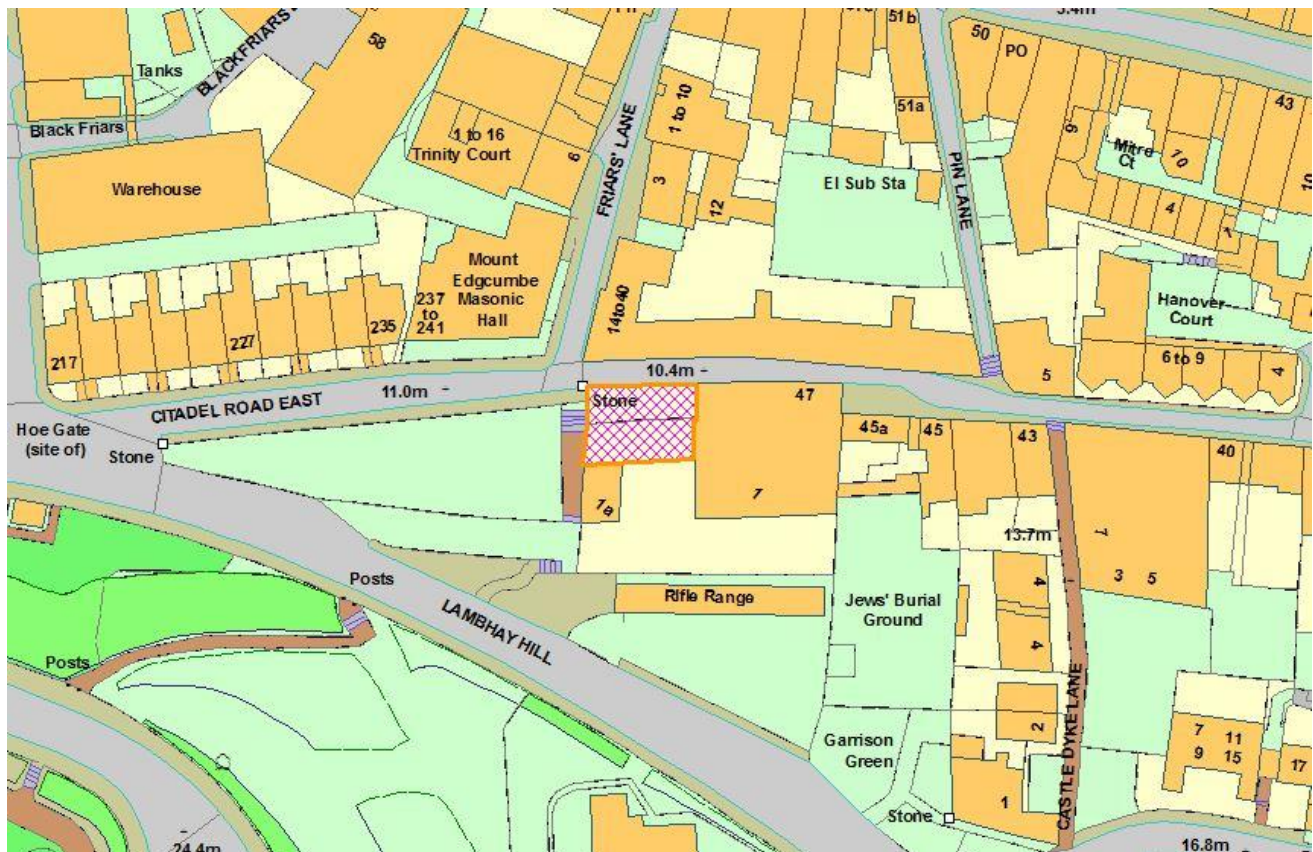


PLANNING APPLICATION OFFICERS REPORT



Application Number	17/01827/FUL	Item	01
Date Valid	02.11.2017	Ward	ST PETER AND THE WATERFRONT
Site Address	Highland Cottage New Street Plymouth PL1 2ND		
Proposal	New dwelling		
Applicant	Mr Bill Rabbetts		
Application Type	Full Application		
Target Date	28.12.2017	Committee Date	08.02.2018
Extended Target Date	15.02.2018		
Decision Category	Member referral		
Case Officer	Mr Jon Fox		
Recommendation	Grant Conditionally		



This application has been referred to the Planning Committee by Councillor Tuffin.

