and this will put additional pressure on private vehicle usage

- Will adversely impact the daily commute
- Millfield Lane will become a 'rat-run'

Greenspace, Wildlife, Biodiversity and Flooding Concerns

- Developments of Greenbelt should not be allowed and should be focused towards brownfield land
- The area is already prone to flooding
- Unacceptable impacts on AONB, SSSI and wildlife reserves
- Will increase surface water run off
- Loss of riverside walk
- The development will have a negative visual impact on the surrounding landscape
- The development is too close to an SSSI
- Loss of places for children to play and for people to walk dogs
- Negative and harmful Impact on the adjacent water environment and wildlife it sustains
- Detrimental impact on local wildlife which is abundant – Deer, birds, bats, rodents, reptiles etc
- Impact on trees

General

- The community is already overcrowded and the infrastructure in the area is insufficient to cope with this development
- More housing is not needed in this location
- Design and layout is out of character of the Tamerton Foliot Village Conservation Area
- Local Schools and GP surgeries are at capacity so will only exacerbate the situation
- Unsustainable development
- Unfair development on the existing residents as this is a village not a city
- Loss of peaceful place to live
- Loss of amenity and privacy to existing residents
- Harmful to the character of the area
- Could give rise to anti-social behaviour in the area
- Will ruin the rural feel of the locality and is out of keeping with beautiful landscape and AONB
- Pollution will rise
- Will erode residents enjoyment of the nature reserve
- Increase pollution, noise and light
- How can this application be considered when the strategic plan is yet to be formalised
- The development is contrary to existing and emerging policy
- Developers shouldn't benefit from these places
- Will impact on existing Public Right of Way
- Earthworks will be significant given the topography of the area
- Will become continuous sprawl of housing engulfing the village
- Overdevelopment
- The proposed gardens cannot be considered as 'greenspace'
- The consultation was poor and took place over Christmas

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 Plymouth and South West Devon Joint Local Plan (the JLP) will replace the Core Strategy and other Plymouth Development Plan Documents as the statutory development plan for Plymouth once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been subject to a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. It is also considered consistent with the policies of the Framework, as well as based on up to date evidence. It is therefore considered that the JLP's policies have the potential to carry significant weight within the planning decision if there are no substantive unresolved objections (an update on the objections received as part of the Reg 19 consultation will be provided in the form of an addendum report). However, the precise weight will need to be determined on a case by case basis, having regard to all of the material considerations as well as the nature and extent of any unresolved objections on the relevant plan policies.

Other material considerations include the policies of the Framework itself, guidance in National Planning Practice Guidance (NPPG). 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 and Affordable Housing Supplementary Planning Document.

5 year housing land supply

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.”

For the reasons set out in the Authority’s Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22

It should be noted, however, that the Local Planning Authority is at a relatively advanced stage in the preparation of the Plymouth and South West Devon Joint Local Plan. The pre-submission version of the JLP has been formally approved by Plymouth City Council, West Devon Borough Council and South Hams District Council for a six-week period for representations, pursuant to Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations. The pre submission draft JLP sets out that a five year supply of deliverable housing sites can be demonstrated for the whole plan area, for the Plymouth Policy Area and for the Thriving Towns and Villages Policy Area, when measured against the new housing requirements set out in the JLP. Guidance on the amount of weight to be applied to the JLP is contained elsewhere in this report. It should, however, be considered that since the five year land supply elements of the JLP are likely to attract significant representations which will be considered at the Examination into the JLP, only limited weight should be given to the emerging five year land supply position.

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"

As Plymouth cannot demonstrate a 5 year supply when set against the housing requirement as set out in the adopted Core Strategy, 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 PP

