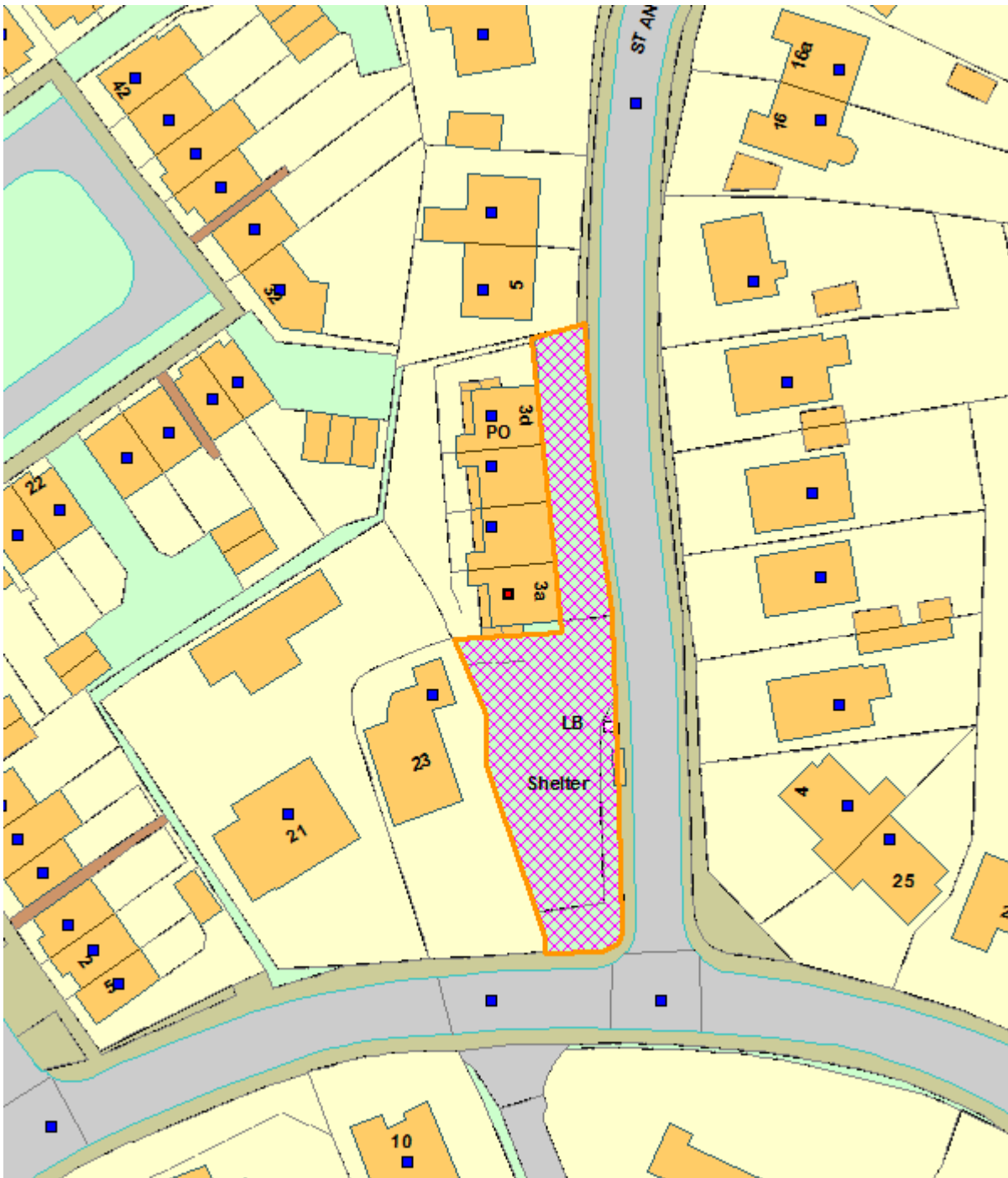


# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	18/01149/FUL	<b>Item</b>	<b>03</b>
<b>Date Valid</b>	29.06.2018	<b>Ward</b>	MOORVIEW

<b>Site Address</b>	Land Adjacent 3A St Annes Road Plymouth PL6 7LW		
<b>Proposal</b>	Erection of 4 bed detached dwelling with ancillary double garage and amenity areas		
<b>Applicant</b>	Mr S Larson		
<b>Application Type</b>	Full Application		
<b>Target Date</b>	<b>24.08.2018</b>	<b>Committee Date</b>	<b>13.09.2018</b>
<b>Extended Target Date</b>	<b>19.09.2018</b>		
<b>Decision Category</b>	Member referral		
<b>Case Officer</b>	Miss Amy Thompson		
<b>Recommendation</b>	Grant Conditionally		



This application has been referred to Planning Committee by Councillor Chris Mavin.

