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**Strategic Planning and
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18 June 2021

Dear Sir/Madam

Town and Country Planning Act 1990

APPLICATION NO: 21/00478/FUL
SITE: St Helens Walk Plymouth PL5 4HQ
PROPOSAL: Construction of 7no. new dwellings with associated landscaping and roadworks inc. demolition of existing garages

Please find enclosed the Planning Decision Notice for the above site. This permission relates to the submitted plans which are listed and the development should be carried out in accordance with the details shown unless prior consent has been obtained in writing from the Local Planning Authority. Failure to comply with the approved drawings or to comply with the conditions contravenes the Town and Country Planning Act 1990 and could result in enforcement action being taken.

CONDITIONS

Your planning permission may carry conditions. Conditions are included to enable your development proposals to be acceptable. Your Decision Notice will identify whether these conditions will need to be discharged and at what stage in the development stage this is appropriate. Please speak to the case officer if you are unsure. By not discharging your conditions in a timely manner you may come across problems later, for example if you want to sell your property. You may also face an Enforcement investigation from the Council which could result in formal Enforcement action being taken against you. All discharge of planning conditions are by application and do carry a fee.

BUILDING REGULATIONS

It is important to note that applications for approval under the Building Regulations are dealt with separately from applications for Planning Permission. You should not commence works until all necessary consents have been obtained. To ascertain if your proposed works require Building Regulations approval or to discuss any Building Regulations issues please call 01752 304343 or go to <http://www.plymouth.gov.uk/planningandbuildingcontrol/buildingcontrolandregulations>

OFFICIAL

APPEAL

If you are aggrieved by a decision to refuse permission or to grant it subject to conditions you can appeal to the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/government/organisations/planning-inspectorate>.

Appeals must be made on the correct form relating to the type of application you submitted. Information provided as part of the appeal process will be published online. In some circumstances the Planning Inspectorate may refuse to consider an appeal.

- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Planning Appeals (Section 78 of the Town and Country Planning Act 1990).

- Householder appeals must be submitted within 12 weeks of the date of this notice
- Appeals related to shop fronts must be submitted within 12 weeks of the date of this notice
- Advertisement consent appeals must be submitted within 8 weeks of the date of this notice
- All other planning appeals must be made within 6 months of the date of this notice

Certificate of Lawfulness Appeals (Section 195 of the Town and Country Planning Act 1990)

- There is no time limit for submission of an appeal.

Listed Building Consent Appeals (Section 20 of the Planning (Listed Building and Conservation Areas) Act 1990).

- Appeals must be made within six months of the date of this notice.

If the local planning authority has failed to determine an application for express consent to display an advertisement or an appeal is being made against the grant of consent subject to conditions to which the applicant objects.

- within 6 months from the date on the decision notice, or within 6 months from the expiry of the period which the local planning authority had to determine the application.

For more information on the permitted timeframes for submitting an appeal, guidance is available online on the below link:

<https://www.gov.uk/guidance/appeals>

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Planning Inspectorate on appeal or on reference to the application to him.

These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.

CONTACT DETAILS

If you have any enquiries please do not hesitate to contact **Mr Jon Fox** on **01752 307798**.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Jon Fox', written in a cursive style.

Strategic Planning and Infrastructure

Dated: 18 June 2021

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Town and Country Planning Act 1990 Planning (Listed Building & Conservation Areas) Act 1990

In correspondence please quote application number: **21/00478/FUL**

APPLICANT: Gavin Sutton

SITE: St Helens Walk Plymouth PL5 4HQ

PROPOSAL: Construction of 7no. new dwellings with associated landscaping and roadworks inc. demolition of existing garages

Under the provision of the above act, Plymouth City Council hereby grants permission to carry out the development described in your application dated **15 March 2021**,

The development hereby permitted shall be carried out in accordance with the following conditions;

I **CONDITION: APPROVED PLANS**

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

Proposed Impermeable Areas Plan 1667 C-GA-106 Rev P2 received 15/03/21
Highway Layout 1667 C-GA-200 Rev P1 received 15/03/21
External Works 1667 C-GA-205 Rev P1 received 15/03/21
Drainage Strategy 1667 C-GA-100 Rev P2 received 15/03/21
Highway Long Sections 1667 C-GA-210 Rev P1 received 15/03/21
Swept Path Analysis 1667 C-GA-230 Rev P1 received 15/03/21
Overland Floor Exceedance Routes 1667 C-GA-250 Rev P1 received 15/03/21
Site Location Plan 1953 0005 Rev 02 received 15/03/21
Proposed Block Plan 1953 2000 Rev 03 received 27/05/21
Proposed Plans - Terrace 1953 2100 Rev 02 received 27/05/21
Proposed Plans - Bungalow 1953 2101 Rev 02 received 27/05/21
Proposed Elevations - Terrace 1953 2200 Rev 02 received 27/05/21
Proposed Elevations - Terrace 1953 2201 Rev 02 received 27/05/21
Proposed Elevations - Bungalow 1953 2202 Rev 02 received 27/05/21
Proposed Context Elevations 1953 2203 Rev 02 received 27/05/21
Proposed Site Section 1953 2300 Rev 03 received 27/05/21
Proposed Site Plan 1953 2001 Rev 04 received 17/06/21

