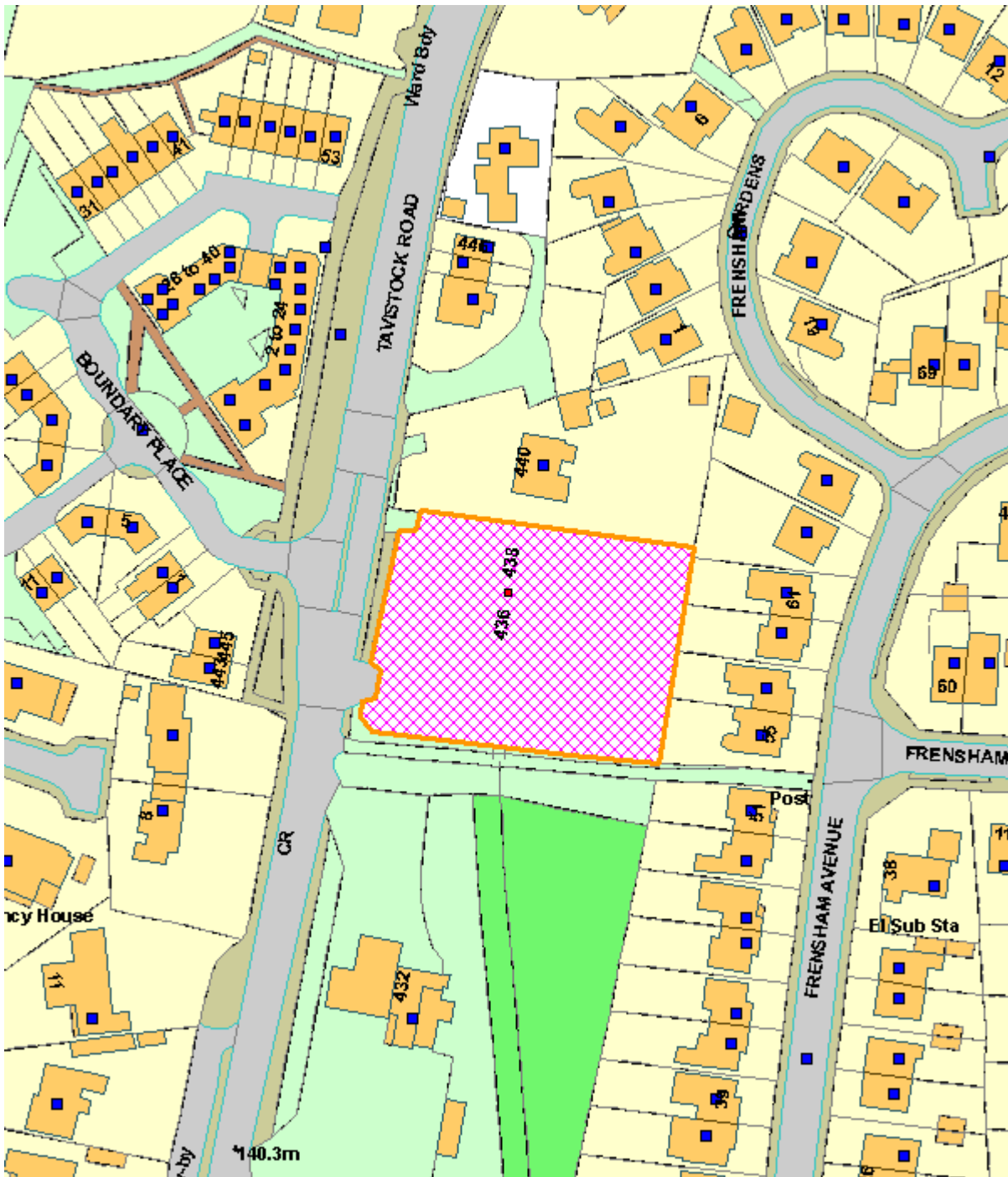


PLANNING APPLICATION OFFICERS REPORT



Application Number	16/02351/FUL	Item	03
Date Valid	16.01.2017	Ward	MOORVIEW

Site Address	436 Tavistock Road Plymouth PL6 7HQ		
Proposal	Demolition of Millstones Hotel and construction of 11 dwellings and associated works		
Applicant	Westcountry Land & Developments		
Application Type	Full Application		
Target Date	17.04.2017	Committee Date	01.06.2017
Extended Target Date	02.06.2017		
Decision Category	Major - More than 5 Public Comments		
Case Officer	Mrs Katie Saunders		
Recommendation	Grant Conditionally		



1. Description of Site

436 Tavistock Road or the Millstones Hotel as it is better known is a large detached building located in the Derriford area of the City. The property occupies a large plot with a number of established trees positioned around the boundary.

The site is bounded by a further large detached residential property to the north, a footpath linking through to Glenholt and Turners Car Dealership to the South and to the east are a number of smaller semi-detached properties located within Frensham Avenue.

Tavistock Road is the main arterial route extending north from the City Centre to Dartmoor.

2. Proposal Description

Demolition of hotel and erection of 11 detached houses and associated works

The application has been amended from the original submission in response to comments made by the Local Planning Authority resulting in the number of dwellings being reduced from 12 to 11.

The proposal involves the demolition of the existing hotel and redevelopment of the site with 11 three and four bedroom detached properties. The layout has been informed by the trees on site some of which are subject to a tree preservation order. The houses will be served by a shared surface street with each property having the benefit of a garden and off-street parking.

3. Pre-application enquiry

14/02062/MAJ – Detailed pre-application advice was provided which offered support for the principle of residential redevelopment but highlighted a number of issues for consideration including the impact on trees, residential amenity and the proposed road widening.

4. Relevant planning history

01/00840/OUT- Outline application to demolish existing hotel and redevelop land for residential purposes – Granted conditionally

02/01382/REM - Demolition of hotel and erection of 6 detached dwellings with garages and new access road and courtyard – Withdrawn

02/01975/FUL - Redevelopment of site of hotel and adjacent detached dwelling by erection of 10 detached dwellings with garages, and associated access road – Refuse