1. Description of Site

The site comprises the ruin of an old stone building situated on the southern corner of New Street with Friars' Lane in the historic Barbican Conservation Area. The remains of the building consist principally of a stone wall on the northern (New Street) and western of elevations the building. The wall is approximately two storeys in height, rising to approximately three storeys on the corner, which is marked by fine quoin stones including two very large, opposing stones at the base. There are a number of historic openings in the old wall, which have brick arches or surrounds. The structure is not listed.

New Street is a narrow cobbled lane. Consequently, the flats opposite, in Friary Court, are only a matter of approximately 3.60 to 3.66 metres away from the north facing wall of the old building. A separate stone retaining wall marks the point on site where the land rises up to a high stone wall on the southern boundary, where there is a small residential building (with facing window). This boundary wall separates the site from a car parking area, which also serves the converted warehouse adjoining the eastern end of the site. This building, and those opposite in Friary Court, are listed Grade 2.

According to the submitted Heritage statement, the previous building on site was a public house, in the mid-19th Century (The Royal Highlander), before turning into two houses later on. Elevation drawings from the 1970s show the building three storeys high, with a pitched roof.

2. Proposal Description

The proposal is to erect a three-bedroomed dwellinghouse on the site, which would utilize some of the existing old wall on the northern and western elevations. The proposals also include two projections southwards, which accommodate a dining room and small study/living room. The building would be three storeys high including half a storey within the roofspace.

At the time of writing this report further amended plans have been received, which are in the process of being advertised to the public and certain relevant consultees.

3. Pre-application Enquiry

16/00960/MIN - Construction of new house (1 Dwelling). The Planning Authority was generally supportive of the proposed scheme for a dwelling, subject to further consideration regarding the retention of the old wall and alterations to the windows.

4. Relevant Planning History

None.

5. Consultation Responses

Local Highway Authority

The Highway Authority objected initially on the basis that the single proposed parking space is not adequate to cater for the level of accommodation being provided. However, the Transport Officer's view is that the proposed development could be considered as 'car free' as it is located within a 24 hour, 7 days a week Controlled Parking Zone (CPZ). In this respect a proposal to provide just two bedrooms would allow a development here that has no off-street car parking provision. They conclude, therefore, that the provision of a single space (as in this case) would be advantageous in terms of addressing some of the concerns raised regarding car parking.

Public Protection Service

Have no objections subject to a condition regarding land quality.

Lead Local Flood Authority

Have no objections, subject to conditions, the main tenets of which are that:

a) A surface water drainage system that, including attenuation, should provide a 1% AEP standard of protection plus a 40% allowance for climate change. Design details, calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.

b) Surface water peak discharge rates to the combined sewer should be limited to 1 in 10 years greenfield run off rates, with on-site attenuation required to store surface water volumes over and above these rates to a 1 in 100 year return period standard of protection, in accordance with SWW and Local Flood Risk Management Strategy.

Historic Environment Officer

Highland Cottages are located at the end of New Street in the Barbican Conservation Area and were formerly a public house with a skittle alley at the rear (The Highlander) which was later converted into two cottages. The buildings were originally listed at Grade III but when this grade of listing was abolished, it was not felt that they were worthy of listing at Grade II and were therefore de-listed. This is also an area of high archaeological potential, and therefore the City Archaeologist has been consulted.