8. Analysis

1. This application has been considered in the context of the development plan, the emerging JLP, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS15 (Overall Housing Provision), CS18 (Plymouth's Green Space), CS19 (Wildlife), CS20 (Sustainable Resource Use), CS21 (Flood Risk), CS22 (Pollution), CS28 (Local Transport Considerations), CS32 (Designing Out Crime), CS33 (Community Benefits/Planning Obligations) and CS34 (Planning Application Considerations).
3. The emerging Joint Local Plan also has the following policies relevant to the consideration of the application; SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods), SPT3 (Provision of new homes), PLY58 (Site allocations), DEV1 (Protecting health and amenity), DEV2 (Air, water, soil, noise and land), DEV7 (Meeting local housing need), DEV9 (Meeting local housing need in plan area), DEV10 (Delivering high quality housing), DEV20 (Place shaping and the quality of the built environment), DEV24 (Landscape Character) DEV26 (Strategic Landscape Areas), DEV 27 (Nationally Protected Landscapes) DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV29 (Green and Play spaces) DEV30 (Trees, woodlands and hedgerows), DEV31 (Specific provisions relating to transport), DEV32 (Meeting the community infrastructure needs of new homes), DEV33 (Waste Management), DEV34 (Delivering low carbon development)and DEV37 (Managing flood risk and water quality).

4. The main planning considerations in this case are considered to be highway issues; biodiversity; trees; housing provision; impact on residential amenity; loss of green space and landscape impacts; and sustainability. These issues will be discussed in full below.

5. The application raises a number of important planning issues, including the principle of development and highways issues. These and the other main planning issues are considered below

The Principle of Development- Landscape

6. Policy CS18 (1) of the Core Strategy (2007) states that the Council will 'protect and support a diverse and multi-functional network of green space and waterscape, through identifying ... a network of strategically and locally important Greenscape Areas, Development on or adjacent to these Greenscape Areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area.'

The Greenscape Assessment 2000 states that: 'The site is of high to medium nature conservation interest and of high visual importance due to its intimate spaces and its strong relationship with the water's edge and open countryside to the north of Tamerton Lake. The site is overlooked by AONB to the north. The site would be sensitive to change in particular urban development.'

7. In the emerging Joint Local Plan, part of this plot of land has been allocated as a Strategic Landscape Area . This allocation is backed up by up-to-date evidence in the Plymouth and Plymouth Urban Fringe Landscape and Seascape Assessment 2016. This study lists the site as within Landscape Character Areas: CA21 Tamerton Lake and Wooded Fringes; and CA 07 Cann and Whitely Woods and Landscape Character Types: 3G River Valley Slopes and Combes and 7A Wooded Valleys. The study highlights the sensitivity of these character areas due to their potential to form part of the setting of the Tamar valley AONB. In particular, the study makes the following recommendations for CA21:

- Protect the important role of the landscape as part of the wider seascape setting of the River Tamar and the River Tavy – key to the wider AONB designation.
- Consider the special qualities of the Tamar Valley AONB in any new proposals, including its value as a rare valley and water landscape of high visual quality.

8. A further site Landscape Impact Assessment (site 0197) was carried out as part of the Joint Local Plan. This assessment outlines the value and sensitivity of this site and its role as part of the setting to the AONB.. The guidance recommends that the open pastoral landscape should be retained and the introduction of incongruous features, that would affect the quality of this landscape, should be avoided.

9. The emerging policy DEV 26 states that development proposals within Strategic Landscape Areas will only be permitted where:

- The form, scale and design are not visually intrusive and are well integrated into the landscape.
- The proposal, either individually or cumulatively does not significantly harm the open character, key characteristics, valued attributes, or sensitive features of the area or important views.
- The proposal does not result in unacceptable intrusion into the open countryside or contribute to the coalescence of separate settlements.
- The setting, individual character and identity of adjoining settlements is retained.
- The proposed development is linked to an existing appropriate use and cannot reasonably be located

10. The emerging policy DEV24 (Landscape Character) is also relevant which states: Development will conserve and enhance landscape, townscape and seascape character and scenic and visual quality, avoiding significant and adverse landscape or visual impacts. Development proposals should:

1. Be located and designed to respect scenic quality and maintain an area's distinctive sense of place and reinforce local distinctiveness.
2. Conserve and enhance the characteristics and views of the area along with valued attributes and existing site features such as trees and hedgerows that contribute to the character and quality of the area.
3. Be of high quality architectural and landscape design appropriate to its landscape context.
4. Be located and designed to prevent erosion of relative tranquility and intrinsically dark landscapes, and where possible use opportunities to enhance areas in which tranquility has been eroded.
5. Restore positive landscape characteristics and features that reinforce local landscape quality and distinctiveness.
6. Where necessary, be supported by Landscape Visual Impact Assessments and landscaping schemes that enhance that proposed development.
7. Avoid, mitigate, and where appropriate compensate, for any residual adverse effects and take opportunities to secure landscape character and visual enhancements.