03/01284/FUL – Change of use and conversion of hotel to form two dwellings (with associated new means of enclosure) – Granted conditionally

04/01215/FUL - Single storey rear extension and formation of external rear terrace area – Granted conditionally

5. Consultation responses

Environment Agency – No objections

Highways Authority – No objections subject to conditions

Lead Local Flood Authority – Consultation response received making comments about the application of Sustainable Urban Drainage (SUDS) hierarchy, exceedance flows and South West Water approval

Low Carbon Team – No objections subject to condition

Natural Infrastructure Team – No objections subject to conditions

Public Protection Service – No objections subject to conditions

Police Architectural Liaison Officer – No objections subject to condition

6. Representations

Nine letters of representation have been received, seven in response to the initial consultation period and an additional two following the period of re-advertisement after the receipt of amended plans which revised the layout and led to the reduction in the number of dwellings from 12 to 11. The following issues have been raised:

* Development should only be allowed if it doesn't prejudice future widening of Tavistock Road

* Loss of character

* Contribute to traffic problems in the area

* One parking space per dwelling is not adequate

* Risk of overspill parking in Frensham Avenue

* Loss of privacy

* Overbearing and visually intrusive creating a sense of enclosure

* Loss of light

* Increase in noise from new dwellings

* Extensions above garages should be restricted

* Query over ownership/maintenance and type of boundary fencing

* Concern that drainage problems may be created within adjacent gardens

* Loss of trees

* Potential for issues with retained TPO trees

* Impact on highway safety from movements in and out of site

These issues were raised following the period of reconsultation

* Amended plans will still result in overlooking

* Properties backing on to Frensham Avenue are still too high and should be reduced in scale

* New properties are less than 21 metres from extended property in Frensham Avenue

* New plans are inconsistent regarding garages between plots 5 and 6

* Amendments could be made to make the development acceptable to the properties to the rear

One letter of representation also refers to the desire of the neighbour to address Planning Committee. Letters have been sent to all parties that had made representations notifying them of the committee procedure. In addition one of the letters raised property devaluation as an issue; this is not a material planning consideration.

