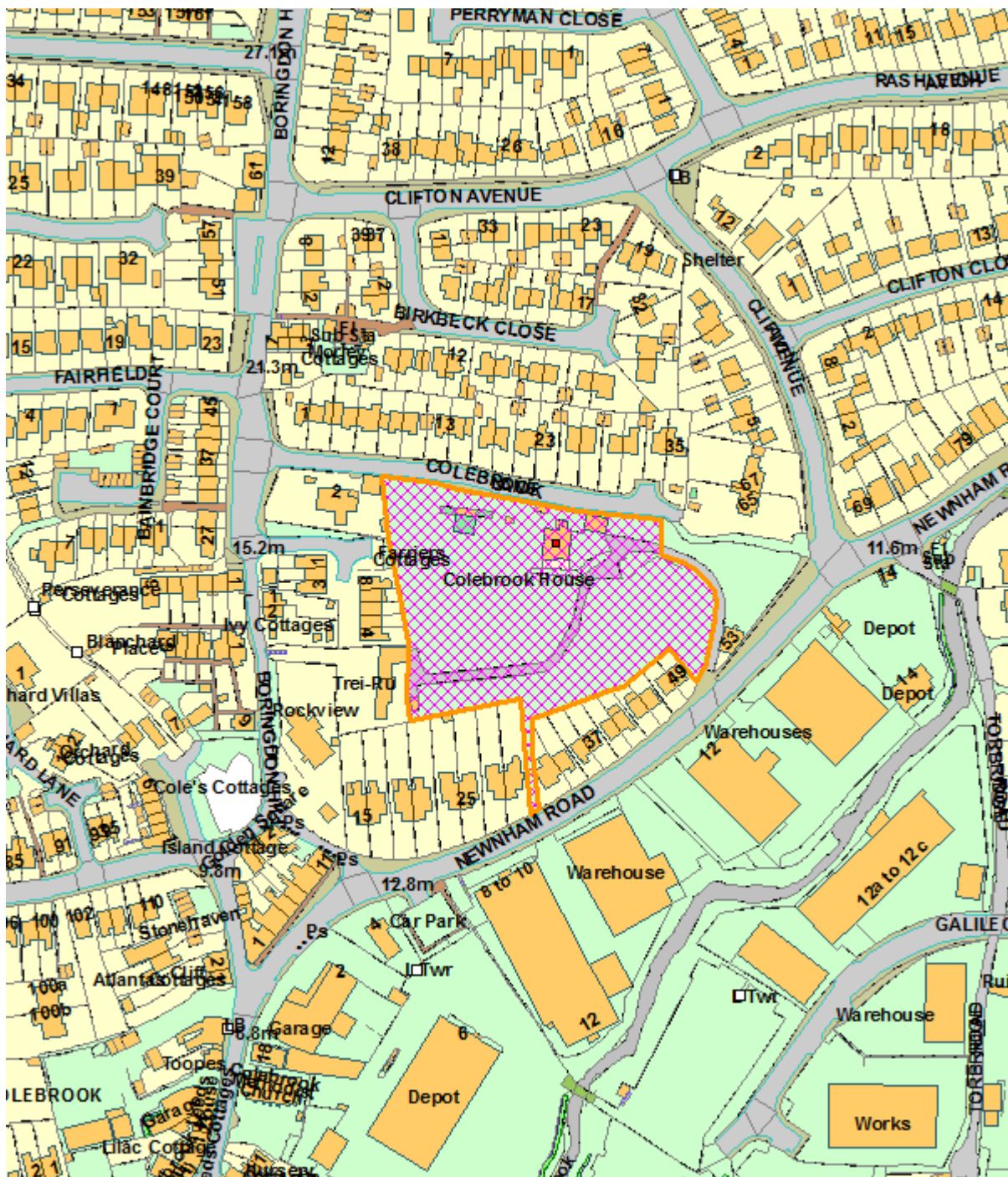


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	17/02471/FUL	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	10.01.2018	<b>Ward</b>	PLYMPTON ST MARY
<b>Site Address</b>	Colebrook House 51 Newnham Road Plymouth PL7 4AW		
<b>Proposal</b>	Demolition of existing buildings and erection of 14 dwellings and associated works		
<b>Applicant</b>	Mr David Matthews		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>11.04.2018</b>	<b>Committee Date</b>	<b>28.06.2018</b>
<b>Extended Target Date</b>	<b>06.07.2018</b>		
<b>Decision Category</b>	More than 15 Public Comments		
<b>Case Officer</b>	Mr Chris King		
<b>Recommendation</b>	Grant Conditionally		



## I. Description of Site

The application site measures 0.9ha and is located in the Colebrook part of Plympton, to the east of the City. The application site comprises Colebrook House and its curtilage garden, dating mid-19th Century.

Located in a predominately residential area, the site is bound by a mix of 20th Century dwellings (of varying styles and sizes), most of which are found along the southern and western boundaries. The northern boundary is with Colebrook lane, but is separated by an existing stone wall.

The principle access to the site is via an existing lane (single width) that connects the site to Newnham Road to the south east. However, this access does not form part of the application site

boundary, preserved solely for access to the gate house, also outside of the application boundary. An additional access point links the south of the site to Newnham Lane which is included in the application site.

Along with the existing dwelling, numerous old, dilapidated outbuildings/glasshouses remain. The garden has been maintained reasonably well and contains a number of protected Trees (TPOs) along with a wide range of typical garden shrubs, bushes and hedges. The site slopes from north (Colebrook lane) to south (Newnham Road).

## **2. Proposal Description**

Demolition of existing buildings and erection of 14 Open Market dwellings, each detached and with generous frontage and private amenity space and off street parking. High quality landscaping proposals, including a private resident's open spaces is also included.