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Indicative Landscape Scheme Showing First Floor in Context I953 2002 Rev 04
received 17/06/21

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 **CONDITION: COMMENCE WITHIN 3 YEARS**

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

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 **CONDITION: LANDSCAPE DETAILS**

PRE-DAMP PROOF COURSE

Prior to construction reaching damp proof course level details of the landscape works shall be submitted to and approved in writing by the local planning authority. The landscape works shall accord with the following approved drawings and reports:

Indicative Landscaping Plan ref:I953 2002 REV3

The landscape works shall include:

i. Soft landscape details:

- a. Full soft landscape specification; plant species and size (to HTA standards).
- b. The arrangement of proposed soft landscape elements and soil layouts/elevations (min 1:200 scale). Plans should include a planting schedule for reference.
- c. Planting details (1:20 scale or as appropriate)

ii. Hard Landscape Details: to provide:

- a. Drawings identifying the arrangement of proposed hard landscape elements including (but not limited to) paving materials, street furniture and boundary treatment materials (min 1:200 scale)
- b. Plans should include a specification of the hard landscape materials (e.g. paving materials), street furniture and any boundary treatments.

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c. Boundary treatment details (1:20 scale or as appropriate) e.g. mesh surrounding car park

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. Any dead or defective planting shall be replaced with a period of 5 years.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with JLP policy DEV20 and DEV23 and Paragraph 127 of the National Planning Policy Framework.

4 **CONDITION: HIGHWAY DILAPIDATION SURVEY**

PRE-COMMENCEMENT

No works other than demolition shall commence on-site until the applicant has undertaken a highway dilapidation survey in consultation with the Local Highway Authority. The survey shall assess the existing condition of all highway infrastructure adjoining the site which will be impacted upon through the construction activities associated with the development hereby approved. This shall also include routes to and from the site being used by construction traffic.

Reason:

To ensure that any damage to the existing highway infrastructure arising from the construction of the proposed development is properly recorded and addressed by the developer on completion of the works in the interests of the safety of all users of the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP March 2019 and the National Planning Policy Framework. This pre-commencement condition is required to ensure the safety of road users and pedestrians.

5 **CONDITION: CONSTRUCTION TRAFFIC MANAGEMENT PLAN**

PRE-COMMENCEMENT

The highway works hereby proposed shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a Construction Traffic Management Plan (CTMP). The said CTMP shall be submitted prior to the commencement of the highway works and shall include details relating to the detailed programme of works, details of construction vehicle movements including number, type and size of vehicles; construction operation hours; routes being used by construction vehicles and contractors

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parking arrangements. The highway works hereby proposed shall be carried out strictly in accordance with the approved CTMP.

Reason:

To ensure that the traffic impacts associated with the construction phase of the works does not lead to adverse impacts upon the operation of the Local Road Network in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019 and the National Planning Policy Framework. This pre-commencement condition is required to ensure the safety of road users and pedestrians.

6 **CONDITION: PARKING PROVISION**

PRE-OCCUPATION

Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019 and the National Planning Policy Framework.

7 **CONDITION: ELECTRICAL VEHICLE CHARGING PROVISION**

PRE-OCCUPATION

No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for the provision of 1 standard electrical vehicle dedicated charging point per dwelling served with a driveway, a minimum of 2 charging points to serve the other car parking spaces and for 50% of the remaining spaces to be served with passive wiring to allow a future connection. The electrical vehicle charging point shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote sustainable modes of transport in accordance with Policy DEV29 of the Plymouth and South West Devon JLP 2019 and the National Planning Policy Framework.

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8 **CONDITION: CYCLE PROVISION**

PRE-OCCUPATION

No dwelling shall be occupied until the bike stores shown on the submitted plans have been installed in accordance with the specifications sheet. The secure storage facilities for storing bicycles shown on the approved plan shall remain available for their intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034 and the National Planning Policy Framework.

9 **CONDITION: SERVICE ROADS**

PRE-OCCUPATION

No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034 and the National Planning Policy Framework.

10 **CONDITION: CONSTRUCTION OF ACCESS ROAD**

PRE-OCCUPATION

As the new access road is proposed as a shared-surface street, for reasons of pedestrian safety, it will need to be constructed in a distinctively different, contrasting material to differentiate between the traditional street layout as existing at St Helens Walk. The access road must therefore be constructed in concrete (unless otherwise agreed in writing by the Local Planning Authority), which is in accordance with these requirements and therefore acceptable in-principle to the Local Highway Authority. Accordingly, no dwelling shall be occupied until the concrete access road has been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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Reason:

To ensure that an appropriate and safe access is provided in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 - 2034 and the National Planning Policy Framework.