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. 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:

Development Guidelines Supplementary Planning Document First Review 2013

Planning Obligations and Affordable Housing Supplementary Planning Document Second Review 2012

Sustainable Design Supplementary Planning Document 2009

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.

2. The policies of most relevance to this application are CS01 (Sustainable Linked Communities), CS02 (Design), CS05 (Development of Existing Sites) 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), 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), DEV28 (Protecting and enhancing biodiversity and geological conservation), DEV30 (Trees, woodlands and hedgerows), DEV31 (Specific provisions relating to transport), DEV33 (Waste Management), DEV34 (Delivering low carbon development) and DEV37 (Managing flood risk and water quality). However, as noted above, and given this site has had extensive pre-application discussions only limited weight has been given to the policies of the JLP.

4. The main planning considerations in this case are considered to be housing provision; highway safety; parking provision; biodiversity; impact on trees; impact on residential amenity, flooding and drainage and sustainability. These issues will be discussed in full below.

Principle of Development

5. The property was originally a residential property but was converted to a hotel in excess of 25 years ago. The area is primarily residential in nature although just to the south of the application site is a car sales garage.

6. The hotel is limited in size and scale, having only 8 bedrooms, and is not within the key waterfront and city centre tourist areas. The business has found it difficult to compete with more recent developments such as the Travelodge at Derriford, Future Inn and accommodation at the George Public House. Policy CS05 advises redevelopment of existing tourist infrastructure will be permitted if the loss of the use would not significantly harm the City's tourist and visitor offer.

7. The Economic Development Department has commented on the application and advised that they have no objections to the redevelopment of the site. Officers consider that given the limited scale of the hotel the proposed redevelopment will not significantly prejudice the tourist offer of the City and given the considerable demand for new housing the principle of the development is acceptable.

8. The proposal is not considered to conflict with Policy CS05 of the Core Strategy.

Housing Provision

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

10. 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”

11. 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.”

12. 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

13. It should be noted, however, 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. 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.

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

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

15. 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...”

16. 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"

17. 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 applications.

18. In accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan a two-year commencement condition is proposed in order to accelerate the delivery of housing.

Design and Layout

19. The initial layout has been amended following discussions with officers to address concerns that have been raised. Although the highways considerations will be discussed in more detail below a key factor in the layout was the safeguarding of sufficient land to ensure the dualling of the A386 Tavistock Road can be delivered. Officers are satisfied that the set back from Tavistock Road will provide sufficient space to deliver the road widening.

20. The necessary setback results in the provision of a landscaped area adjacent to the highway. Full landscaping details have not yet been provided however this will be covered by condition. Officers will ensure any planting does not prejudice highway safety and is in keeping with the character and appearance of the area.

21. Furthermore, again as discussed in more detail below the established trees on site and the relationship within existing residential properties has also informed the changes detailed to the layout.

22. The layout is centred around a single, shared surface street with two properties fronting Tavistock Road positively addressing this main arterial route in to the City in accordance with good urban design principles.

23. New dwellings then extend back fronting the shared surface street with three further dwellings then located to the rear of the site facing west. The back to back relationship with the dwellings to east is again in accordance with good urban design principles.

24. The density of development is higher than in the established residential area of Glenholt to the east and large detached properties are the primary form of development along Tavistock Road. However, smaller cottages can be found to the north of the application site

and other new developments such as on the former boundary filling station and adjacent to the George Park and Ride are comparable in scale.