## **3. Pre-application Enquiry**

A pre-application enquiry (17/01795/MAJ) was submitted in 2017 seeking guidance from the Local Planning Authority as to whether the principle of the proposed development of this site would be acceptable. The pre-application also sought guidance on various matters such as highway, ecology, heritage and drainage. The Local Planning Authority confirmed that the principle of 14 executive dwellings was acceptable subject to the submission of suitable information, designs and layout.

## **4. Relevant Planning History**

None

## **5. Consultation Responses**

Environment Agency (EA) – No objections in principle to this application however the EA recommends that it is not determined until the Lead Local Flood Authority has indicated whether they are satisfied with the design and calculations of the proposed surface water drainage scheme.

Historic Environment Officer – Disappointed with the loss of the existing dwelling however recognises that there is no policy requirement to retain it. Does recognise the potential redevelopment of the site.

Lead Local Flood Authority – No objections subject to conditions

Local Highway Authority – No Objections

Low Carbon Team – No Objections subject to conditions

Natural Infrastructure Team – No Objections Subject to conditions

Plympton St Mary Neighborhood Forum – No Comments received

Police Architectural Liaison Officer – No Objections subject to conditions

Public Protection Service – No Objections subject to conditions

Tree Officer – No Objections subject to conditions

## **6. Representations**

The Local Planning Authority received 45 letters of representation during the initial 21 day consultation period. Of these 45 letters, all object to proposal either in full or in part however none specifically support the proposed development. The 45 letters are summarised as follows, outlining the key issues amongst the local community:

### *Loss of Heritage Assets*

- Insufficient justification for the loss of Colebrook House
- Will be detrimental to the historic character if the area if Colebrook House is knocked down
- Plympton has few heritage assets, such as this dwelling and so it should be preserved for the future
- Building should be saved and converted into flats for local people
- Loss of historic limestone wall along Colebrook Lane

### *Impact on Local Highways and Parking*

- Access should be from Newnham Road, utilising the existing driveway
- Will compound parking and traffic matters in Colebrook Road
- The roads in the area are already at capacity
- Junction with Borrington Hill is dangerous
- Will prevent existing residents from parking on the highway
- Increased traffic will result in a loss of amenity, both during the day and at night with headlights shining into existing dwellings at the junction
- Construction traffic would be detrimental to the area
- The existing access from Newnham Road should be expanded to take all the traffic.
- Colebrook is already heavily congested
- Mitigation though S106 is required to deal with traffic issues
- Unsafe for pedestrians

### *Impact towards Ecology and Biodiversity*

- Loss of trees has already taken place which has impacted the area
- Impact on protected species – birds, bats etc.
- Loss of natural habitat for wildlife
- Wildlife needs to be mitigated for through the development process

### *Design and Residential Amenity Concerns*

- Houses are too big for the local area – out of character
- Will affect the quiet character of the area
- Loss of amenity to all surrounding dwellings
- Too close to dwellings in Newnham Road
- Site should not have been partitioned leaving part of the site outside of the redline
- Will open the door for more dwellings in the future
- Loss of peace and privacy
- Loss of outlook for numerous dwellings

## *General Comments*

- Colebrook does not need more dwellings
- Flooding is an issue in the area
- Development of 14 bedroomed detached houses is by its nature 'exclusive' and so does not fit with the mixed nature of housing required in this area

Following the end of the initial consultation period, numerous design issues were highlighted to the applicant that required amendment to overcome officer objection. In addition, a summary of the letters of objection was provided to the applicant for consideration. The Local Planning Authority received a revised package of information to overcome the design matters raised by technical consultees and to address, where possible, the concerns of the local community. The application was therefore re-advertised / re-consulted upon for a further 21 days (site notice / press advert / letters to residents and ward Cllrs)

During this additional 21 day consultation period the Local Planning Authority received a further 19 Letters. Officers have reviewed the letters that have been submitted; however no new issues have been raised, with numerous letters reinforcing previous concerns. Additionally, however, some of the letters have questioned the accuracy of the supporting information in relation to the demolition of Colebrook House.

Since the end of the second consultation period a further 3 letters have been received although no new comments have been made.

## **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 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 (First Review) 2013

#### 5 Year Housing Land Supply

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

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

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

For the reasons set out in the Authority's Annual Monitoring Report, when measured against the housing requirement in the adopted development plan (the Core Strategy), Plymouth cannot demonstrate at present a deliverable 5 year land supply for the period 2017-22 against the housing requirement set out in the Core Strategy which was set prior to the economic downturn. Plymouth can however identify a net supply of some 4,163 dwellings which equates to a supply of 2.17 years when set against the housing requirement as determined by the requirements of the NPPF or 1.8 years supply when a 20% buffer is also applied.

It should be noted, however, that the Local Planning Authority is at an 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 and has since been submitted to the Planning Inspectorate for Examination, pursuant to Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations.

Nonetheless, the council's current position on this matter is that 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 representation which are to 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 46 of the Plymouth Plan

## **8. Analysis**

1. 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.
2. The principle issues in relation to this application are considered to be the Loss of Existing Dwelling and Heritage assets, Highways and Parking matters, Ecology and Biodiversity (including trees), Flooding and Drainage considerations, Design and Layout considerations, Residential Amenity, Contamination, Sustainable Energy and Secure by Design principles.
3. Therefore this planning application turns upon policies CS01 (Development of Sustainable Linked Communities); CS02 (Design); CS03 (Historic Environment); CS15 (Overall Housing Provision); CS16 (Spatial Distribution of Housing Sites); CS18 (Plymouth's Green Space); CS19 (Wildlife); CS20 (Sustainable Resource Use); CS21 (Flood Risk); CS22 (Pollution); CS28 (Local Transport Considerations); CS32 (Designing Out Crime and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.
4. Additionally, this planning application turns upon policies SPT1 (Delivering sustainable development); SPT2 (Sustainable linked neighbourhoods and sustainable rural communities); SPT3 (Provision for new homes); DEV1 (Protecting health and amenity); DEV2 (Air, water, soil, noise and land); DEV7 (Meeting local housing need in the Plymouth Policy Area); DEV9 (Meeting local housing need in the Plan Area); DEV10 (Delivering high quality housing); DEV20 (Place shaping and the quality of the built environment); DEV21 (Conserving the historic environment); DEV22 (Development affecting the historic environment); DEV28 (Protecting and enhancing biodiversity and geological conservation); DEV29 (Green and play spaces (including Strategic Green Spaces, Local Green Spaces and undesignated green spaces)); DEV30 (Trees, woodlands and hedgerows); DEV31 (Specific provisions relating to transport); DEV34 (Delivering low carbon development) and DEV37 (Managing flood risk and water quality impacts) of the Plymouth and South West Devon Joint Local Plan.