## **1. Description of Site**

The application site is a private car park located on the corner of St Anne's Road and Glenfield Road in the Glenholt area of the City. The car park serves an existing three storey block of seven flats with three shop units on the ground floor.

## **2. Proposal Description**

The proposal seeks to erect a four bedroom detached dwelling with ancillary double garage and amenity area on an existing private car parking area. The proposal includes the

reconfiguration of the existing car parking to create 12 marked out spaces. Two of these spaces would be provided for use by the new dwelling and would be in the form of a double garage, accessed from the main car park.

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

This application was the subject a DES pre-application enquiry which considered the acceptability of a dwelling in this location. The principle was supported by the Council and that the loss of parking would be a key consideration with any future application.

### **4. Relevant Planning History**

None.

### **5. Consultation Responses**

Local Highway Authority - No objection subject to recommended conditions.

Public Protection Service - No objection subject to recommended conditions.

Natural Infrastructure Team - No objection subject to recommended conditions.

### **6. Representations**

73 letters of objections and 2 petitions (one with 81 signatures and the other had 364 signatures) were received. The main concerns raised were:

#### Parking/ Highway

- Lack of parking will exacerbate existing on street parking problems.
- Lack of disabled parking and reduced access for disabled users to shops
- Reduced visibility splay at the junction for Glenfield Road/ St Annes Road.
- Impact on safety of pedestrians and vehicles using the car park due to cramped layout
- Residents of flats lose the right to park in car park.
- The proposed garages would not be used for parking of a vehicle and would result in a further increased in parking issues.
- Shared parking strategy would be unworkable.
- Access for emergency service will be restricted.
- Access to shop storage restricted due to parked cars.

#### Design

- Out of keeping with area which is mainly bungalow.

- Loss of historic hedge resulting in loss of birds and wildlife
- Overdevelopment of small site
- Loss of fire escape for residents and shop units
- Loss of access to storage rooms.

#### Amenity

- Loss of light and privacy to neighbouring residential property.
- Disruption and obstruction during construction of development.
- Air pollution to occupiers from living next to car park.

#### Community

- Insufficient parking will reduce footfall and have detrimental impact on local businesses and community as local residents rely on local businesses
- No benefit for the local community.

Due to amended plans being received the proposal was re-advertised for a 14 day period and eight additional letters of objections were received which raised similar concerns as noted above.

### **7. Relevant Policy Framework**

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007).

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

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

- For Plymouth's current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the

closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

- For the JLP which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at an advanced stage of preparation having now been 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

## **8. Analysis**

8.1.1. 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.

8.1.2. The principle issues in relation to this application are considered to be the Highways and Parking matters, Ecology and Biodiversity, Design and Layout considerations, Residential Amenity, and Contamination.

8.1.3. Therefore this planning application turns upon policies CS01 (Development of Sustainable Linked Communities); CS02 (Design); CS15 (Overall Housing Provision); CS16 (Spatial Distribution of Housing Sites); CS19 (Wildlife); CS22 (Pollution); CS28 (Local Transport Considerations) and CS34 (Planning Application Considerations) of the Local Development Framework Core Strategy.

8.1.4. 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); DEV28 (Protecting and enhancing biodiversity and geological conservation); DEV30 (Trees, woodlands and hedgerows) and DEV31 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan.

### Principle of Development

8.2.1. The proposal seeks to erect a detached four bedroom property with associated double garage and amenity area on part of an existing car parking area. The existing private car parking area is informally used and not marked out to show the designated spaces. The car park serves the existing three storey block of flats which contains seven units and three ground floor shop units. It is noted that there is a small number of non-residential uses within this area but the character of the area is primarily residential.

8.2.2. In principle, the erection of a residential dwelling on this site is considered to be acceptable given that the character of the immediate neighbourhood is primarily residential. The application site itself is set within an established residential area, and would be of a comparable size to the neighbouring developed plots. It is therefore considered that the principle of the development is acceptable.