25. The dwellings are all proposed to be two and a half storeys in height with rooms provided in the roofspace. Three different house types are proposed which helps create a sense of place and add variety to the street. A varied materials palette is proposed with the use of wood, brick and render, which are all considered appropriate. The dwellings will have dormer and gable features which will again help to deliver a high quality development.

26. Conditions will be required to ensure full details of materials are agreed to ensure the longevity of the development for the future. This is vital given the siting on a primary route in and out of the City.

27. Officers are satisfied that the development will positively contribute to the character and appearance of the area and appropriate conditions will ensure a high quality scheme is delivered in accordance with Policy CS02 and CS34 of the Core Strategy

Highways and Parking

Trip Generation

28. Based upon trip rates derived from the TRICS (Trip Rate Information Computer System) database the existing 8 bed hotel would generate around 3 two-way movements during the am peak and 5 during the pm. By comparison the dwellings now proposed would generate 6 two-way movements in each of the peak traffic hours (am and pm). Therefore whilst the proposed development would result in an increase in traffic movements in both the am and pm peaks, the scale of that increase is extremely minor and would not give rise to any capacity issues on the local road network.

Car Parking

29. All of the properties (which will have either 3 or 4 bedrooms) each have access to a minimum of 2 off-street car parking spaces. Such a level of car parking is consistent with the maximum car parking standards as outlined within the Development Guidelines SPD. As most of the units either have access to a garage or have a garden area large enough to accommodate a shed a specific condition relating to the need for cycle parking is not considered necessary.

Layout

31. As no dedicated footway provision is proposed within the site the access road will be designed and constructed as a shared surface street and will therefore need to be block paved to help reduce vehicle speeds and create a safe environment. The Local Highways Authority advises that a rumble strip be provided at the first point of entry into the site to highlight the fact to motorists that they are entering a shared space area.

32. Service margins of a minimum width of 0.5m will need to be provided on either side of the road in order to provide somewhere within which statutory undertakers can locate their

services. It may be that in order to accommodate all services that the width of these margins will have to be increased to 1m.

33. In order to prevent vehicles from right turning into and out of the site onto the busy A386 (which could give rise to highway safety issues), the applicant has attempted to align the position the junction of the access into the site with an existing central reservation on the A386 (provided as part of the redevelopment of the former Boundary Filling Station site). It is acknowledged that there may be the need to extend the existing central island reservation in a southerly direction by an extra 3-4m in order to totally prevent right turning manoeuvres taking place in this location. These works would need to be delivered by way of a Section 278 Highways Agreement. A condition is recommended relating to this and the layout of the junction of the site access with the A386.

Woolwell to The George Improvement Scheme

34. The Woolwell to The George highway improvement scheme allows for the widening of the A386 to provide additional highway capacity. This will require land along the frontage of the development for both the widening and to provide sufficient working space. The development incorporates a set back of 7.2m back from the existing kerb line, which is considered to be a worst case scenario. This distance maybe reduced once detailed design for the road widening scheme has taken place.

35. Officers are satisfied that the development can create a safe and satisfactory access and make a contribution to meeting its parking requirement in accordance with Policy CS34 of the Core Strategy. The development is not considered to have a severe impact on the transport network and complies with Paragraph 32 of the NPPF.

Residential Amenity

36. The development is located within a primarily residential area with a large detached property located to the north accessed from Tavistock Road and semi-detached properties located within Frensham Avenue bounding the site to the east.

37. Three properties are proposed to the rear of the site, between 9 and 11 metres from the rear (eastern) boundary. The properties in Frensham Avenue then have gardens with the rear elevations of their main dwellings situated between 24-26 metres away from the proposed new dwellings.

38. The Development Guidelines SPD recommends a distance of 21 metres between opposing windows in order to safeguard privacy. Whilst it is noted that one of the letters of representation advises of a single storey extension on their property which would be within 21 metres of the new dwellings a good level of boundary screening is currently in place and a large amount of this screening can be retained to safeguard the privacy of this extension.