### **Principle of Development – Loss of Existing Dwelling**

5. Colebrook House is an unusual survivor in this part of Plymouth, due to being hidden away and accessed via a private driveway adjacent to the gate lodge. The detached house built in the 1850's stands within a large, secluded walled garden containing a number of outbuildings and garden structures, including several glasshouses of which some date from the 19th century. Although the garden is now very overgrown, it is still possible to discern elements of its formal layout. There are a number of mature trees across the entire site, protected through a Tree Protection Order.
6. Officers note that the site in terms of its scale is not representative of the local pattern of development, and there is no one defined building character, but a mix of building styles and layouts that contributes to the areas eclectic identity and is reflection of the growth of Plympton over the last 60 years or so.
7. Retaining and enhancing the character of an area is a core theme of the adopted Core Strategy and the approved Joint Local Plan, as well as the NPPF. In this case the Local Planning Authority recognises that the application site contributes to the character of the area, however the site is not within a conservation area and the property itself is not Listed.



8. Colebrook House was considered for listing by Historic England in March 2017 and the decision was taken not to list due to the extensive alterations undertaken in the latter part of the 20th Century. Additionally, should the applicant so choose, they could demolish the building under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.

9. Officers have sought to negotiate the retention of the dwelling and have been provided reasonable justification as to why the premises cannot be saved, both financially and practically. Whilst it would be clearly preferable that the existing dwelling be retained, as is the wish of the local community, it is the view of officers that this cannot be enforced given the status of the premises and the legislative powers at the disposal of the applicant. As such the principle of the demolition of Colebrook House to facilitate this development is acceptable, and in officers' view the benefits of 14 new dwellings outweighs the harm of its loss.

#### Principle of Development – Garden Development / Character

10. Paragraph 53 of the NPPF states that 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The Local Planning Authority has created policies to assess such matters. It is important to prevent inappropriate and harmful backland development and to protect gardens that significantly contribute to the established character of the area.

11. The application site is large measuring 0.9ha in area and is occupied by one large dwelling. The proposal is to provide 14 'executive' dwellings that reflect the character of the site. This particular point was discussed during the pre-application process and given initial support by officer's.

12. Officers recognise that the proposed level of housing is just below the trigger of 15 units where S106 contributions would be required. However, the site has numerous constraints, primarily TPOs and access which significantly impacts a feasible layout and has reduced the amount of 'executive' dwellings that can be provided. Had a different housing model been proposed then more units could possibly be accommodated however that is not what the application proposed in this case.

13. The Joint Local Plan seeks to promote the increase of large and/or executive housing and in this case it is considered that the most efficient use of the site has been found. This has been discussed with the Council's Housing Delivery Team, who agrees that the level of housing / density is appropriate in this location, reflecting the past to some degree. A low density development is proposed and is considered an appropriate form of development by officers, thus according with policies CS15, CS16 and DEV7.

14. Furthermore, Policy DEV10(6) of the approved Joint Local Plan states that 'to protect the quality of the urban environment and prevent 'town cramming', development of garden space within Plymouth and the towns will only be permitted where it does not adversely affect the character and amenities of the area, and where the proposal can demonstrate that it contributes to the creation of sustainable linked neighbourhoods'.

15. As noted the application site is very large and is occupied by one large dwelling that is for the most part obscured from the street scene by the existing northern boundary wall. By virtue of the significant modifications to Colebrook House over time (as highlighted in the submitted Heritage Statement), and having assessed the street scene officers are of the view that it is in fact the Limestone wall that provides the predominant character feature of the street, not Colebrook House itself, and this is being enhanced.

16. Therefore and on balance, officers are of the view that the dwellings located in the northern part of the application site (plots 1, 11 and 14), whilst visible, will not adversely impact character of the street scene. They will be predominantly obscured by the retention of a stone wall that is being retained in addition to the section being proposed east of the new access. Furthermore, the rest of the dwellings further into the site (south of plots 1, 11 and 14) will generally be out of public view due to the topography of the site, the obscurity created by plots 1, 11 and 14, the existing stone wall and trees that are being retained. The loss of outlook for residents located on the northern side of Colebrook Lane looking south into the site is not considered harmful and given that the site is not within a conservation area the character of the area or street scene will not be adversely harmed.

17. The relationship of the proposed dwellings to existing properties along Newnham Road to the south is now considered acceptable following some design modifications with views and relationships preserved through strong boundary treatment that will mature overtime. The relationship with dwellings to the west of the site is considered acceptable due to the significant separation distances and boundary treatment that is proposed. The boundary treatment will be conditioned to ensure this is maintained in perpetuity so as to retain the character of the area and not advisory impact the surroundings that existing residents have come to enjoy.

18. Backland development and the development of existing residential gardens must be considered carefully against both local and national policy. In this case officers have balanced the harm (or perceived harm) that the development could cause to the character and amenity of the area against the weight given by the NPPF to sustainable development and housing supply. Para 14 of the NPPF states that 'there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking' and 'for decision-taking this means... approving development proposals that accord with the development plan without delay'. As the council cannot demonstrate a 5 year housing land supply para 49 of the NPPF is relevant. It states 'housing applications should be considered in the context of the presumption in favour of sustainable development and 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'.