The buildings have stood empty, roofless and derelict for many years, and are now in a very poor state of repair, so it is very heartening to see a scheme which proposes to bring the building back into a long-term use. The external walls facing on to New Street and the end elevation are still standing to a varied height above ground floor level, but are extremely unstable having lost the roof which tied the structure together. Much of the pointing is now missing and vegetation growth has taken hold in many areas. However, these walls retain a great deal of character and features such as the old window and doors opening are still clearly visible. Internally fireplace openings remain but the internal walls themselves have collapsed, leaving a large quantity of limestone rubble within the site. Although in a poor state, the well-constructed external limestone rubble walls with their granite quoins add to the character of this part of the Conservation Area, and it is therefore important to retain as much of this historic fabric as is reasonably possible. This is also a gateway site into the Barbican, and therefore a high quality scheme is extremely important.

The proposals are to turn the shell into a single house, incorporating a garage on the ground floor which will open on to New Street. Having discussed a number of options, the plans are now to

retain the historic walls on the New Street elevation and gable end up to just above the top of the ground floor windows, and slightly higher on the gable end. The stone above this will be carefully removed and retained, with the quoins being numbered. The remaining walls will be stabilised and repointed appropriately, and then the additional storey will be built on top and faced in the salvaged limestone. The quoins will be built back in in the same order in which they were removed. The repointed ground floor walls will then act as a sample panel, so it will be imperative that the upper floor is constructed and pointed to match in with the existing ground floor section of wall.

The original proposals were a storey higher, which was felt to be too high in relation to the adjacent listed buildings. The height has therefore been reduced and it is now felt that it sits well within the context of the surrounding converted Grade II listed warehouses. It no longer dominates or overlooks the adjacent properties, which are in close proximity. Above the first floor will be a natural slate roof with conservation roof lights proposed, but these will not be visible from New Street. A more contemporary approach will be taken to the rear of the property in order to provide some outside space and to bring more light into the rooms via glazed patio doors.

This scheme is therefore felt to be acceptable in this very sensitive context, and is not considered harmful to the setting of the surrounding listed buildings, subject to the conditions.

Archaeology

In light of uncertain archaeological potential and practical constraints to investigation at present, it is recommended that archaeological testing is completed as a condition of planning permission. Given some potential for significant remains, it is recommended that a test pit or pits is opened within the site to understand the likely potential of the area to retain any archaeological deposits of note. Further investigation or monitoring may be required if there is an indication of survival. Pre-commencement evaluation will allow the correct degree of archaeological mitigation (if any) to be applied.

Natural Infrastructure Team

Have no objections subject to conditions requiring development to be carried out in accordance with the submitted bat survey, the provision of bird/bat bricks and a requirement for site clearance to take place outside the bird breeding season.

Natural England

This development falls within the 'zone of influence' for the Plymouth Sound and Estuaries SAC, as set out in the (emerging) Local Plan. It is anticipated that new housing development in this area is 'likely to have a significant effect' upon the interest features of the SAC/SPA, when considered in combination, through increased recreational pressure. As such NE advise that mitigation will be required to avoid such an effect occurring and enable the Planning Authority to reach a conclusion of "no likely significant effect". Permission should not be granted until such time as this mitigation has been secured.

Community Connections

As a single family dwelling the Ground, First and Second floors raise no particular concerns as the provisions look to be of a good standard.

· The Third Floor / Roof Space would be concerning, if as discussed the intention is to change from a mansard style roof to a conventional pitched roof. This is on the basis of available head height for regular use of the area. We would consider available space, only when the head height is 1.5m or above and therefore would need accurate measurements and calculations to ensure this space is suitable for use.

· Concern about the proposed access to flat roof space on the third floor level. Will it be suitably guarded, what is it's purpose and what impact may it have on neighbouring buildings?

· If the roof was changed for a pitched roof suggest that the area might only be suitable for storage and maintenance of the lift controls.

6. Representations

Three letters were received, which raise the following objections:-

1. Allowing demolition of the existing building will change the appearance of New Street. The existing structures should be preserved.
2. Disruption during construction, including to local businesses and residents.
3. The building is totally out of keeping with most other buildings in New Street, a conservation area.
4. The proposed building would completely dwarf New Friars Court leading to considerable loss of light.
5. Loss of privacy, especially as opposing windows are so close to each other.
6. The public house ceased trading over 70 years ago, and at that time and before, New Friars Court was a warehouse with few windows, and the question of privacy and loss of light back then would not have been a matter for consideration. New Friars Court was not converted into residential flats until 1997.
7. The site is an eyesore at the moment. It needs clearing up, but certainly not as proposed in this application.
8. As this is a new build previous building height/mass cannot be used as a precedent.
9. New builds should not attempt mock compliance with the style of buildings within the neighbourhood but rather be a reflection of good design pertinent to the age in which it is built.