11. A Landscape and Visual Impact Assessment (LVIA) has been submitted to demonstrate potential impact on the landscape. Officers do not agree with the conclusions of the LVIA that the impacts of this development on the landscape would be 'neutral to minor adverse'.

12. The Tamar Valley AONB has objected to this application stating that 'There is a very high potential for even small-scale housing development to have a significant harmful impact within the setting of the AONB.

13. The site is an important and valued local landscape that provides a rural separation between Plymouth (Whitleigh) and Tamerton Foliot. It provides a rural and tranquil setting to Tamerton Foliot (including the conservation area) and contributes to the setting of the Tamar Valley AONB that lies directly to the north. Whilst the site is relatively contained, and views of it are limited, the rural character and landscape features such as dense hedgerows and wooded skylines are an important feature and particularly for recreational users of the footpath adjacent to Tamerton Lake. The proposed development introduces a scale of development that conflicts with the existing character and role of this site as a rural separation between Plymouth and Tamerton Foliot. Whilst the proposal uses strategic landscaping to reduce the impacts, the introduction of housing across the site and associated impacts such as lighting etc. will erode the rural and tranquil nature of the site and degrade the role of existing landscape features. The proposal is therefore considered to be contrary to paragraphs 109 and 114 of the NPPF and policies CS18, CS20 and CS34 of the Plymouth Local Development Framework Core Strategy and policies DEV24, DEV25, DEV26 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan 2014-2034.

Principle of Development - Green Space

14. Policy CS18 (1) of the Core Strategy (2007) also states that the Council will 'protect and support a diverse and multi-functional network of green space and waterscape, through identifying ... a network of strategically and locally important Greenscape Areas. Development on or adjacent to these Greenscape Areas will not be permitted where it would result in unacceptable conflict with the function(s) or characteristics of that area.'

15. The evidence in the Greenspace Assessment (2000), lists the site as having city importance for habitats and species and district importance as an access corridor, for food/countryside, informal recreation, visual amenity and as a separation buffer.

16. The Greenspace Assessment 2000 states that: 'The site is of high to medium nature conservation interest and of high visual importance due to its intimate spaces and its strong relationship with the waters edge and open countryside to the north of Tamerton Lake. The site is overlooked by AONB to the north. The site would be sensitive to change in particular urban development.'

17. The NPPF (para 76 & 77) allows Local Communities and Authorities to designate areas of Local Green Space (akin to Greenbelt Land). In the emerging Joint Local Plan, this plot of land has been allocated as Local Green Space, This allocation is backed up by evidence in the Plymouth Policy Area Open Space Assessment 2017 and its appendix which lists the site as being important for natural habitats and biodiversity as well as informal recreation.

18. Policy DEV 29 states that the LPA will protect and support a diverse and multifunctional network of greenspace. Criteria 1 of the policy states that : 'Development that would result in an unacceptable conflict with the function(s) or characteristic of Strategic Green Spaces and Local Green Spaces (Plymouth Policy Area) will be resisted. In

these areas development will normally only be permitted where it enhances the value of the greenspace, for example through sports, allotment and play provision, lighting, cafes, educational uses and sustainable transport routes’.

19. Whilst the proposal would retain the access function of the greenspace it would remove the visual amenity, food/countryside, informal recreation and separation buffer functions and because of this the impacts are considered to be unacceptable and contrary to paragraphs 109 and 114 of the NPPF and policies CS18, CS20 and CS34 of the Plymouth Local Development Framework Core Strategy and the emerging policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014 and 2034.

Trees

20. Officers consider that the indicative layout should not have an impact on the line of significant mature trees adjacent to the creek which have high amenity value. The important hedge to the east is shown to be retained along with the trees bordering properties in Lake View Close and at south western end of the site. Three sections of poor quality hedgerow will be lost.