19. Having considered the key points outlined above the Local Planning Authority considers that the principle of this development is acceptable. In officers' view it will not adversely harm the character or amenity of the area despite the loss of the existing dwelling, proposing an efficient use of what has become an unattractive parcel of land within a well-established residential area. The development therefore accords with polices CS01, CS02, CS15 and CS34 of the LDF Core Strategy, polices DEV1, DEV7, DEV10 and DEV20 of the Joint Local Plan the paragraph 14, 17, 49 and 53 of the NPPF for providing sustainable development of an appropriate scale in a suitable location.

## Design and Appearance

20. The Design and Access Statement (DAS) describes the proposed development as traditional in appearance, which officer agree with. The DAS adds that the design 'is a reflection of the design concepts of the redundant Colebrook House' and this approach is supported by officers.

21. With respect to materials, the development proposes *"the use of grey stone on lower levels and hung slate to upper levels mixed with white render is in keeping with the House, as well as other nearby precedents. Windows are white UPVC, again in an appealing traditional style. Their large sizes not only allow plenty of natural light into the homes but also have appealing proportions which give interest to the facades. A render band further enhances these proportions by distinguishing between ground and first floor levels. A variation in materials throughout the scheme has been used to produce an appealing streetscape of interesting and attractive buildings. Pitched, slate roofs are used throughout for a quality feel, which are hipped in areas to reduce their apparent mass to neighbouring properties"*.

22. It is the view of officers that the proposed materials are of a high standard that would enhance the character of the area, going some way to compensate for the loss of the existing Colebrook House. The design of the dwellings therefore is considered to accord with existing and emerging policies; however a condition requiring samples of materials will be required to ensure a high quality finish throughout.

## Local Highway Authority - Access

23. The planning application site boundary excludes the existing access road in the east of the site, which links to Newnham Road. Therefore to serve the dwellings a new access is proposed into Colebrook Lane, which involves the demolition of part of the boundary wall.

24. This particular aspect of the development has been cause for much concern amongst local residents, many suggesting that this new access will cause an unacceptable level traffic in the area, will further exacerbate the parking issues in the area and result in loss of amenity of residents. Many residents also commented on the fact that the existing access was not being used which would prevent the requirement of the new access.

25. As is noted in the Highway Officer's consultation report, the Local Highway Authority has indicated that the existing access would not be a sufficient access point to serve the development. Firstly, the lane is too narrow to accommodate two-way traffic and in order to widen it then significant works would be required which would adversely impact numerous TPO trees. It would also require significant disruption of the gate piers that serve the gate house. Secondly, the actual junction itself would be unsafe with a poor angle of visibility that would promote unsafe highway conditions.

26. Finally, and perhaps the most pertinent point is that this existing access is not within the ownership of the applicant and is not within the red line application boundary. Therefore it cannot be used to serve development. Furthermore, officers are of the view that even if this access lane was within the red line boundary then it would not be a supportable means of access.

27. The proposed new access will require part demolition of the northern boundary wall. A suitable access with appropriate visibility splays will be provided to ensure safe means of access and to

reduce conflict with existing users. The impact of the access is not likely to cause significant harm or prejudice existing road users. The Highways Authority does not view that increased levels of traffic as harmful to the area as a result of the development. In addition, given that the development has more than sufficient off street parking to serve the development, a ratio of 3.2 spaces per dwelling, this will not be an on street parking issue in surrounding streets from new residents or visitors. The impact on vehicles that currently park on street along Colebrook Lane is not likely to be severe, and given that these are not designated parking spaces, officers consider there would not be a loss.

28. An additional pedestrian access is proposed in the south of the site, linking the development to Newnham road and making public amenities in Colebrook more accessible. For example, the closest bus stop to the site is under 150m with other also with close proximity, the closest convenience store is also with a couple of hundred metres and the closest primary school is with 1km. The development is therefore considered a highly sustainable location by officers and will promote the use of sustainable transport modes.

#### Local Highway Authority - Layout

29. Following further amendments of the proposed housing scheme, the Local Highway Authority has made the following comments with respect to the layouts of the development. The layouts being commented on have been formally advertised as part of the second consultation process outlined in section 6 of this committee report.

30. The further amendments include minor alterations to the street layout, and further consideration of sustainable drainage. The street layout shown on the amended site layout plan drawing numbered 17125-SK02B, shows a short block-paved section of carriageway, and a 1200mm wide discontinuous clearance margin, which although notated as a footway is insufficient for that purpose. The proposed street layout remains substandard by current adoptable standards; it lacks sufficient shared surface identity, and in places lacks sufficient clearance margins/defensible space between the carriageway and the private gardens gardens/parking spaces. The constrained street layout would provide poor provision for pedestrians, and also for service providers, and utilities. There would also be undesirable surface water soakaways situated below the road carriageway itself.

31. Although the proposed street layout fails to meet current standards making it unsuitable for adoption as a public street, as a private street it would facilitate the basic movement and servicing functions, such as deliveries and waste removal by a bin lorry. The deficiencies would altogether make the street unsuitable for adoption as a public street, and it would need to remain a private street in perpetuity. The applicant has indicated that it is their intention to retain this as a private street and its management will be through a private management company.

32. As such, the street would be subject to an Advanced Payment Code demand for the full cost of the construction of the street, prior to being exempted in accordance with the requirements. Incidentally, in the longer term the soakaways would at some point in time be likely to require replacement, with associated costs falling on the owners/occupiers of the dwellings and the private road/street. The applicant is aware of this and will be dealt with by the management company.

33. In summary, however, the Local Highway Authority has confirmed that it would not on balance object in principle to planning permission being granted in accordance with the submitted street layout, providing it can be demonstrated that the development would be properly drained by a

satisfactory surface water drainage system, and that it would remain a private street in perpetuity, to be managed and maintained by a Management Company. On balance and subject to conditions, officers consider that the development will accord with policy CS28 and CS34 of the Core Strategy and Policy DEV31 of the Joint Local Plan.