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) and the Barbican Conservation Area Appraisal and Management Plan.

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 I 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 submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations. It is considered to be a sound plan, consistent with the policies of the Framework, and is 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, particularly if there are no substantive unresolved objections. 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, Sustainable Design Supplementary Planning Document and Planning Obligations and Affordable Housing Supplementary Planning Document.

8. Analysis

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

8.1 Principle of Development

The Barbican Conservation Area Appraisal and Management Plan (BCAAMP) states that the Barbican is one of the key historic areas of Plymouth; the core of the historic town, characterised by its historic working harbour, its historic street pattern, its diversity of building styles and ages, and by the vibrancy created by its many mixed uses. The BCAAMP goes on to say that the richness of the built heritage can be readily appreciated by the fine views along many of the streets, particularly New Street, Southside Street, Looe Street and the Parade, and the rears of the historic buildings on New Street can be viewed to good effect from the Elizabethan Gardens. The site is identified as being the location of views and glimpsed views into the Conservation Area, from both directions on New Street. New Street is also the location of fine late 16th and 17th century townhouses, often incorporating ground floor shops or other commercial uses. New Street is also home to large limestone warehouses, built to house the loot from enemy ships taken as prizes during the 19th century, as well as the proceeds of legitimate trade, e.g. ('Palace Vaults' and Nos. 41-42).

8.1.1 The view eastwards down New Street, which turns the eye into the heart of the historic area, is not best served by the ruin of the old building on this prominent corner, which in time is likely to fail structurally unless expensive shoring up works are carried out. Therefore a 'new' building on the site, which is sensitively designed and constructed, with appropriate materials, would enhance the views of the BCA and its character and appearance. A residential use is also considered appropriate in the light of previous uses of the site and the modern context of residential conversions of surrounding properties. The proposals are therefore considered to be in accordance with policy CS03 (historic environment) of the Core Strategy of Plymouth's Local Development Framework 2007 (Core Strategy) and policies DEV21 (Conserving the historic environment) and DEV22 (Development affecting the historic environment) of the Plymouth and South West Devon Joint Local Plan (JLP).

8.1.2 The National Planning Policy Framework states in paragraph 131 that Planning Authorities should take account of:

- * the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- * the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- * the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 134 states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

In this case it is considered that the proposals would secure a viable use of the site while at the same time enhancing the character and appearance of the Conservation Area.

8.2 Design

Given the site's historic context, it is vital that the resulting building contributes to and enhances the character and appearance of the area. While the scale of the proposed building is considered acceptable, it is principally the external materials and finish of the building that will determine whether it builds on its past, or becomes an aesthetic 'let-down' at this prominent gateway site to the historic, and iconic, Barbican Conservation Area.

8.2.1 Consideration was given to the re-use of the existing wall, in situ, either to be extended to new eaves height, or as a preserved element sitting in front of a new, structural wall. These options were considered too expensive and/or structurally unsafe, on the basis that the upper parts of the old wall are potentially unstable. The compromise proposal is to preserve the old wall up to a point just above the heads of the windows on the ground floor, north elevation, and about one metre higher than that on the western elevation. The wall above these levels would be constructed using salvaged stone from the site, including the demolished sections of the wall and previously collapsed sections which lie inside the old building. The ground floor window openings would be retained and re-used and salvaged bricks would be used to construct the arches over the new windows at first floor level and on the western elevation. The roof would be natural slate. The southern elevation is largely out

of view and therefore can be treated differently; therefore the south wall is of render and with aluminium window frames; the roofs of the southward 'projections' would be covered in natural zinc. On this basis the proposals are considered to be in accordance with policies CS02 (design), CS03 (historic environment) and CS34 (planning considerations) of the Core Strategy of Plymouth's Local Development Framework 2007, policies DEV10 (Delivering high quality housing), DEV21 (Conserving the historic environment) and DEV22 (Development affecting the historic environment) of the Plymouth and South West Devon Joint Local Plan and the Sustainable Design SPD.