8.2.3. The development is therefore considered to accord with policies within policies CS01, CS02, CS05, CS15 and CS34 of the LDF Core Strategy, policies SPT2, 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.

### Character and Appearance of the Area

8.3.1. The Sustainable Design Supplementary Planning Document highlights the varied characteristics of Plymouth's neighbourhoods and the need for development to reflect local distinctiveness, including urban setting, density and layout. The Supplementary Planning

Document states that new development should normally reflect the existing scale and massing of its surroundings. The existing block sizes, plot sizes, and street patterns should influence the layout.

8.3.2. The site is situated on the prominent corner of St Annes Road and Glenfield Road with the surrounding properties being made up of a mixture of bungalows, detached two storey dwellings and a block of flats. The properties in the area vary in design, style, scale and materials with no singular distinctive style within the locality.

8.3.3. The proposal seeks to erect a two storey detached dwelling with a pitched roof and detached sloping roof garage. The proposed dwelling would have two front facing facades, addressing the roads to south and east. The dwelling would be set approximately 8 metres from the pavement edge on Glenfield Road and approximately set back 1 metre from the pavement edge on St Annes Road. The proposed walls of the dwelling would be white rendered with stained timber cladding and grey windows and doors. The proposed garage would be set behind the proposed dwelling and adjacent St Annes Road.

8.3.4. Considering the varying design and scales of properties within the locality the proposed design of the dwelling and detached garage is considered acceptable and would not have a detrimental impact on the existing street-scene or be visually intrusive. Officers consider the proposed development would not be out of character of the area or demonstrably harm the pattern of development.

8.3.5. The development is therefore considered to accord with policies within policies CS01, CS02, CS15 and CS34 of the LDF Core Strategy, policies SPT2, DEV10 and DEV20 of the Joint Local Plan.

#### Local Highway Authority

8.4.1. The primary highway concern in respect of this proposal relates to the potential loss of car parking on the site serving both the residential and ground floor commercial units.

8.4.2. The proposal for the new dwelling includes the reconfiguration of the existing car parking to create 12 marked out spaces. Two of these spaces would be provided for use by the new dwelling and would be in the form of a double garage, accessed from the main car park.

8.4.3. A Transport Statement has been submitted to support the proposal. It states that the existing car park is large enough to accommodate 10/11 cars. The proposal seeks to provide 10 spaces on the main car park including the two spaces dedicated to the proposed dwelling. The remaining eight spaces would be used by the flats within the existing building which accords with maximum parking standards.

8.4.4. It is proposed that two additional spaces are marked out at the northern end of the site where an existing vehicle crossover exists providing car parking within the site at the rear of the footway. It is noted within the Transport Statement that while car parking for a single vehicle does occasionally already take place in this location, the proposal would formalise the use of these spaces to ensure that two vehicles can be parked. These spaces would generally be used as parking for the retail units.

8.4.5. The existing dropped kerb for the main car park is approximately 8.5 metres in width and it is proposed to reduce the overall width of dropped kerb to 4m in width which would provide an additional 4.5m of full kerb height reinstated along this section. This would, in effect, provide additional kerbside parking on front of the shops.

8.4.6. The Statement indicates that there will be no loss of car parking serving the seven existing apartments located above the shops, whilst two dedicated spaces will be provided to serve the proposed four bedroom dwelling.

8.4.7. With regard to the commercial units it has been suggested that most of this car parking takes place on-street which is unrestricted and that by reducing the width of the existing vehicular crossover to the parking area an additional on-street space will be created along with a further off-street space at the northern end.

8.4.8. However The Local Highway Authority have stated that it is likely that many customers of the retail units would use the existing off-road car parking area as the residential units would generate demand for car parking at different times to the commercial units. The Transport Statement also indicates that car parking demand for the residential elements is likely to be greatest during the evening, when the demand for car parking for the retail units would be at its lowest. On the basis that this practice is already likely to occur the Highway Authority have recommended a condition be attached relating to a Car Parking Management Strategy which would formalise the sharing of the car parking area between the retail and residential uses through appropriate signing and lining.