### Flooding and Drainage

34. This brownfield site is located in Flood Zone I, which the Environment Agency defines as being at a low risk of fluvial or tidal flooding. Surface water flood risk mapping provided by the Environment Agency indicates the site is at a low risk of surface water flooding from a 1% AEP (1 in 100 year return period) flood event.

35. Unmanaged surface water from this site can increase the risk of surface water flooding of Newnham Road including residential and commercial properties. The site is located in a Critical Drainage Area (red) where the Environment Agency considers the existing drainage to be at or close to capacity.

36. Public sewer records indicate that there are no South West Water (SWW) surface water sewers within the site. There are two 150mm diameter surface water sewers in Colebrook Lane to the north of the site flowing to the east and the west. There is one 225mm diameter surface water sewer in Newnham Lane to the south of the site discharging towards the east.

37. A ground Investigation Report has been submitted where infiltration tests have been completed in 8 test pits. Results have been submitted for three test pits. One site located in made ground produced a rate of  $2.56 \times 10^{-5} \text{m/s}$  with one test, non-compliant with BRE365. Test sites located in Upper Devonian Slate produced infiltration rates between  $1.33 \times 10^{-5} \text{m/s}$  and  $5.04 \times 10^{-5} \text{m/s}$ . These tests were completed in accordance with British Standard BRE365.

38. The Ground Investigation Report also states that, "Soakaways are suitable if located in natural soils. Sloping ground below the south of the site could result in slope instability or unintended break out of water at the ground surface". Correspondence from SWW has been submitted that includes standing advice. The letter states that, "Surface water discharge to the public sewer network is not an acceptable method of disposal".

39. A Flood Risk Assessment (FRA) has been submitted that describes existing ground levels as between 23.0mAOD to 13.5mAOD, with a gradient of approximately 1 in 15. The FRA states that groundwater was encountered at a depth of 5.0mAOD in a water abstraction well, which would imply the water table is perched. The FRA also states that, "groundwater is highly vulnerable to pollution".

40. The site is 0.91ha, and the FRA states that the existing site comprises 0.077ha impermeable surface and 0.84 permeable surface. Following the proposed development, the site would be 0.34ha impermeable and 0.57ha permeable.

41. The proposed surface water drainage strategy has been revised to discharge surface water run off to individual property soakaways, with highway run off discharged to two soakaways located

beneath the highway. The individual property soakaways are proposed to be 1.2m in diameter and 1.5m deep. The high soakaways are proposed to be 3m x10.5m x0.8m deep. While one highway soakaway is located in the middle of the site, the second is located approximately 30m from an existing property.

42. A plan showing surface water run off exceedance flows has now been submitted and following negotiation with the developer an infiltration trench has been proposed along the southern boundary of the site to collect surface water and prevent flows into adjacent properties. However, the reports provided by the applicant have continually stated that there is potential for re-emergence. As such, and in consultation with the lead Local Flood Authority a pre-commencement condition will be imposed that requires a geotechnical engineer to verify that proposed system will not result in re-emergence. In the event that re-emergence may still occur then no development will be able to commence until a suitable alternative system has been agreed to the satisfaction of the Lead Local Flood Authority. Officers are satisfied that suitable measure have been put in place to prevent unacceptable on or off site flooding so as to comply with Policy CS22 of the Core Strategy and Policy DEV37 of the Joint Local Plan.

### Residential Amenity

43. The application proposes 14 executive dwellings, all of which exceed the internal spaces standards set in the Nationally Described Space Standards (NDSS). Each dwelling will have a minimum of 4 bedrooms and multiple bathrooms and living spaces. All dwellings have private gardens that exceed the requirements of the Development Guidelines SPD, and are afforded high quality boundary treatment to ensure they can be used properly. In addition, an area of public open space is located in the north-west corner of the site. This will be maintained by a management company and will further enhance the environment. The low density layout of the site, coupled with the orientations of the proposed dwellings has resulted in good relationships ensuring that high levels of amenity, privacy and outlook are afforded to all residents.

44. Many of the consultation responses have suggested the development will result in loss of amenity, be it through traffic increase, noise, privacy and outlook. As has been explained in this report, the impact of the traffic generation is not considered by officers to be significant so as to adversely impact amenity. Outlook and privacy has been considered for all existing adjacent dwellings, and for the most part the scheme when it was first submitted was acceptable. The exception being the relationships of plots 3, 4 and 7 with the rear elevations (north facing) of a couple of dwellings along Newnham Road.

45. This matter was raised with the applicant who has modified the position and rear design of these two plots to improve the relationship with the dwellings in Newnham Road. Plots 3 and 4 shall be orientated differently and moved further north within the site creating oblique angles of view. Window positions and the use of obscure glazing has further assisted with this issue plots 3, 4 and 7, as well as plot 8. Additionally, the rear elevation (south) of the plot 4 now appears single storey. Coupled with the improved boundary treatment that officers have secured this should adequately protect inter-visibility even though the distances fall approximately 5m (plot 4) and 2m (plot 7) below the standards set out in the Development Guidelines SPD.

46. The separation distances between all the other proposed dwellings and all surrounding existing properties are now considered acceptable by officers, with all cases other than those assess above exceeding the Development Guidelines SPD requirement of window to window distance of 21m,

which on balance is considered acceptable by officers. This means that privacy and outlook is retained and in officers view there will be no significant overlooking issues. These distances, coupled with the topography the site and orientation of the dwellings will protect light levels with no overshadowing expected as a result of the development.

47. A number of residents have raised concerns over the construction phase and the disruption this could cause. Officers are aware of the sensitivity of the site, therefore the applicant will be required to submit a bespoke code of practice to ensure the demolition and construction phase does not adversely impact the amenity of the local area.