8.2.2 The proposals are also not considered to be harmful to the setting of the Grade 2 listed buildings nearby, i.e. Friary Court and the warehouse next door.

8.3 Amenity

The main impact is that of the overshadowing and loss of light to Friary Court, which is to the north of the site and only a very short distance away given the narrow width of New Street. Friary Court was used for commercial purposes in the past, but now houses residential flats. The new building is to the south of Friary Court and therefore would restrict a certain amount of sunlight and daylight from those properties. Following negotiations with the developer's agent the proposed upper storey of accommodation was removed and the roof lowered. The new roof is now lower than that of Friary Court, and below the eaves of the adjoining converted warehouse to the east. In addition, the existing windows in the latter building would no longer be overshadowed by the proposed roof. Consequently it is considered that, especially in this area of close-knit streets and housing, the loss of daylight and sunlight would not be so significant as to warrant refusal.

8.3.1 With regard to privacy, the left hand retained window onto New Street would be opposite a kitchen window in Friary Court. However, the new window serves a proposed gym and, as with the other retained ground floor window, would be covered with a security grill, which would further cut down on potential overlooking. The other proposed windows on this elevation are not directly opposite neighbours' windows and therefore are not considered to result in an unreasonable loss of privacy. The coach house, to the south of the site, has a facing window at the equivalent of 2nd floor level, which is not compromised by any opposing windows on the development. The proposals are therefore not in conflict with policies CS15 and CS34 of the Core Strategy, policy DEV1 of the JLP or the Development Guidelines SPD.

8.3.2 With regard to outdoor amenity space for prospective occupiers of the proposed building, the outside patio space is approximately 50m², which is below the Development Guidelines standard of 75m² for a semi-detached house. However, in the context of the historic building layouts on the Barbican this amount of space is actually quite generous. There is also easy access to the Hoe park nearby, albeit one would have to climb steps to get there.

8.3.3 With regard to internal space, the Government's Space standards state that a three-bedroomed, three storey house, for six persons requires 108m² of internal floor spaces. In this case the internal spaces of the main core of the building exceed 150², which is acceptable from an amenity point of view.

Housing 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 applications.

Due to the need to accelerate housing delivery a 2 year consent rather than a 3 year consent has been secured by condition. This is in accordance with Strategic Objective 10(8)(Delivering Adequate Housing Supply) and paragraphs 10.34, 17.1 and 7.13 of the Core Strategy and policy SPT3 of the Plymouth and South West Devon Joint Local Plan.

8.4 Other Impacts

The proposals provide for a single parking space, which is all that can be accommodated off the narrow fronting street. However, in this central location a single space is adequate in accordance with policy CS28 of the Core Strategy and policy DEV31 of the JLP.

8.4.1 With regard to the comments from Natural England, The Planning Obligations and Affordable Housing Supplementary Planning Document identifies a number of possible impacts on the Plymouth Sound and Estuaries SAC arising from Core Strategy policies, including impacts on water quality, physical damage, habitat loss and biological disturbance. However, in this case the small scale of the development is not considered to warrant specific mitigation in respect of the Plymouth Sound and Estuaries SAC.

8.4.2 With regard to the comments from Community Connections these are based on the original plans, which have now been amended.

8.4.3 With regard to neighbours’ objections the impact on the structural integrity of the adjoining listed building should be dealt with by an informative note advising the developer of their responsibilities concerning party wall matters, and, in this case the need for listed building consent should any significant alterations be made to that building, which is listed Grade 2.

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 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).

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 not required due to the nature and size of proposal.

12. Equalities and Diversities

The proposals do not raise an issue from the point of view of equalities and diversity.

