

ITEM 05:

Application Number: 10/00499/FUL

Applicant: Harbour Avenue Limited

Description of Application: Redevelopment of site and erection of 17 no 3 bed terraced houses and 6 no 2 bed apartments with associated car parking and landscaping.

Type of Application: Full Application

Site Address: LAND REAR OF QUEEN ANNES QUAY OFF PARSONAGE WAY COXSIDE PLYMOUTH

Ward: Sutton & Mount Gould

Valid Date of Application: 06/04/2010

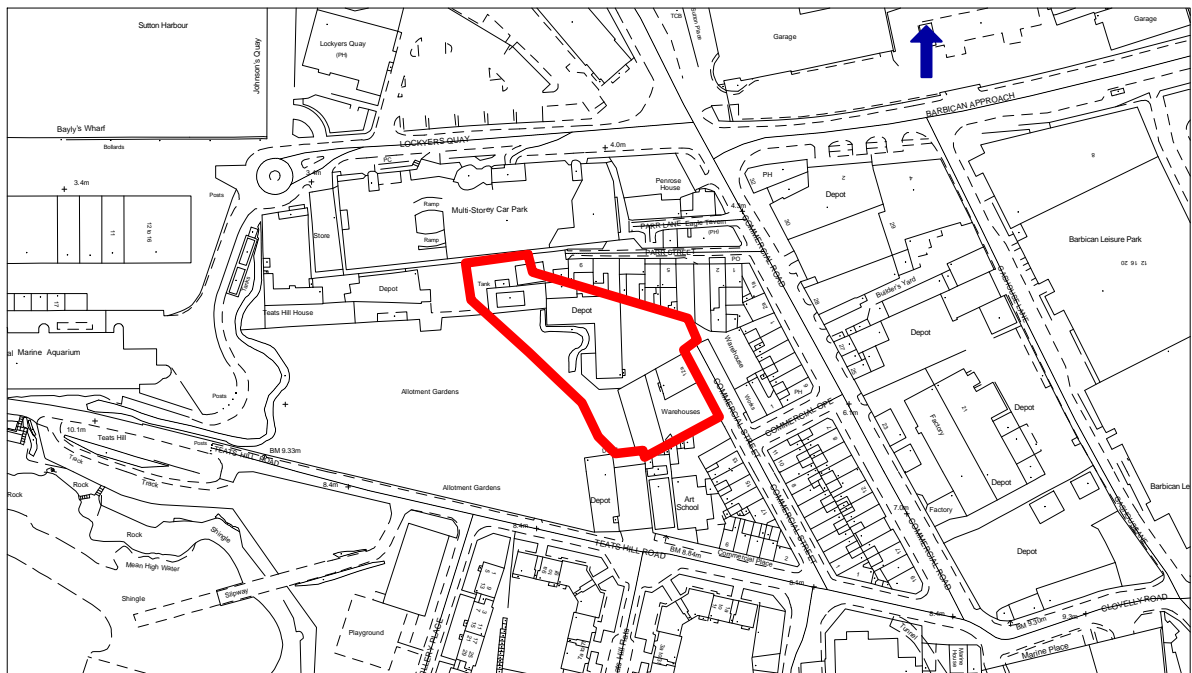
8/13 Week Date: **06/07/2010**

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Grant conditionally subject to S106 Obligation, Delegated authority to refuse is S106 not signed by 29 September 2010

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OFFICERS REPORT

Update

At the previous committee on July 1st the Officers recommendation, via an addendum report, to defer a decision on this application on land contamination grounds only (the planning merits of the scheme being considered acceptable) was supported by members.

A Phase 2 Site Investigation and Risk Assessment has now been received and following consideration of this the Councils Public Protection Service has stated that it no longer objects to the application being granted planning permission, subject to conditions. These conditions are attached as numbers 13, 14, 15, 16 and 17.

For reasons set out in the report below, the application is recommend for approval subject to conditions and the completion of a Section 106 Legal Agreement, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed within 2 months of the date of this committee.

At the last meeting the case officer gave a full presentation of the proposal and it was deferred only on land contamination grounds. It is anticipated that the discussion this time will therefore centre around the remaining issue of land contamination (the other planning merits of the scheme not being raised as a matter for deferment).

The report as set out below is the report that was included on the committee agenda for the meeting of the 1st July 2010.