48. In officers' view the development has sought ways to protect the amenity of existing residents and equally, has provide a high quality environment that will afford the future residents with a high standard of living. The development will therefore accord with policies CS01, CS15 and CS34 of the Core Strategy and Polices DEVI, DEV10 and DEV20 of the Joint Local Plan.

#### Landscape, Visual Impact and Biodiversity

49. Having reviewed the submitted information during the initial 21 day consultation period, the Natural Infrastructure Team objected to the application for the following reasons:-

- a. There is insufficient information to ensure the development will not have an impact on protected species;
- b. The information submitted does not demonstrate the application complies with JLP policies DEV 28 or DEV 24.

50. The Local Planning Authority advised the applicant of this position and requested that new information was submitted. The applicant submitted revised information in relation to ecology, biodiversity and trees, and has been reviewed further by the Natural Infrastructure Team within the second consultation process.

51. The Natural Infrastructure Team has reviewed the new information and they no longer have in-principle issues with respect to the Natural Infrastructure matters raised throughout the application process. Therefore Officers are satisfied that imposing a number of conditions relating ecology, biodiversity and landscaping is a suitable and reusable means of progressing this development whilst ensuring the scheme is policy compliant. Subject to the condition being imposed, the development will accord with polices CS18 and CS19 of the Core Strategy, Polices DEV24 and DEV28 of the Joint Local Plan

#### *Trees and Woodlands*

52. The site contains numerous trees that are protected by Tree Preservation Orders (TPOs). In officers' view the layout of the development has been sensitively design to minimise the impact towards these trees. The Council's Tree officer has reviewed the scheme and not raised any objections, but has suggested a Tree Protection Condition is applied with specific reference to the Tree Protection Plan and also a condition to ensure all proposed soakaways are located outside the root protection areas.

## Sustainable Resource Use - Energy

53. Information has been provided within the Design and Access statement to show that the scheme will aim to meet the requirements of Policy CS20 of the Core Strategy and DEV34 of the Joint Local Plan. Further information on the location and extent of the measures shown in the documents reflects this or the total level of kWp solar (or heat pumps solution) needed to achieve the savings. The Low Carbon Team is satisfied that this can be dealt with by condition.

## Land Contamination

54. The Public Protection Service (PPS) has reviewed the submitted 'Desk Study and Ground Investigation' for the planning application. PPS agree with the conclusions submitted and the proposed remediation strategy. The applicant needs to decide on which option is to be utilised, and evidence of this should be submitted by way of planning condition. The development will however accord with Policies CS21 and CS34 of the Core Strategy and Policies DEV1 and DEV2 of the Joint Local Plan.

## **9. Human Rights**

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **10. Local Finance Considerations**

The 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). CIL is non-negotiable and under the Councils current CIL Charging Schedule the rate for this development is £30sqm + indexing.

## **11. Planning Obligations**

Planning obligations not required due to the nature and size of proposal.

## **12. Equalities and Diversities**

All units have the benefit of conforming to the old Lifetime Homes standard, now replaced by Part M4(2) of the Building regulations (Accessible and Adaptable Dwellings). This ensures that the homes can remain lived in throughout the respective owner's lifetime, allowing for disability access and other potential requirements such as downstairs living.

## **13. Conclusions and Reasons for Decision**

This planning application, in the view officers promotes the sustainable development of a brownfield site that can deliver 14 high quality dwellings that contribute to the overall housing provision within the city. Nonetheless, it is noted the Council cannot currently demonstrate a 5 year housing land supply.



The existing dwelling is neither listed or in a conservation area and can therefore be demolished under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015. The building has been heavily modified over the years, is in a poor state of repair (deemed dangerous) and has been rejected by Historic England for Listing in recent years. It is therefore not a heritage asset and it is the view of officers that the erection of 14 high quality new family dwellings significantly outweighs its loss.

The proposed access from Colebrook Lane promotes a safe and feasible entry point into the development and in the view of officers will not give rise to significant highway impacts that would demonstrably harm the local highway network. There would be no loss of parking as a result of this scheme given that no existing allocated parking spaces are being removed.

Significant measures have been put in place, and further measures will be secured by condition to ensure that the site promotes a high quality, biodiversity rich site. The development adequately retains and safeguards protected trees and will provide, by way of suitable verification, that surface water drainage will be managed effectively.

In addition, the development layout minimises the impact on neighbouring amenity and through amendments has created a development that adequately respects environmental amenity features for all existing and future residents.

Therefore, and having reviewed all the relevant material considerations, and having taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and officers have concluded that on balance the proposal accords with policy and national guidance and is therefore recommended for conditional approval.

#### **14. Recommendation**

In respect of the application dated 10.01.2018 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/Demise Plan 2015-001 Rev E received 20/12/17