11 **CONDITION: BOUNDARY TREATMENT**

PRE-OCCUPATION

The boundary treatment shown on the approved plans shall be completed before any of the dwellings are occupied and the fencing shall thereafter be retained and shall at all times be of a non see-through construction.

Reason:

To preserve privacy and to ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policies DEVI and DEV20 of the Plymouth and South West Devon Joint Local Plan and the National Planning Policy Framework.

12 **CONDITION: BIRD/BAT BOX / ECOLOGICAL MITIGATION**

PRE-OCCUPATION

Before any dwellings are occupied bird/bat bricks shall be installed within the fabric of the building in the locations indicated on the Indicative Landscaping Plan ref:1953 2002 REV3, and the hedgehog hole shall be provided within the site's boundary. Specifications and locations of these within the building/site shall be submitted to and approved in writing by the Local Authority.

Reason: In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Joint Local Plan Policies SPT11 & DEV26 and Government advice contained in the National Planning Policy Framework.

13 **CONDITION: LOCKABLE GATES**

PRE-OCCUPATION

All gates to private pathways and gates to the rear of properties shall have locks with key access (long throw key operated bolt). Details of these shall be submitted to and approved by the Local Planning Authority, in writing, and shall be installed before any of the residential units requiring using the respective private pathways and parking courts are occupied.

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Reason:

To ensure that satisfactory measures are put in place to help design out crime, in accordance with policies Dev 10 (2) and Dev 20 (6) of the Plymouth & South West Devon Joint Local Plan 2014-2034, and paragraph 12 of the National Planning Policy Framework.

14 CONDITION: 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. 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 and where remediation is necessary a remediation scheme shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report 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 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; and to avoid conflict with Policies DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and Southwest Devon Joint Local Plan 2014-2034 and the National Planning Policy Framework.

15 CONDITION: PRESERVATION OF SERVICE VEHICLE TURNING HEAD

Notwithstanding the submitted boundary details no structure, erection, other obstruction, or vegetation shall be placed or allowed to grow along the boundary between the private property and street edge along the southwest side and vicinity of the vehicle Turning Head (specifically along the side and front of Plot 1 and opposite) in order to accommodate the side oversail of large service vehicles, where sufficient clearance needs to be preserved to allow service lorries to turn without obstruction, as indicated on the refuse lorry wheel tracking plan shown on application drawing titled and numbered Swept

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Path Analysis I667- C GA-230 Rev PI.

Reason:

To preserve at all times adequate turning provision for large service vehicles in the interests of public safety and convenience in accordance with Policy DEV29 of the adopted Plymouth & Southwest Devon Joint Local Plan 2014 2034 and the National Planning Policy Framework.

16 **CONDITION: EXISTING 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 Drawing No: 20.16/TPP RevA 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 the trees on site are protected during construction work in accordance with policy DEV28 of the Plymouth and South West Devon Joint Local Plan and paragraphs 127, 170 and 175 of the National Planning Policy Framework 2019.

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INFORMATIVES

1 **INFORMATIVE: (CIL LIABLE) DEVELOPMENT LIABLE FOR COMMUNITY INFRASTRUCTURE CONTRIBUTION**

The Local Planning Authority has assessed that this development will attract an obligation to pay a financial levy under the Community Infrastructure Levy Regulations 2010 (as amended). Details of the process can be found on our website at www.plymouth.gov.uk/CIL. You can contact the Local Planning Authority at any point to discuss your liability calculation; however a formal Liability Notice will only be issued by the Local Planning Authority once "planning permission first permits development" as defined by the CIL Regulations. You must ensure that you submit any relevant forms and get any pre-commencement details agreed before commencing work. Failure to do so may result in surcharges or enforcement action.

Further information on CIL can be found on our website here: <https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal: https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here: <https://www.gov.uk/guidance/community-infrastructure-levy>

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 the National Planning Policy Framework 2019, 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 developer should adhere to the Public Protection Service, Code of Practice for Construction and Demolition Sites, which is available from: <https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

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4 **INFORMATIVE: PROTECTED SPECIES**

The proposed works may take place on a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. For further information please contact Plymouth City Council's Natural Infrastructure Officers. In practice, if any protected species are found on site (such as nesting birds, bats or reptiles) works must cease immediately, and a suitably qualified Ecologist consulted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'E. J. Smith', is positioned below the 'Yours faithfully' text.

Strategic Planning and Infrastructure

Dated: 18 June 2021

Your experience of the planning process is important, Plymouth City Council are always looking for ways to improve customer service. We may get in touch with you to find out about your experience once you have a decision on your application.