Site Description

The site is located in Cattedown, an area which is situated on the eastern fringes of the City Centre and just to the south of Sutton Harbour. It lies just behind the existing development of luxury flats known as Queen Annes Quay and is 0.315 hectares in area. It is a non prominent location, being a flat site hidden from view by the existing Queen Anne's Quay flats to the south and west, the existing buildings on Commercial Street and Parr Street which are located to the north, east and south of the site and the Lockyers Quay Multi Storey Public car park to the north. The site was formerly occupied by buildings used for warehousing before they were recently demolished. The surrounding area is characterised by a mix of uses, including residential, commercial, retail and leisure.

Proposal Description

It is proposed to erect seventeen 3 bed terraced houses and six 2 bed apartments with associated car parking and landscaping.

Relevant Planning History

10/00198/FUL - Redevelopment of site and erection of 17no 3 bed terraced houses and 6no 2 bed apartments with associated car parking and landscaping. WITHDRAWN.

Consultation Responses

Public Protection Service

Comments to follow

Highway Authority

Support subject to conditions

Representations

21 letters of representation received, all in objection to the application. The grounds of objection are summarised below:

- There is no demand for new housing in the area.
- The proposed dwellings have limited garden space and will receive only limited amounts of natural light, also having a poor outlook.
- The development would result in a reduction in visitor spaces available for the existing Queen Annes Quay development.
- Commercial Street could be used as an additional or alternative access point.
- The development does not provide the range of housing types that is required by the community.
- The site is being over developed and the density should be reduced.
- The proposed access point is unsuitable to cater for additional traffic or the emergency services.
- The proposed development will not make best use of natural light.
- The development does not provide enough parking.
- Increased traffic in the area would be dangerous as many children play in the street by the Teats Hill Flats.

Analysis

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.

As stated above, the application proposes to erect seventeen 3 bed terraced houses and six 2 bed apartments with associated car parking and landscaping. The site is almost level and the development is therefore not constrained by any existing topography. The proposed layout has been arranged at the site so that 8 of the proposed dwellings form a segmented (2 blocks of 4 dwellings) arc that sits behind the existing crescent shaped apartment block to the south, on the western part of the site. These dwellings

will have access from the existing gated access road (Parsonage Way) that serves the existing building.

The remaining units are served by a new private drive that is arranged as a cul de sac that is accessed from Parsonage Way, on the eastern part of the site and therefore closer to the gated access point than the 8 dwellings referred to above. This is positioned at a right angle to the existing access drive (Parsonage Way) just as it begins to run adjacent to the rear of the existing apartment block, providing access to 9 dwellings and 6 flats. These are arranged in a terrace of 6 on the southern side of the road and a terrace of 3 on the northern side, with the new apartment block located on the corner and being double aspect so that there is a continuous street frontage to both Parsonage Way and the new private drive. Each dwelling has a private garden, garage and parking space and the proposed apartment block benefits from communal garden space and 9 parking spaces (6 dedicated and 3 visitor spaces).

It is considered that the main issues in the consideration of this application are the principle of the proposed development; the impact that it will have on the character and appearance of the area; impact upon design and visual amenity; impact upon nearby properties residential amenities and impact upon the surrounding highway network. These issues will now be addressed in turn:

Principle of Development

The site was previously occupied by recently demolished warehouse buildings and is thus considered to be brownfield land. It was also previously allocated for residential development in the First Deposit Local Plan under proposal 29. It is therefore considered that residential development of the site is acceptable in principle.

Layout, Character and Appearance

Policy CS43 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) refers to siting, layout, orientation, local context and character. The form of existing development in the area is diverse, there is an existing modern 7 storey 'crescent shaped' block of luxury apartments immediately to the south of the site, a large multi storey car park to the north and west and more traditional terraced houses to the north and east. Density levels in the area are quite high due to the presence of terraced houses and the luxury apartments referred to above, as well as Teats Hill flats which are within close proximity to the south of the site.

The site is hidden from many of the nearby areas by the existing development that surrounds it and therefore occupies a location that is not prominent. With regards to layout generally, the proposal is reflective of the existing built form in the area by providing terraced dwellings.