Site Location Drainage Route 2015-002 Rev D received 20/12/17

Topographical Survey With Site Boundary Line 2015-003 Rev A received 20/12/17

Existing Site Plan 2015-004 Rev A received 20/12/17

Existing Site Sections 2015-005 Rev A received 20/12/17

Tree Constraints Plan 04968 TPP Rev A received 20/12/17

Swept Path Analysis & Visibility Splays 17125/PL100 Rev C received 25/05/18  
Schematic Drainage Strategy Plan 17125 / PL111 Rev F received 14/06/18  
Flood Routing Plan 17125 / 161 Rev D received 14/06/18  
Trench Soakaway Construction Detail 17125/310 - received 14/06/18  
Proposed Indicative Site Sections 2015-007 Rev E received 07/06/18  
Indicative Street Elevations 2015-008 Rev D received 07/06/18  
Indicative Street Perspectives 2015-017 Rev C received 07/06/18  
Boundary Treatment Plan 2015-018 Rev E received 07/06/18  
Surface Finishes Plan 2015-019 Rev D received 07/06/18  
Proposed Roof Plan 2015-020 Rev D received 07/06/18  
Proposed Site Plan 2015-006 Rev I received 07/06/18  
Softworks Strategy Plan 506/01 Rev C received 11/04/18  
Planting Strategy Plan 506/02 Rev C received 11/04/18  
Type A1 Floor Plans and Elevations 2015-009 Rev D received 18/06/18  
Type A2 Floor Plans and Elevations 2015-010 Rev C received 18/06/18  
Type A3 Floor Plans and Elevations 2015-011 Rev C received 18/06/18  
Type B1 Floor Plans and Elevations 2015-012 Rev C received 18/06/18  
Type B2 Floor Plans and Elevations 2015-013 Rev B received 18/06/18  
Type C1 Floor Plans and Elevations 2015-014 Rev E received 18/06/18  
Type C2 Floor Plans and Elevations 2015-015 Rev D received 18/06/18  
Type D Floor Plans and Elevations 2015-016 Rev C received 18/06/18  
General Layout Arrangement 17125/SK02B Rev B received 11/06/18  
External Levels & Features 17125/PL101 Rev D received 11/06/18

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 I0(8) (Delivering Adequate Housing Supply) and Policy SPT3 of the Plymouth and South West Devon Joint Local Plan

### **3      **CONDITION: GEOTECHINCAL VERIFICATION - DRAINAGE****

#### **PRE-COMMENCEMENT**

Other than providing site welfare, no development (including demolition works) shall take place until a suitably qualified geotechnical engineer or engineering geologist has reviewed the proposed surface water drainage design and associated mitigation and produced a report to confirm and verify that the proposed drainage works will prevent on or offsite flooding by way of water re-emergence or other means as is noted in the submitted documents and has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be implemented in strict accordance with the approved details and any supplementary information following the verification assessment, and prior to the occupation of any dwelling hereby approved.

In the event that the Geotechnical Verification Report is unable to demonstrate to the Local Planning Authority's satisfaction that re-emergence will not occur then a revised drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. Any approved works shall be implemented in strict accordance with the approved details, and prior to the occupation of any dwelling hereby approved.

Reason:

To ensure that satisfactory drainage works are provided in accordance with Policy CS22 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.

Justification: To ensure that the development does not result in any unacceptable on or off site flooding as a result of unsuitable drainage proposals.

### **4      **CONDITION: FURTHER DETAILS****

#### **PRE-COMMENCEMENT**

No development shall take place until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: Surface Water Drainage provision, to demonstrate that the proposed surface water drainage system would not cause local flooding. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they 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 Policy DEV31 of the emerging Plymouth & Southwest Devon Joint Local Plan 2014 - 2034.

Justification: To ensure that the highways drainage works are acceptable and do not result in unacceptable on or off site flooding

## **5 CONDITION: CODE OF PRACTICE**

### **PRE-COMMENCEMENT**

Prior to the commencement of the development hereby approved, a detailed management plan for the demolition and construction phase (including contractor's access and delivery arrangements) of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policies DEV1, DEV2 and DEV31 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 -123 of the National Planning Policy Framework 2012 .

Justification: To ensure that all aspects of the environment are adequately protected during the demolition and construction phase, and that the needs of local residents are adequately considered in the preparation of any plans.

## **6 CONDITION: CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN**

### **PRE-COMMENCEMENT**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall accord with the approved Ecological Mitigation and Enhancement Strategy (October 2017, Ref: 0504-CT-EA). The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features. This includes the use of protective fences, exclusion barriers and warning signs.
- e) The times during construction when specialist ecologists need to be present on site to monitor works to ensure compliance with the CEMP: Biodiversity, and the actions that will be undertaken.
- f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

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, Joint Local Plan Policies SPT11 & DEV28 and Government advice contained in the NPPF paragraphs 109, 118.

Justification:

To ensure the environment is adequately protected during the construction of this development

## **7      **CONDITION: CONTAMINATED LAND****

### **PRE-COMMENCEMENT**

Unless otherwise agreed by the Local Planning Authority, development must not commence until this condition has been fully complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 3 has been complied with in relation to that contamination.

#### **1. Submission of Remediation Scheme**

This department will agree to the recommendations made within the submitted report as detail of a remediation scheme. Should the developer desire to alter this submitted scheme they will need to submit alternative recommendations in writing to the Local Planning Authority for written approval.

#### **2. 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.

#### **3. 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. Further investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared. Any further proposals for remediation

Reason:

To ensure that risks from land contamination to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, DEVI and DEV2 of the Plymouth and South West Devon Joint Local Plan and paragraphs 120 - 123 of the National Planning Policy Framework 2012.

Justification:

To ensure that the site is safe for future habitation and that no adverse health impacts occur as a result of the development

## **8 CONDITION: LANDSCAPE AND ECOLOGICAL MANAGEMENT PLAN**

### **PRE-COMMENCEMENT**

A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to commencement of the development. The content of the LEMP shall include the following

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Set out maintenance operations for the first year following implementation of the scheme and for a further 4 years following establishment for achieving aims and objectives.
- e) Preparation of a work schedule.
- f) Body or organisation responsible for implementation of the plan.
- g) Monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details.

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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policies SPT11 and DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

Justification:

To ensure the environment is adequately protected during the construction of this development

## **9      CONDITION: SUSTAINABILITY**

### PRE-DAMP PROOF COURSE (DPC)

Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall not proceed past DPC level until the applicant has provided to the Local Planning Authority a report for approval identifying how a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV34 of the Plymouth and South West Devon Joint Local Plan and relevant Central Government guidance contained within the NPPF.