21. The main area of concern in terms of potential tree and hedge loss is the category B2 section of mature hedge running north /south towards the eastern end of the site to accommodate plots 1 and 5 where the access road zig zags down the slope. (TG9 and TG11 and Oak 869 on survey) have high landscape value. In addition plots 16 and 17 will be significantly shaded dominated by trees to the south (TG12 on survey) which also have high landscape/amenity value.

22. If members were minded to approve this application then the reserved matters covering details of appearance, landscaping, layout & scale will need to try and address these issues by amending the layout to provide a better relationship with adjacent trees and, where possible, to retain more of the existing mature hedge discussed above. A tree protection plan, tree retention and removal plan and an Arboriculture Impact assessment will need to be provided to allow an accurate assessment of the canopy loss all of which can be secured by condition should the application.

Biodiversity

23. The site is a biodiversity network feature under CS18 and has been identified as a Biodiversity Network Corridor under policy DEV28 of the emerging JLP.

24. The application is accompanied by ecological surveys and an Ecological Mitigation and Enhancement Strategy (EMES). The habitats of most value are the adjacent intertidal features and the associated bank of mature trees; and the traditional stone-faced vegetated hedgebanks,

25. Whilst the surveys are adequate, officers consider the EMES does not provide the level of detail required to demonstrate that the application will prevent an impact on habitat and species and deliver a net gain in biodiversity as required by policy CS19. The

proposal is therefore considered contrary to Core Strategy Policy CS19, and DEV 28 of the emerging JLP.

26. It should be noted that the application has indicated they are unwilling to agree to an extension of time to address this refusal reason.

27. It should also be noted that as the site is adjacent to an SPA, SAC and SSSI. Plymouth City Council has completed a Habitats Regulations Assessment. Natural England confirmed on 13th March 2017 that it is happy with the conclusion of the HRA: 'that subject to the mitigation measures included in the assessment, there would be no adverse significant effect' on the designated sites.

Layout and Density

28. Whilst layout is a matter reserved for future consideration, the applicant has provided an indicative layout showing how the site could be developed.

29. Should the principle issues discussed above be deemed acceptable it is considered that the low density of the proposal of approximately 13 dwellings per hectare (DPH) allows significant amount of the site to be safeguarded as public open space, for biodiversity improvements and suds infrastructure. The proposed DPH allows for the provision of a range of dwellings which will have different sized curtilages and parking requirements depending on their size.

30. The layout of the spine road is largely dictated by the slope of the site and therefore any reserved matters road layout is likely to be similar. However, as the application reserves the layout any reserved matters applications at the site will be required to finalise a layout. Should members be minded to approve this application an informative would be recommended to make it clear that the proposed layout is indicative only and may not necessarily be acceptable.

Design and Landscaping

31. The application reserves all issues concerning design and Landscaping for future consideration.

Residential Amenity

32. It is important that all new residential development should be designed to ensure that the impact on existing properties in terms of privacy light and outlook is acceptable. 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.

33. The indicative layout of the site has been arranged in order to minimise impact on the surrounding properties. The existing properties are considered to be an adequate distance away to ensure that no unreasonable impact on their amenities would occur. It is thus 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 Policy CS34 of the City of Plymouth Local

Development Framework Core Strategy (2007) and policies DEV1, DEV20 of the emerging JLP.

Highways and Transport issues

34. A comprehensive Transport Statement has been submitted with the application and the Highway Authority has not raised any objections in principle to the proposal.

35. The means of access would be by way of an extension of the turning area at the north end of Lake View Close. Lake View Drive/Close takes the form of a traditional street with footways and a grass verge along one side, along with a number of lay-by type parking spaces positioned along its length. It has an average carriageway width of just over 7 metres wide. A bus service runs along the upper section of the street. It was initially considered that there may be an opportunity to extend the bus service into the new development itself. However due to the steep sloping site, and the associated likely new access road configuration, this would now seem unlikely.