39. The house types on plots 5, 6 and 7 adjacent to the eastern boundary have been amended with the projecting L-shaped elements being removed to provide a greater separation distance. The dwellings will have no more windows than originally proposed and

no rooflights are proposed in the rear elevation. It was noted that a type H dwelling was originally proposed on plot 6 which only had 3 small windows serving the staircase in the rear elevation. However this house type was undeliverable on this plot as adequate light and outlook could not be provided through side windows.

40. New dwellings will also have a view over 440 Tavistock Road to the north of the site. The majority of these dwellings will face the side elevation of this property and whilst there are some windows located within this elevation primary windows are focussed on the front and rear elevations. An angled view of the rear elevation of 440 Tavistock Road will be possible from the upper windows of plot 5. However, officer's opinion is the angle and distance between the properties will not result in unacceptable overlooking.

41. A boundary treatment condition is proposed in order to ensure established planting is retained on the site and adequate new fencing is provided. Officers consider this will ensure a good standard of privacy is retained for existing residents.

42. Concern has also been raised that the properties will appear dominating and overbearing from the properties and gardens in Frensham Avenue. Letters of representation raise concerns that the dwellings are three storeys high and will tower above the existing properties. The dwellings could be considered two and half storeys as rooms are proposed within the roofspace however the separation distances between the properties are considered adequate and existing and new planting will help to soften the appearance of the buildings.

43. Officers accept that the level of development on the site is the maximum that could be considered acceptable and given the close relationship with existing properties it is appropriate to restrict permitted development rights through an appropriate condition. This will ensure that roof alterations and extensions would need to be the subject of a planning application and their impact would be carefully considered.

Standard of Accommodation

44. All the proposed dwellings will provide a decent standard of accommodation. The houses all exceed the internal size guidelines in the National Technical Standards and will have good sized gardens. All habitable rooms will have sufficient light and outlook. The dwellings offer flexibility for future occupiers and adequate provision is provided to accommodate refuse facilities, cycle storage and parking. The applicant has also considered the need to provide 2 dwellings that meet Part M4(2) standards and provide added flexibility for future occupiers.

45. Officers consider the dwellings comply with Policy CS15 and CS34 of the Core Strategy.

Drainage

46. The site is located within a critical drainage area and has been accompanied by a drainage strategy. It is proposed that surface water will be attenuated on site and discharged to the surface water sewer. Infiltration was considered but given the limited scale of the site sufficient space was not available to accommodate a soakaway. South West Water has advised that they are happy to accept the discharge to the surface water sewer.

47. Furthermore details of the exceedance routes show that flows will be contained within the site running off to garden areas.

48. It is noted that residents have raised concerns regarding the potential for drainage problems from the development and have made comparisons with other new housing sites. Officers are unable to comment on the other sites referred to but are confident that the drainage solution proposed will not adversely impact adjoining properties.

49. A condition is recommended to secure some further details of the drainage proposals although at the time of writing this report new information has been supplied by the applicant and if considered acceptable the condition may not be required. This matter will be addressed by addendum if necessary.

50. The development is considered to comply with Policy CS21 of the Core Strategy.

Trees and Biodiversity

51. The site is covered by Tree Preservation Order 395 which protects two Ash and an Oak, two located on the southern and one on the eastern boundary. They are referred to as T8, T9, and T19 on the submitted tree survey and categorised as 'A' grade trees and are shown to be retained. In addition there is a mature large Monterey Cypress shown on the plans as a category 'A' tree (T20) on the northern boundary shown to be removed. There is a smaller group of Ash and Sycamore on the southern boundary nearer Tavistock Road which are also shown to be retained.

52. Initially plots 5, 7, 11 and 12 were considered to be located too close to the retained trees. The layout has been amended and one dwelling has been removed, a number of garages have been removed and the remaining dwellings have been repositioned.

53. Officers are satisfied that the alterations result in the dwellings being outside the tree protection areas and will not unduly prejudice the future health of the tree. There remains some concern that the established nature of the trees and their position to the south of a number of dwellings may lead to pressure in the future from future occupiers for further tree works. However any future tree works application would be considered on its own merits.