13. Conclusions

The proposed development deals with a long standing ruin that in itself does not contribute to the Conservation Area and, as time goes on, is likely to become more of a liability. The scheme is considered to be a sensitive redevelopment of the site, including appropriate use of materials and careful construction that would enhance the character and appearance of the area. Residential amenity would be affected in terms of lost light/sunlight and privacy but the impacts are not considered to be unreasonable. The roof has been lowered compared to the original scheme and this has helped to mitigate these effects. 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.

14. Recommendation

In respect of the application dated **02.11.2017**
it is recommended to **Grant Conditionally**

15. Conditions / Reasons

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

I CONDITION: APPROVED PLANS

Site Location Plan 1372/S/02 Rev A received 20/10/17

Proposed Elevations 1372/P/02 Rev J received 23/01/18

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: CONSTRUCTION METHODOLOGY

PRE-COMMENCEMENT

Prior to the commencement of development a detailed methodology for the partial demolition and repair and restoration of the existing walls on the northern and western elevations of the building, identified on the approved plans, and the construction of the new walls above, including the use of specific salvaged materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

4 **CONDITION: TRIAL AREA**

PRE-CONSTRUCTION

No works to construct the new section of wall shall take place until a trial area of not more than two square metres of new wall, above the retained section of wall, including a schedule of mortar has been prepared in a previously agreed location and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with that approved trial area.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

5 **CONDITION: ARCHAEOLOGY**

PRE-CONSTRUCTION

No works shall commence on the construction of the new dwelling until the applicant (or their agent or successors in title) has secured and implemented a programme of archaeological work to include archaeological trial trench evaluation, aimed at providing information of the location, nature and extent of any surviving archaeological remains which may be present. The development shall be carried out in strict accordance with the approved scheme, or such other details as may be agreed in writing by the Local Planning Authority. All of the above shall be agreed in accordance with a written scheme of investigation which shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason:

The site may contain archaeological deposits or remains which would warrant appropriate investigation and/or recording in accordance with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV 22 of the Plymouth and South Hams Joint Local Plan and paragraph 128 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that important archaeological features are properly protected / recorded before construction commences.

6 **CONDITION: CONTAMINATION**

PRE-CONSTRUCTION

Unless otherwise agreed by the Local Planning Authority, no works shall commence on the construction of the new dwelling 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.

I. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

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

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

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

2. Submission of 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 must 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.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must 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 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.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 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 condition 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, policy DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 – 123 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that risks to health through contamination are properly considered and addressed before building works commence.

7 **CONDITION: SURFACE WATER DRAINAGE**

PRE-CONSTRUCTION

No works shall commence on the construction of the new dwelling until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

a)

A surface water drainage system that, including attenuation, should provide a 1% AEP standard of protection plus a 40% allowance for climate change. Design details, calculations and modelling data should be produced in support of any drainage design showing that the defences and drainage system are designed to the required standard.

b)

Surface water peak discharge rates to the combined sewer should be limited to 1 in 10 year greenfield run off rates, with on-site attenuation required to store surface water volumes over and above these rates to a 1 in 100 year return period standard of protection, in accordance with SWW and Local Flood Risk Management Strategy.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To reduce the risk of flooding to and from the development, and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory surface water management and disposal during and after development. The drainage provisions within the development are adequately provided for before development commences and does not cause undue problems to the wider drainage infrastructure in accordance with policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policy DEV37 of the Plymouth and South West Devon Joint Local Plan and paragraphs 94 and 100-103 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary 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 and water environment.