8.4.9. The application includes adequate parking provisions for the proposed dwelling and the existing residents of the flats and shop units and is therefore acceptable in principle, subject to conditions. The development therefore accords with policies CS28 and CS34 of the Core Strategy and DEV31 of the Joint Local Plan.



## Design, Layout and Amenity

8.5.1. The DCLG Technical housing standards - nationally described space standard (March 2015), supported by the Joint Local Plan, sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

8.5.2. The proposal offers approximately 112sqm of internal amenity space. The national minimum internal floor space for a four bedroom, two storey property is 97sqm. Therefore the proposal complies with the national standards for a four bedroom, two storey property.

8.5.3. The closest residential dwelling to the application site is 23 Glenfield Road, which is a detached bungalow situated to the northwest of the site and is separated by a hedged boundary. The rear of proposed dwelling would be approximately 6 metres away from the front of number 23 Glenfield Road at its closest point.

8.5.4. Concerns have been raised regarding the loss of light to the neighbours at 23 Glenfield Road. The officer visited the neighbouring site and it was noted that there was a habitable bedroom window on the front elevation that would be most at risk to the loss of light due to the proposed dwelling. Having considered the position of the property, the orientation of the site and the existing hedged boundary it was considered that the loss of light to the bedroom window would not be detrimental enough to warrant a refusal of this application.

8.5.5. It is considered that the proposal would not have a detrimental impact on the neighbour's privacy as there are no proposed windows on the western elevation that would cause any overlooking into habitable room windows or amenity areas. The only windows proposed on the western elevation is at ground floor level and serve a bathroom, and a condition will be added to ensure that this window is obscure glazed. It is noted that there are a tall hedged boundary between the application site and the neighbours at 23 Glenfield Road. If this was to be removed there would be overlooking from the neighbours property into the proposed amenity area of the proposed dwelling. It is therefore considered necessary to attach a condition to ensure that this boundary treatment is kept and maintained to protect privacy.

8.5.6. It is also noted that the windows proposed on the eastern and northern elevation would not directly look into the neighbours habitable room windows on the opposite side of the street at 4 St Annes Road and the block of flats to the rear. The properties to the east are approximately 21 metres away from the eastern elevation of the proposed dwelling and are separated by the main road. The block of flats to the rear are approximately 22 metres away from the rear of the proposed dwelling and have no habitable room windows overlooking the proposed dwelling. Paragraph 2.2.23 of the Development Guidelines Supplementary

Planning Document states that habitable room windows facing directly opposite one another should normally be a minimum of 21 metres apart, therefore this proposal complies with this guideline.

8.5.7. The Development Guidelines SPD states that "in order to protect the outlook of neighbouring properties, the minimum distance between a main habitable room window and a blank wall, should normally be at least 12 metres". The proposed dwelling is not situated directly in front of any neighbouring habitable room windows, it is therefore considered that the proposal would not have a detrimental impact on neighbours outlook.

8.5.8. The Development Guidelines SPD standard for external amenity space for a detached dwelling is 100m<sup>2</sup>, the proposed dwelling exceeds this guideline.

8.5.9. Having considered the internal layout of the dwelling and window positions will ensure that sufficient light levels will be afforded to future occupiers.

#### Drainage

8.6.1. The submitted information states that surface water shall be disposed of sustainably by soakaway, subject to confirmation by percolation testing. Foul drainage shall be connected to the mains sewerage system.

8.6.2. The Glenholt site is in Flood Zone 1 and is not located within a Critical Drainage Area. It is considered that the development will not be at risk of flooding nor present an increased risk of flooding elsewhere.

8.6.3. The principle of the drainage proposal is considered acceptable and accords with policy CS21 of the Core Strategy and policy DEV37 of the Joint Local Plan.

#### Natural Infrastructure

8.7.1. A Preliminary Ecological Appraisal has been submitted dated 5th June 2018 which concludes that "The development will result in a loss of hard-standing, amenity grassland and scattered broadleaved trees and has the potential to impact upon nesting birds, if left unmitigated. If the mitigation and enhancement recommendations are followed, then it is highly likely that there will be no negative impacts on ecological features of interest as a result of the new development. Furthermore, it has the potential to increase biodiversity on site post-development, by providing some of the following:

- Roosting opportunities within the new bat tubes in the new property;

- Nesting opportunities for birds in the new bird box/ house sparrow terrace on the new property;
- Nesting opportunities for native solitary bee species within the new bee brick provision;
- Nesting and foraging habitat for birds within new blocks of native shrubs and hedgerow; and
- Foraging habitat for mammals such as hedgehogs within the amenity Grassland".