54. The application has been supported by an Extended Phase 1 Habitat Survey and further bat surveys. Officers are satisfied with the reports' findings and note that a number of recommendations are proposed including bat/bird bricks and boxes alongside native planting. A condition is recommended to secure these recommendations secure net biodiversity gain on site in accordance with Policy CS19 of the Core Strategy.

Public Protection Considerations

55. The Public Protection Service has assessed the submitted Phase 1 Site Investigation and note that contamination of the land is not ruled out from petroleum hydrocarbons associated with an old filling station that was located to the south of the site. The report suggests that data should be sought from the adjacent site to determine if elevated levels of contaminants were encountered. However, given the overall medium likelihood of human health pollutant linkages, a condition is recommended for further intrusive ground investigations on the application site.

56. The Phase 2 report should also take in to account the risk from identified asbestos on site which will need to be addressed through the demolition process.

57. A noise report was also submitted with the application which details that the proposed new dwellings are capable of meeting the "good room criteria" noise levels as detailed in BS8233:2014. However, in order to achieve these standards the following construction methods will need to be utilised:

* Trickle Vents: None – mechanical ventilation will be required

* Walls: Brick/Block cavity wall

* Windows & Doors: Double Glazed using Pilkington Optiphon acoustic glass, 10mm glass/16mm cavity/6mm glass

* Roof – Tiled / Slated with 12mm plasterboard ceiling and 100mm of mineral wool

58. Further investigation will need to be undertaken to establish if the amenity areas can meet the recommended 55dBA. An appropriate condition will ensure the additional investigations are carried out and a verification report is submitted demonstrating the dwellings have achieved the required standards.

59. Although Tavistock Road is identified as an Air Quality Management Area (AQMA) data held by Plymouth City Council suggests that Nitrogen Dioxide (NO₂) levels within very close proximity to the proposed development are within National Objective levels and therefore further work is not required.

60. The application has adequately addressed pollution issues and is considered to comply with Policy CS22 of the Core Strategy.

Sustainability

61. The submitted Energy Statement is acceptable in principle which details a total minimum of 9.40 kWp of photo-voltaic cells across the development. However clarity will be required on the breakdown of the regulated emissions and locations for the solar panels will also be required. These matters will be covered by condition. The development is considered to comply with Policy CS20 of the Core Strategy.

Secure by Design

62. The Police Architectural Liaison Officer has considered the application and notes the need for a single condition in order to ensure lockable gates are provided to private pathways in order to reduce the potential risk of crime.

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: £21,341.25 (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).

11. Planning Obligations

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

Planning obligations are not required as the development is only for 11 dwellings. It is noted that Policy DEV7 of the emerging Joint Local Plan details that an off-site contribution towards affordable housing provision should be negotiated for application of between 11 and 14 dwellings. However as this is an emerging policy and the development has been subject to pre-application discussions it would be unreasonable to insist that this proposal complies with this policy.

12. Equalities and Diversities

The development will provide 11 new detached family properties which will be available on the open market to purchase. Level access is provided to the properties and some flexibility is offered in the proposed layouts to meet a range of needs.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

The applicant has worked proactively with the council to address issues raised regarding the safeguarding of land for highway work, the impact on trees and the effect on residential amenity.

The development will deliver high quality housing that helps address the City's five-year housing land supply. The potential negative impacts of the development have been carefully considered and appropriate conditions are recommended to address any outstanding matters. Officers are satisfied that the development accords with relevant policies from the adopted core strategy and these matters are not outweighed by other material considerations.