Specifically, eight dwellings are positioned to the rear of the existing block of flats and oriented to face south, reflecting the crescent shape and orientation of the existing block of flats. The other 9 dwellings and new block of 6 flats

form a small cul de sac within the site that incorporates a turning head for vehicles. Six of the dwellings will be located on the eastern side of the cul de sac and the remaining three dwellings and block of six flats are on the western side. All face onto the cul de sac, which is designed to an adoptable standard.

The layout of the site is considered to be a positive response to the constraints of the site, ensuring that all proposed dwellings face the access road and provide natural surveillance of all areas at the site that are not private. The Councils Architectural Liaison Officer has commented that this will help to reduce the risk of crime at the site (although this is already low due to the gated access point) and it is positive that there are no areas within the development where there is confusion about whether land is private or communal. Corner dwellings have been designed as double fronted to ensure that natural surveillance of cornered areas is maintained and small areas of planting at the site provide an element of soft landscaping in this inner city location.

The back gardens of the majority of the proposed dwellings are positioned back to back with rear gardens of the existing surrounding dwellings on Parr Street, a recognised characteristic of good urban design practice. Each dwelling has a private rear garden and patio and the proposed apartment block has a communal garden with shared clothes drying facilities. A full range of amenities is therefore provided for potential future occupiers.

The density level at the site is 72 dph, with buildings occupying 33% of the overall site area. This is considered acceptable, as with all inner city and central areas density levels are slightly higher than average, particularly when a development includes flatted units.

Overall, it is considered that the proposals would provide a well thought out development that is a positive response to the irregular shape of the site. It has public and private spaces that are safe, attractive, easily distinguished and accessible. The layout of the development is therefore considered acceptable and compliant with Policy CS34.

Design and Visual Amenity

The whole site follows the same design form and the different dwelling types and apartment block contain some very similar features that ensures that the scheme has balance and a considered design approach, through subtle repetition of features and materials. The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth, but subtle use of timber (another local waterfront material) and glazing on features such as projecting bays ensures that the external appearance and elevations are interesting and varied. The materials palette is respectful of the surrounding development whilst introducing contemporary materials such as standing seam metal, which is also used on the existing Queen Annes Quay apartment block.

The scale and massing of the proposed development is considered appropriate for the site. Fourteen of the seventeen dwellings are 3 storey and thus very similar in height to the majority of the surrounding dwellings. The three remaining dwellings are 2 storey, being corner properties with different footprints and layouts, due to the shape of the site. The block of six apartments is the most significant building within the site, turning the corner created by the proposed new cul de sac. Whilst it is slightly different in design to the terraced units, the use of a similar materials vocabulary ensures the proposed apartment block integrates smoothly into the overall scheme.

It is considered that the proposed development provides a high quality contemporary housing scheme that is sensitive to the character of the surrounding area, respecting elements of the more traditional housing in the area whilst not being a slavish copy of it and introducing modern elements of building design and contemporary materials. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with Policy CS02 (Design) of the City of Plymouth Local Development Framework Core Strategy (2007).

Residential Amenity

It is important that all new residential development should be designed to ensure that the degree of privacy enjoyed by existing nearby properties is not unacceptably reduced and that new problems of overlooking are not created. It is also imperative that the relationship between the new dwellings proposed is acceptable and that each property has an adequate level of privacy and natural light.

The layout of the site has been arranged in order to minimise impact on the surrounding properties. The existing residential properties in closest proximity to the site are the existing apartment block known as Queen Annes Quay (to the south of the site) and those dwellings to the north of the site on Parr Street (numbers 5, 6, 7, 8 and 9).

Taking the Queen Annes Quay apartment block first; this is a 7 storey building that is oriented to face south and therefore the main windows of habitable rooms in this building are on its front elevation that looks seawards, and not its rear elevation which is the elevation that faces the proposed development. The minimum separation distance between the new dwellings proposed and the rear of the main Queen Annes Quay building is 20 metres at the closest point, an adequate separation distance that ensures that problems of overlooking and loss of privacy are not created. With regards to dominance, the Queen Annes Quay apartment block is 7 storeys high and thus the proposed 3 storey dwellings will not impact upon the existing apartment block, with the 20 metre gap ensuring that the new dwellings (being south facing) still receive adequate levels of daylight. The relationship between the proposed new dwellings and the existing apartment block is considered acceptable, and is similar to existing relationships between properties in the city that are on opposite sides of a residential street.