## **10     CONDITION: BIODIVERSITY- LIGHTING SCHEME**

### PRE-DAMP PROOF COURSE (DPC)

The development shall not proceed past DPC level until a sensitive lighting scheme has been submitted and approved in writing by the LPA. The scheme shall ensure that the boundary features around the site especially to the east of the site remain dark and unlit at night. Any external lighting required should be directed away from the boundaries with light levels as low as guidelines permit. Where lighting is required, in order to minimise the impact of lighting on bats, accessories such as hoods, cowls, shields or louvers must be used on all external lighting to ensure these features are not lit beyond 0.5 lux. In areas where lighting must be installed timers should be used to reduce the hours lit.

N.B. The use of low or high pressure sodium lamps instead of mercury or metal halide lamps is preferred due to the UV filtration characteristics or modern lighting solutions such as LED, highly directional, and/or light on demand.

Reason:

To minimise disturbance to bats, which are species protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and in accordance with Policy CCS19 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 109 and 118 of the National Planning Policy Framework 2012.

## **11      CONDITION: EXTERNAL MATERIALS**

### PRE-DAMP PROOF COURSE (DPC)

No development shall proceed past DPC level 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, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61 to 66 of the National Planning Policy Framework 2012.

## **12      CONDITION: SECURED BY DESIGN SILVER AWARD**

### PRE-OCCUPATION

Prior to the occupation the building hereby approved the applicant, developer or their successor shall demonstrate to the Local Planning Authority in writing that, as a minimum, the Secured by Design Silver Award (formally known as Part 2 of the Secure by Design Award) has been achieved.

Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with Policy CS32 of the Plymouth Local Development framework Core Strategy (2006-2021) 2007, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 58 of the National Planning Policy Framework 2012.

## **13      CONDITION: CAR PARKING PROVISION**

### PRE-OCCUPATION

No dwelling hereby approved shall be occupied until the car parking area shown on the approved plans has been drained and surfaced in accordance with the approved details, 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.

#### **14      **CONDITION: LANDSCAPE WORKS IMPLEMENTATION****

##### PRE-OCCUPATION

Landscape works shall include planting plans including the location of all proposed plants their species, numbers, densities, ground preparation, tree pit details, hardworks plans including all hard landscap finishes (surfaces, steps and boundaries) and boundary treatment details. All 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. The planting plans will have to accord with the approved Ecological Mitigation and Enhancement Strategy (October 2017, Ref: 0504-CT-EA) and incorporate night scented plants.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Polices DEV10 and DEV24 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61, 109 and 118 of the National Planning Policy Framework 2012.

#### **15      **CONDITION: SECURITY****

##### PRE-OCCUPATION

All gates to private pathways and ones giving access to side and rear gardens, shall have locks with key access. Details of these shall be submitted to, approved by the Local Planning Authority in writing, and shall be installed before any of the residential units requiring 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 Policy CS32 of the Plymouth Local Development framework Core Strategy (2006-2021) 2007, Policy DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 58 of the National Planning Policy Framework 2012.

## **16      CONDITION: BOUNDARY TREATMENT**

### **PRE-OCCUPATION**

No unit of accommodation hereby approved shall be occupied until all boundary treatment shown on the approved plans has been installed and has been confirmed as satisfactory, in writing, by the Local Planning Authority.

All boundary treatment shall be adequately retained and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority

Reason:

To ensure that the agreed boundary treatment is suitably installed and adequately performs its amenity role in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policies DEV10 and DEV20 of the Plymouth and South West Devon Joint Local Plan and paragraph 17 of the National Planning Policy Framework 2012.

## **17      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 the approved plans 04968 TPP Rev A and/or in accordance with Section 6.2 of BS 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained 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, Policy DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61,109 and 118 of the National Planning Policy Framework 2012.

## **18      CONDITION: TREE PROTECTION**

Unless otherwise agreed in writing by the Local Planning Authority, no soakaway shall be constructed within the Tree Protection Area of any of the retained trees.

Reason:

In the interests of the retention and protection of the retained trees on-site in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV30 of the Plymouth and South West Devon Joint Local Plan and paragraphs 61,109 and 118 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](http://www.plymouth.gov.uk/CIL). You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

#### **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 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: CODE OF PRACTICE**

The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

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

### **4 INFORMATIVE: NESTING SEASON**

It is an offence under the Wildlife and Countryside Act 1981 to damage to destroy the nest of any wild bird while it is in use or being built and it is also an offence to disturb many species of wild bird while nesting. The months to avoid are between March and August.

### **5 INFORMATIVE: TREE SURGERY**

All works to trees should be carried out in accordance with the relevant recommendations of BS 3998:2010 (Recommendations for Tree Work).

### **6 INFORMATIVE: PUBLIC HIGHWAY APPROVAL**

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

### **7 INFORMATIVE: STREET**

Should the development be realised in its current form then the access road/street serving the development would be a private street in perpetuity and subject to the Advanced Payment Code. The responsibility for the future maintenance and management of the private street, including the surface water drainage system and the future replacement of the soakaways serving the development, would lie with the owners of the properties, and the street should be managed and maintained by a Management Company.

## 8      **INFORMATIVE: SUPPORTING DOCUMENTS**

The following supporting documents have been considered in relation to this application:

Access Summary

Arboricultural Impact Assessment Report - 04968 AIA Rev A 2

Cellular Storage Infiltration

Cost Report for Refurbishment - 16 March 2018

Design and Access Statement

Desk Study & Ground Investigation - CBH-HYD-XX-DS-RP-G-1000

Drainage Review Letter - C06685/001/CJW

Ecological Appraisal (EA) & Ecological Mitigation & Enhancement Strategy (EMES) 0504-Ct-Ea Rev I

Flood Risk Assessment - 17125\_ FRA

Heritage Appraisal - HS18.06

Highway Soakaway Management and Maintenance

Hydrogeological Assessment for Drainage Strategy - CBH-HYD-XX-DS-RP-GE-2001-S2-P4

Letter from Current Owner

Letter from Stratton Creder Commercial

Lined Soakaways

Pervious Paving

Plot Soakaway Calculations

Structural Inspection Report - NMD/tae/17.577

Tree Survey - 04968