14. Recommendation

In respect of the application dated **16.01.2017**
it is recommended to **Grant Conditionally**

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Proposed Elevations 2202/4 Version: C received 19/04/17
Proposed Floor Plans 2202/7 Version: C received 19/04/17
Proposed Elevations 2202/8 Version: D received 04/05/17
Existing Plans 2202/1 Version: 0
Site plan 01122016 Version: 0 received 01/12/16
Proposed Elevations 2202/10 Version: C received 18/05/17
Floor Plans 2202/3 Version: 0 received 30/11/16
Floor Plans 2202/5 Version: B received 30/11/16
Proposed Elevations 2202/6 Version: D received 18/05/17
Floor Plans 2202/9 Version: B received 30/11/16
Site Location Plan OS1250 Version: 0 received 30/11/16
Tree Protection Plan R1676AL Version: D received 30/11/16
Block Plan 2202/12 Version: A received 18/05/17
Proposed Sections 2202/15 Version: A received 18/05/17

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.

2 CONDITION: COMMENCE WITHIN 2 YEARS

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004 and in accordance with Core Strategy Objective 10(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

3 **CONDITION: CONTAMINATED LAND**

Pre-commencement

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

Section 1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - o adjoining land
 - o groundwaters and surface waters
 - o ecological systems
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Section 2. Submission of Remediation Scheme

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

Section 3. Implementation of Approved Remediation Scheme

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

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

Section 4. Reporting of Unexpected Contamination

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

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

Reason:

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

Justification for Pre-commencement:

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

4 **CONDITION: SURFACE WATER DRAINAGE**

Pre-commencement

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

Reason:

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

Justification for Pre-commencement:

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

5 **CONDITION: ACCESS (CONTRACTORS)**

Pre-commencement

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012

Justification for Pre-commencement:

To ensure that the construction access can ensure the safety of road users and pedestrians.

6 **CONDITION: ARBORICULTURAL METHOD STATEMENT**

Pre-commencement

No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall detail how trees are to be protected during construction. It shall include measures for protection in the form of barriers to provide a 'construction exclusion zone' and ground protection in accordance with Section 6.1 of BS: 5837:2012 Trees in relation to Design, Demolition and Construction - Recommendations. The measures contained in the approved statement shall be fully implemented and shall remain in place until construction work has ceased.

Reason:

To ensure that the trees on site are protected during construction work in accordance with Policy CS18 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

Justification for Pre-commencement

To ensure existing trees are adequately protected and incorporated within the development proposals.

7 **CONDITION: EXTERNAL AMENITY AREAS**

Pre-dpc level

Unless otherwise previously agreed in writing no development shall take place past damp proof course level until further details have been submitted to and approved in writing by the LPA demonstrating how the External amenity areas shall not exceed 55 dB (LAeq,16hours) 07:00 to 23:00 daytime. The works shall be carried out in accordance with the approved details prior to occupation of the dwellings.

Reason: To ensure that the proposed dwellings hereby permitted achieve a

satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

8 CONDITION: STREET DETAILS

Pre-dpc level

No development shall take place past dpc level 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.

9 CONDITION: DETAILS OF NEW JUNCTION

Pre-dpc level

No development past dpc level shall take place until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and none of the units shall be occupied until that junction has been constructed in accordance with the approved details.

Reason:

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

10 CONDITION: LANDSCAPE DESIGN PROPOSALS

Pre-dpc level

No development past dpc level shall take place until full details of both hard and soft landscape works and a programme for their implementation and maintenance have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant; planting plans including the location of all proposed plants their species, numbers, densities, type (i.e bare root/container grown or root balled, girth size and height (in accordance with the HTA National Plant specification), planting specification including topsoil depths, soiling operations, cultivation, soil ameliorants and all works of ground preparation, and plant specification including handling, planting, seeding, turfing, mulching and plant protection].