8.7.2. A condition would therefore would be added to ensure the development complies with the mitigation and enhancement measures set out in the submitted Preliminary Ecological Appraisal.

8.7.3. There are two silver Birch trees on site, with one being showed to be retained, it is however noted that it is within close proximity to the proposed house. The Tree Officer has no objection to the removal of the trees as long as new planting takes place to mitigate their loss. The Tree Officer has also stated that the hedgerow need to be retained and protected during constructions. A pre-commencement condition will be added to ensure that details of tree planting and a landscape plan with a tree protection plan be submitted to ensure the hedgerow is protected during construction and to clarify whether one or two of the trees is to be removed and how their loss will be mitigated for onsite.

8.7.4. Officers consider that the proposal accords with Policies CS18 and CS19 of the Core Strategy and Policies SPT11, DEV28 and DEV30 of Joint Local Plan

#### Public Protection Service

8.8.1. The Phase I Contaminated Land Survey carried out by John Grimes Partnership (Ref: 14802/R1 Date: 14th June 2018) is accepted by the Public Protection Service and has therefore recommended that a condition be added requiring that the any unexpected contamination found on site will need to be reported to the Local Planning Authority.

8.8.2. The Public Protection Service has also recommended that due to the potentially noisy and disruptive activities involved in this development a condition should be added to control the hours of working. However a working hours are set out in the Councils Council's Code of Practice for Construction and Demolition Sites which developments in the city needs to adhere to, it is not considered necessary to add a condition restricting construction working hours.

8.8.3. Conditions will be imposed to ensure the proposal accords with policy CS22 of the Core Strategy and DEV2 of the Joint Local Plan.

## Other Issues

8.9.1. Due to concerns raised by the officer of disability access, the loss of the hedgerow and fire escape the plans were amended. The amended plans included a dedicated disabled car parking space within the car park, amended the layout of the car park to allow for a fire escape route to lead from the shop units onto the car park and relocated the garage so that it was situated on the eastern edge of the car park away from the existing hedge to ensure that it was retained.

8.9.2. In summary, officers are of the view that the proposed design and layout of the premises has worked well with the site to provide a premises that will afford a good standard living for future occupiers whilst at the same time protecting existing residents amenity. The proposal therefore accords with polices CS01, CS02, CS15, CS16 and CS34 of the Core Strategy and Polices SPT2, DEV1, DEV2, DEV10 and DEV20 of the Joint Local Plan.

## **9. Housing Supply**

Paragraph 73 of the NPPF stipulates that "Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old"

Paragraph 11 of the NPPF states that "plans and decisions should apply a presumption in favour of sustainable development" including applications involving the provision of housing. It also states (paragraph 11(d):"Where there are no relevant development plan policies, or policies which are most important for determining the planning application are out-of-date [the planning authority should] granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. 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."

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.

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 11 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

## **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**

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that while the letters of objection have raised concerns of the proposed development not considering the elderly or disabled users of the shop units in regards to access and fire escape the plans have been amended to include a disabled parking off street car parking space and suitable fire escape route that would be of a sufficient width for disabled users.

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

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 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); EV28 (Protecting and enhancing biodiversity and geological conservation); DEV30 (Trees, woodlands and hedgerows); DEV31 (Specific provisions relating to transport); and DEV37 (Managing flood risk and water quality impacts) of the emerging Joint Local Plan, as well as Policies CS01, CS02, CS15, CS16, CS18, CS19, CS21, CS22, CS28, and CS34 of the Local Development Framework Core Strategy, and national guidance and is therefore recommended for conditional approval. It is considered that the use of Joint Local Plan policies can be given moderate weight when determining this application as the policies used are similar to those used in the current development framework.

## **14. Recommendation**

In respect of the application dated 29.06.2018 it is recommended to Grant Conditionally.