36. The submitted Transport Statement sets out the opportunities for travel in relation to the location of the application site, and the existing transport infrastructure. A traffic impact assessment has been undertaken. For up to 51 dwellings the assessment concludes that the generated vehicle impact would be less than one additional vehicle a minute during the am & pm peak period. No known issues have been identified on this part of the local road network, and the traffic impact conclusion of less than one vehicle a minute is accepted.

37. In accordance with good practice and planning policy, and in seeking sustainable development (NPPF), the Highway Authority would wish to see new development integrated and well connected with the surrounding road network. With this intention, during early discussions the provision of a secondary access/egress was envisaged. This would have provided a route for pedestrians and cyclists, along with a single-track vehicle link incorporating a gateway feature between the proposed new development and Riverside Walk, Tamerton. This approach would have helped to keep vehicle use of the link, and speeds low, whilst still providing sustainable vehicular connectivity, to the north.

38. However such a vehicle access has not been provided due to the position of existing mature trees. The lack of the vehicle link to Riverside Walk considerably reduces the level of sustainability of the development, adding to the vehicle impact on the road network and the associated environmental impacts. However the negative impact in this case, whilst undesirable, is unlikely to be considered as severe in NPPF terms and therefore officers consider it acceptable.

39. The steeply sloping site will influence the development and road layout, which for this outline application currently may only be considered as indicative. In accordance with best practice, and for reasons of highway safety, the gradient of the road must not exceed 1:10 at any point. And there would be a requirement for widening on any bends, along with the provision of forward and good visibility, including over any adjacent soft-landscaped areas where there may be a bend in the road. Where there are steep gradients,

pedestrian hand rails and/or vehicle crash barriers may be required. The highway layout, details and specifications, would all be expected to be in accordance with Council policy, and comply with all relevant local and national design standards and specifications.

40. Should members be minded to approve this application the Highway Authority would seek a Strategic Transport contribution from the development, in accordance with the Council's Policy and scale of charges, which is likely to be in the order of £240,800, subject to any further housing split details. The strategic transport contribution would be put toward a highway improvement scheme, to improve capacity and reduce congestion in the vicinity of Budshead Road/Crownhill Road/ Wolseley Road junctions.

Drainage

41. Drainage arrangements are set out in the accompanying Drainage Strategy (DS). This indicates that the surface water from the site (including from the highway) would be discharged without restriction into the adjacent creek. The surface water would be discharged into the creek via a balancing pond that would help mitigate pollution by screening any sediment and impurities. The Environment Agency has raised no objections to this proposal which would require a separate environmental permit. The Lead Local Flood Authority is also satisfied with this approach subject to a condition requiring further information including drainage rates and measures to prevent pollution during construction.

Historic Environment

42. The proposal site lies outside and to the southwest of the Tamerton Foliot Conservation Area. Although relatively close to the Conservation Area boundary, the site slopes steeply and this reduces its visibility, although it can be glimpsed from a number of places within the Conservation Area. Therefore the impact on the Conservation Area is likely to be minimal subject to high quality design which reflects the character of the area.

43. The site, due to topography and its location close to the tidal inlet, may be considered to hold the archaeological remains of past activity. Some limited archaeological trench evaluation would assist in determining whether this is the case or not. An archaeology condition is therefore recommended should members be minded to approve this application.

Affordable Housing

44. The delivery of affordable housing development is one of the top Corporate priorities for Plymouth City Council.

45. The application proposes an affordable housing offer of 29.4 %, which equates to 15 units if the total number of dwellings provided is 51. This is on the basis of 66% affordable rent and 33% shared ownership. Should members be minded to approve this application the percentage of affordable housing will be secured within the S106 attached to this application.

46. The application has been subject to a robust viability assessment and therefore officers consider this negligible 0.6% under the 30% affordable housing requirement is acceptable.

Renewable Energy

47. 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. The applicant has confirmed that they would accept a condition requiring such but until such time as a reserved matters application is submitted do not know their preferred approach. Officers are confident that an acceptable approach is available and therefore should members be minded to approve this application consider a condition would be adequate in this case.

Other issues

Secure by Design

48. A Secure by Design Statement has been submitted with the application which has been assessed by the Police Architectural Liaison Officer who has no objections subject to a gates condition and a number of comments which would need to be addressed during consideration of a future reserved matters application.