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development

Reason:

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

11 **CONDITION: DETAILS OF BOUNDARY TREATMENT**

Pre-dpc level

No development past dpc level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core

Strategy (2006-2021) 2007, and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

12 **CONDITION: EXTERNAL MATERIALS**

Pre-dpc level

No development past dpc level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

13 **CONDITION: SUSTAINABILITY**

Pre-dpc level

The development shall be completed in accordance with the submitted Energy Statement prepared by Liddell Associates (received 22/12/2016). This proposes the use of Solar Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production. 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 previously in writing with the Local Planning Authority, prior to development past dpc level, the applicant shall provide to the Local Planning Authority details of the breakdown of the 15% reduction calculation and the locations and size of the on-site renewable energy production methods (in this case Photovoltaic Cells) for approval. The 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 development in

accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within the NPPF.

14 **CONDITION: NOISE**

Pre-occupation

All dwellings shall be constructed in accordance with BS8233:2014 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 35 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided.

Prior to any occupation of dwellings, the developer should submit, for written approval by the LPA, a verification report proving that the dwelling meets the aforementioned criteria.

Reason:

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

15 **CONDITION: ACCESS/HIGHWAY IMPROVEMENTS (GRAMPIAN)**

Pre-occupation

None of the units hereby approved shall be occupied until the proposed access and improvements to the existing highway (extension of central reservation on the A386) have been delivered in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

16 **CONDITION: REINSTATEMENT OF FOOTWAY**

Pre-occupation

No dwelling shall be occupied until the existing footway crossings (to become redundant) have been removed and the footways 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.

17 **CONDITION: PROVISION OF PARKING AREA**

Pre-occupation

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 those space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 32 of the National Planning Policy Framework 2012.

18 **CONDITION: LOCKABLE GATES**

Pre-occupation

All gates to private pathways shall have gates and locks with key access. Details of these shall be submitted to and approved in writing by the Local Planning Authority, and shall be installed before any of the residential units requiring to use the respective private pathways are occupied.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policies CS32 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

19 **CONDITION: BIODIVERSITY**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey dated 14th October 2015 for the site. For the avoidance of doubt, this shall include the installation of 2 Schwegler 1FR bat tubes, 3 x No. 16 Schwegler Swift Boxes, 3 x 1SP Schwegler Sparrow Terraces and 2 House Martin Nests. The facilities shall be provided prior to occupation of the relevant dwelling.

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.

20 **CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED**

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 Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from

the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained 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.

21 **CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT**

Notwithstanding the provisions of Article 3 and Classes A, B, C and E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargements, improvements or other alterations, including to the roof, shall be constructed to the dwelling[s] hereby approved.

Reason:

In order to protect residential amenity and ensure a good standard of accommodation is retained 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.

22 **CONDITION: PART M (ACCESSIBLE AND ADAPTABLE DWELLINGS)**

Unless otherwise previously agreed in writing with the Local Planning Authority 20% (2 no.) of the dwellings hereby approved shall be constructed in accordance with the details in the Accessible and Adaptable Dwellings Statement demonstrating compliance with Part M4(2).

Reason:

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

Informatives

1 **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.

2 **INFORMATIVE: CONDITIONAL APPROVAL WITH 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 proactive way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

3 **INFORMATIVE: PUBLIC HIGHWAY ENGINEERING DETAILS**

No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

4 **INFORMATIVE: ROADWORKS**

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

5 **INFORMATIVE: CODE OF PRACTICE**

The development shall be managed in accordance with the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, this covers the following areas:

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

6 **INFORMATIVE:SUPPORTING DOCUMENTS**

The application has also been accompanied by the following supporting documents which have been taken in to account in the determination of this application:

Phase 1 Site Investigation Project No. 001LADHI110 by Wesson Environmental

Asbestos Survey Report Job No. JO18353

Noise Assessment Report No. 044/16 by SB Consulting

Laminated Acoustic Glass Details

Bat Activity Surveys Version 1 Issued 28th October 2016

Tree Schedule by AM Lane Ref. R1676a

Drainage Statement Ref. J-5679-CFM-01-HS

Additional Drainage Information Ref. J-11632-01-HS dated 16th May 2017

Accessible and Adaptable Dwellings Statement

Secure by Design Statement

Energy Statement

Design and Access Statement