## **15. Conditions / Reasons**

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

### **1      **CONDITION: APPROVED PLANS****

Tree Constraints Plan 05085-TCP-2018 - received 29/06/18

Arboricultural Impact Assessment 05085-AIA.LIP-2018 - received 29/06/18

Existing Site Plan SAR BPC 00 00 DR A 020 002 - received 29/06/18

Proposed Double Garage SAR BPC 00 00 DR 050 005 - received 29/06/18

Site Location Plan SAR BPC XX XX DR A 000 001 - received 29/06/18

Sketch Site Layout Proposal SK003 - received 17/08/18

Proposed House Plans and Elevations SAR BPC 00 ZZ DR A 050 004 Rev P2 received 17/08/18

Reason:

For the avoidance of doubt and in the interest of good planning, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the National Planning Policy Framework 2018.

### **2      **CONDITION: TREE PLANTING/MITIGATION****

#### **PRE-COMMENCEMENT**

No works or development shall take place until full details the proposed mitigation for the loss of the trees on site and landscaping works, including details of all proposed tree planting, tree protection plan, landscaping plan and the proposed times of planting and have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

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 and policy DEV30 of the emerging Joint Local Plan.

Justification: To ensure tree planting and landscaping can be properly incorporated within the development proposals.

### **3      **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

### **4      **CONDITION: REINSTATEMENT OF FOOTWAY****

#### PRE-OCCUPATION

The new dwelling shall not be occupied until the redundant section of footway crossover has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017 and paragraphs 91,102, 108 and 110 of the National Planning Policy Framework 2018.

### **5      **CONDITION: CAR PARKING PROVISION****

#### PRE-OCCUPATION

The new residential unit 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 emerging Plymouth and South West Devon JLP March 2017 and paragraphs 91,102, 105, 108 and 110 of the National Planning Policy Framework 2018.

## **6      CONDITION: TREE/HEDGEROWS TO BE RETAINED/PROTECTED**

No retained hedgerow (specifically the hedgerow on the western boundary of the site) shall be cut down, uprooted or destroyed, nor shall any retained hedgerow be topped or lopped, other than in accordance with the prior written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations. If any retained hedgerow is removed, uprooted, destroyed or dies, a replacement tree or hedgerow shall be planted and that tree or hedgerow shall be of such size and species and shall be planted at such a time and in a position to be agreed with the Local Planning Authority.

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

Reason:

To ensure that trees or hedgerows retained are protected during construction work and thereafter are properly maintained, if necessary by replacement, in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 124, 127, 170, and 175 of the National Planning Policy Framework 2018.

## **7      CONDITION: 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. 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 this condition has been complied with in relation to that contamination.

An investigation and risk assessment shall be undertaken subject to the approval in writing of the Local Planning Authority, and where remediation is necessary a remediation scheme shall be prepared subject to the approval in writing of the Local Planning Authority.

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

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 170, 178-183 of the National Planning Policy Framework 2018.

## **8      CONDITION: CAR PARKING MANAGEMENT STRATEGY**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Car Park Management Strategy (dated 15th August 2018) for the site.

Reason:

To enable vehicles used by occupiers of the residential units or visitors to the retail units to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Policy DEV31 of the emerging Plymouth and South West Devon JLP March 2017.

## **9      CONDITION: BIODIVERSITY**

Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Preliminary Ecological Appraisal (dated 5th June 2018 ) for the site.

## Reason

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34, Joint Local Plan Policies SPT11 & DEV28 and Government advice contained in the NPPF 2018 paragraphs 8, 170, 174, 175

## 10 **CONDITION: OBSCURE GLAZING**

Notwithstanding the provisions of Article 3 and Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the windows serving the bathroom in the west elevation shall at all times be obscure glazed (the glass of which shall have an obscurity rating of not less than level 5) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

## Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 127 of the National Planning Policy Framework 2018.

## **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 NEGOTIATION**

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

### **3      **INFORMATIVE: KERB LOWERING****

Before the accesses hereby approved are first brought into use it will be necessary to secure dropped kerbs and footway crossings with the consent of the Local Highway Authority. 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.

### **4      **INFORMATIVE: PROPERTY RIGHTS****

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

### **5      **INFORMATIVE: CODE OF PRACTICE****

The site is located in a residential area and in close proximity to sensitive receptors. Therefore the applicant will need to adhere to the Public Protection Service Code of Practice. The aim of this informative is to prevent or control any nuisance or negative impact on the environment and residential amenity arising from any work carried out. A copy of the Public Protection Service, Code of Practice for Construction and Demolition is available via the council website.