Public Rights of Way

49. Residents have suggested that the proposal will affect a Public Right of Way. The Council's Public Rights of Way officer has confirmed there are no registered rights of way in the locality.

Public Protection Issues

50. The letters of objection have raised concerns regarding disturbance during construction. Officers consider that should members be minded to approve this application this could be minimised and controlled through a planning condition.

51. A Phase 1 contamination report accompanies the application. The Public Protection service agrees with the report's conclusions that further investigatory works are required which should members be minded to approve this application could be secured through a condition.

52. Consultation

The letters of representation raised issues regarding the council's consultation and the positioning of site notices. Whilst officers consider the application was advertised correctly it was recognised that there was some minor issues with registering objections online for a very limited period. Therefore the application was re-advertised for a period of 14 days including additional site notices.

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 development will be liable for a charge under the Community Infrastructure Levy, however the calculation will be made at Reserved Matters stage. 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.

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.

Should members be minded to approve this application the following heads of terms have been agreed to mitigate the impact of the proposal:

Education: £138,257 towards an expansion at Mary Dean's CE Primary School.

Highways: £240,800, towards a highway improvement scheme, to improve capacity and reduce congestion in the vicinity of Budshead Road/Crownhill Road/ Wolseley Road junctions

Local green space: £33,652 for the provision and maintenance of greenspace and access improvements at Cann Woods Local Nature Reserve

Children's Playspace: £24,084 for the provision and maintenance of the play area at Aylesbury Crescent.

Playing Pitches: £61,045 for the provision and maintenance of playing pitch facilities at Aylesbury Crescent.

£42,162 for the provision of pedestrian access improvements and maintenance on land west of Poole Farm.

It should be noted that the NHS has indicated that the GP surgeries in the area have capacity to cope with the additional impact of such a development and therefore in line with the CIL regulations have not requested a health contribution.

12. Equalities and Diversities

Should members be minded to approve this application a condition is recommended securing 20% of the proposed dwellings as accessible and adaptable homes.

13. Conclusions

It is recognised that the Council does not currently have a five year supply of land available for housing. Although a 5 year supply has been identified in the emerging JLP as described above this holds limited weight at this time. The scheme would therefore assist in meeting housing needs within Plymouth, including provision for affordable housing. Jobs and wealth would also be created within the construction sector. Whilst this is noted, and has been accorded great weight, it is considered that on balance this does not override the other planning harm considerations.

There is an environmental dimension to achieving sustainable development and one of the Core principles of the NPPF includes taking account of the different roles and character of different areas. In this instance, the harm to the character and identity of area in greenspace and landscape terms, would significantly and demonstrably outweigh the benefits of the scheme. For these reasons the scheme does not comprise sustainable development and is therefore contrary to National Policy and the adopted Local Development Framework. Whilst its weight is limited it is also contrary to the Emerging Joint Local Plan which is informed by an up-to-date evidence base.

For the reasons outlined above it is recommended the application be refused.

14. Recommendation

In respect of the application dated **13.12.2016** and the submitted drawings it is recommended to **Refuse**

15. Conditions

1) GREENSPACE IMPACT

The LPA considers that the site is an important greenspace site based on the evidence provided in the Greenspace Assessment 2000 and Plymouth Policy Area Open Space Assessment 2017. It has also been nominated and proposed as an allocated Local Greenspace in the submission draft of the Plymouth and South West Devon Joint Local Plan. The proposal erodes the visual amenity, food/countryside, informal recreation and separation buffer functions of the greenspace. The proposal is therefore considered to be contrary to paragraphs 109 and 114 of the NPPF and policies CS18, CS20 and CS34 of the Plymouth Local Development Framework Core

Strategy and the emerging policy DEV29 of the Plymouth and South West Devon Joint Local Plan 2014 and 2034.