8 CONDITION: USE OF NATURAL SLATE

PRE-CONSTRUCTION

The roof shall be clad using natural slate, fixed with nails, not clips. A sample of the slate and natural zinc (for those parts of the roof shown with a natural zinc covering) shall be submitted to and approved in writing by the Local Planning Authority before any works commence on the construction of the new dwelling.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

9 CONDITION: ROOFLIGHTS

PRE-CONSTRUCTION

No works shall commence on the construction of the new dwelling until details of the proposed rooflights have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be of a flush fitting conservation type. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

10 CONDITION: WINDOWS

PRE-CONSTRUCTION

No works shall commence on the construction of the new dwelling until details of the proposed windows, frames and cills, and the design and materials of the juliet balcony on the western elevation, have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

11 CONDITION: DOORS

PRE-CONSTRUCTION

No works shall commence on the construction of the new dwelling until details of the proposed new doors have been submitted to and approved in writing by the Local Planning Authority. The said details shall include the design, method of construction, material and finish of the proposed doors and the door furniture to be used. The works shall be carried out strictly in accordance with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

12 **CONDITION: WINDOW AND DOOR ARCHES/SURROUNDS**

PRE-CONSTRUCTION

All doors and windows on the northern and western elevations of the building shall have salvaged brick arches or surrounds and no works shall commence on the construction of the new dwelling until details of the said brick arches and surrounds have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

13 **CONDITION: RAINWATER GOODS, FASCIAS AND SOFFITS**

PRE-CONSTRUCTION

No works shall commence on the construction of the new dwelling until details of all rainwater goods, fascias and soffits have been submitted to and approved in writing by the Local Planning Authority. The works shall accord with the approved details.

Reason:

To ensure that the details of the proposed work do not conflict with Policy CS03 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 131, 132 and 133 of the National Planning Policy Framework 2012. This pre-commencement condition is necessary to ensure that the development can reasonably accommodate the external materials that are acceptable to the local planning authority.

14 CONDITION: PARKING PROVISION

PRE-OCCUPATION

The dwelling hereby permitted shall not be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter 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, policy DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraph 32 of the National Planning Policy Framework 2012.

15 CONDITION: BIRD AND BAT BRICKS

PRE-OCCUPATION

The dwelling hereby permitted shall not be occupied until a minimum of three bat/bird bricks have been installed within the fabric of the building, in accordance with details to be submitted to and approved in writing by the Local Planning Authority at a minimum height of 3 metres.

Reason:

In the interests of enhancement for wildlife and features of biological interest, in accordance with policies CS19 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007, policies SPT11 & DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraph 109 of the National Planning Policy Framework 2012.

16 CONDITION: BIODIVERSITY

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Bat Survey Report (Simon Geary, 2015) for the site, including the recommendations set out in Section 5.2.

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 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007, policies SPT11 & DEV28 of the Plymouth and

South West Devon Joint Local Plan and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

17 CONDITION: BIRD BREEDING SEASON

Works on site (including vegetation removal) should commence outside of the bird breeding season (March to August inclusive). If this is not possible, then a nesting bird survey must be undertaken by an ecologist within the 24 hours prior to commencement of works. If nesting birds are identified the area will need to be cordoned off and left undisturbed until the chicks have fledged.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies CS01, CS19 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007, policies SPT11 & DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

18 CONDITION: RESTRICTIONS ON PERMITTED DEVELOPMENT

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A (enlargement, improvement or other alteration of a dwellinghouse), B (additions etc to the roof of a dwellinghouse), C (other alterations to the roof of a dwellinghouse), D (porches), E (buildings etc incidental to the enjoyment of a dwellinghouse), G (chimneys, flues etc on a dwellinghouse), H (microwave antenna on a dwellinghouse) of Part 1 of Schedule 2 to that Order shall be carried out.

Reason:

In order to protect residential amenity and the character and appearance of the area, in accordance with policies CS03 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, policies DEV1, DEV10, DEV21 and DEV22 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120-123, 131, 132 and 133 of the National Planning Policy Framework 2012.

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 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 negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: ADJOINING LISTED BUILDING

The applicant is advised that the adjoining building to the east of the site is listed Grade 2 and that any works that affect the fabric of that building are likely to require separate listed building consent.

4 INFORMATIVE: QUOIN STONES

The developer is advised that the quoins on the corner of the building must be put back into the rebuilt wall in the order in which they are now.

5 INFORMATIVE: CODE OF PRACTICE

During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working. The Code of Practice can be found online at: <http://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>