2) LANDSCAPE IMPACT

The Local Planning Authority considers that the site is an important and valued local landscape that provides a rural separation between Plymouth (Whitleigh) and Tamerton Foliot. It provides a rural and tranquil setting to Tamerton Foliot and contributes to the setting of the Tamer valley AONB that lies directly to the north. The introduction of housing across the site and associated impacts such as lighting etc. will erode the rural and tranquil nature of the site and degrade the role of existing landscape features. The proposal is therefore considered to be contrary to paragraphs 109 and 114 of the NPPF and policies CS18, CS20 and CS34 of the Plymouth Local Development Framework Core Strategy and policies DEV24, DEV25, DEV26 and DEV27 of the emerging Plymouth and South West Devon Joint Local Plan 2014-2034.

3) INSUFFICIENT INFORMATION ON BIODIVERSITY

The Local Planning Authority considers that the application does not contain sufficient information to demonstrate that the development will prevent an impact on habitats and protected species and will result in a net gain in biodiversity. The Ecology Mitigation and Enhancement Strategy does not provide sufficient information to allow an assessment of the potential biodiversity impacts and whether these impacts will be sufficiently mitigated and a net gain for biodiversity achieved. The application is therefore contrary to NPPF para 109 and 118, Core Strategy Policy CS19, and the emerging Joint Local Plan policy DEV 28.

Informatives

1) SUPPORTING DOCUMENTS

The following supporting documents were considered with regards to this application:

Planning statement Nov 2016;

Design and access statement THR/BH/1568 Nov 2016 (revised);

Underground survey;

Phase 1 Desk Study – Revision 1 April 2016;

Tree survey 04489;

extended phase 1 06/10/2016;

Phase 2 bat 06/10/2016;

Phase 2 wintering bird 06/10/2016;

Phase 2 dormouse 06/10/2016;

Phase 2 reptile 06/10/2016;

Tree Roost Survey;

Letter, PLANeco dated 05/10/2016;

Letter, Natural England, (pre-application) Discretionary Advice Service dated 03/02/2016;

Landscape and visual impact assessment CD/C/501 A Oct 2016; Flood risk assessment and drainage strategy 15.346 Rev A Sep 2016;

Drainage statement;

Transport statement 15.346 Rev D Nov 2015;
Ecological Mitigation and Enhancement Strategy final version received 20/04/17;
Secure by Design Statement THR/BH/1526 January 2017;
Agents Letter dated 13/04/2017.

2) REFUSAL (WITH ATTEMPTED NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant (including pre-application discussions) and has looked for solutions to enable the grant of planning permission. However the proposal remains contrary to the planning policies set out in the reasons for refusal and was not therefore considered to be sustainable development.

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

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.

Relevant Policies

The following (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out

within the City of Plymouth Local Development Scheme and (b) relevant Government Policy Statements and Government Circulars, were taken into account in determining this application:

SDSPD - Sustainable Design SPD

DGSPD - Development Guidelines SPD

Planning Obligations and Affordable housing SPD

CS02 - Design

CS03 - Historic Environment

CS01 - Development of Sustainable Linked Comm

CS34 - Planning application considerations

CS28 - Local Transport Consideration

CS32 - Designing out crime

CS22 - Pollution

CS19 – Wildlife

CS20 – Sustainable Resource Use

CS15 - Overall Housing Provision

CS18 - Plymouth's Green Space

CS33- Community Benefits/Planning Obligations

NPPF - National Planning Policy Framework

NPPG – National Planning Policy Guidance

SPT2 – Sustainable Linked Neighbourhood

DEV2 - Air Water Soil Noise and Land

DEV7 - Meeting local housing needs

DEV8 - Local Housing needs in Towns & Villages

DEV9 - Local Housing needs in the plan area

DEV20 - Place shaping & quality of built environ

DEV21 - Conserving the Historic Environment

DEV22 - Development affecting Historic Environmt

DEV24 - Landscape Character

DEV26 - Strategic Landscape Areas

DEV27 Nationally Protected Landscapes

DEV28 - Protect Enhancing Biodiversity Geologic

DEV29 - Green and Place Spaces

DEV30 - Trees Woodlands and Hedgerows

DEV31 - Specific provisions relating to Transp't

DEV32 - Comm Infrastr'ure needs for new homes

DEV33 - Waste Management

DEV37 - Managing Flood Risk and Water Qual Impac

DEV10 - Delivering High Quality Housing

DEV1 - Protecting Health and Amenity