The 5 properties (numbered 5, 6, 7, 8 and 9) that are located to the north of the site on Parr Street all face north and are thus positioned 'back to back' with the closest proposed dwellings within the site. They are therefore separated by gardens and their front elevations face in opposite directions. Whilst the closest relationship between the rear elevations of the existing dwellings on Parr Street and those proposed within this application is 13 metres, the proposed dwellings are oriented in such a way that direct conflict is avoided and no significant overlooking or loss of privacy is created.

The layout of the site has been arranged so that the relationship between the proposed dwellings and apartments within the site is not unacceptable and the application is therefore considered compliant with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007).

Highways Issues

The application proposes to provide each dwelling with 1 off-street parking space and an integral garage, equating to 2 off street parking spaces per dwelling. The block of flats will have the benefit of 9 off-street parking spaces, at a ratio of 1.5 spaces per unit (shown arranged as 1 space per flat with 3 visitor spaces). These provisions accord with current and emerging maximum parking standards.

The agent has confirmed that the 8 existing visitor parking spaces at the site, currently serving the Queen Annes Quay apartment block, will be replaced with 7 spaces split between the east and west areas of the existing car park. Although this will result in the loss of 1 visitor space it is accepted that these spaces are all in the ownership of the applicant and are not allocated to the adjoining development. As such, in terms of parking, the development provides adequate car parking and does not utilise or rely on the existing Queen Annes Quay parking allocation.

The applicant has confirmed that the new cul de sac will be made up to adoptable standards, in accordance with City Council Policy, but will remain private. As such the existing access gates to the Queen Anne's Quay apartment block will remain in situ. The development will be made exempt from the provisions of the Advance Payment Code, section 219-225 Highways Act 1980, and as such will be suitable for private ownership. The agent has confirmed that a management company will be in place to maintain the roads.

The site access, onto Teats Hill Road, is already adopted as Highway and as such is deemed suitable for the traffic generated by the development. The junction is within an existing 20mph zone and the configuration and visibility of the junction is designed to an acceptable standard.

The site is considered to be situated in a sustainable location and is within close proximity to public transport services on Sutton Road. It is within a short walking distance of local shops and the City Centre and it is therefore likely that although car parking is provided residents will choose more sustainable travel choices rather than paying parking charges within the City. The

Councils Highways Officer is supportive of the application, recommending approval subject to conditions, and the application complies with Policy CS28 (Local Transport Considerations) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Sustainable Resource Use

Policy CS20 (Sustainable Resource Use) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) requires all new residential developments of 10 units or more to incorporate onsite renewable energy production equipment to off set at least 15% of predicted carbon emissions for the period 2010 – 2016.

The application includes an energy compliance report for each proposed dwelling. In order to meet the requirements of Policy CS20 each dwelling is proposed to have Photovoltaic Panels and Solar Water Panels installed on the roof. With regards to visual impact, the panels will be almost flush with the roofline and will not be visible from the street.

Photovoltaic Panels generate electricity from light and their energy source is therefore sunlight, meaning that they do not require fuel to operate and produce no air pollution or hazardous waste. Solar Water Panels require no grid connection and are used for the heating of water. Their power source is also sunlight and whilst they are particularly useful in the summer months, a boiler is also required to provide hot water during the winter months.

The use of Photovoltaic and Solar Water Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

Letters of Representation

As stated above in the representations section of this report, 21 letters of objection have been received, for reasons that have already been summarised above. Many of the issues raised and summarised have already been discussed above in the main part of this report. However, those not yet discussed are addressed below:

- *There is no demand for new housing;* There is a need to provide a balanced community and new homes for a growing population, in order to meet general housing and affordable housing targets.
- *Commercial Street could be used as an additional/alternative access;* The application proposes access to the site from Parsonage Way and this is considered acceptable and the Highways Officer is supportive of the application.
- *The development does not provide the range of housing types required by the community;* This is not correct, the area is characterised by smaller flatted units and the majority of the dwellings proposed in the application are family homes, which are required in the area to ensure that the local community is balanced. Affordable housing need is also very high and the application provides 4 affordable housing units.

Equalities & Diversities issues

This development affects people of all ages and from all backgrounds as it provides open market housing that will be made available for sale to the general public. It specifically affects those on lower incomes on the Councils Housing Register as it provides 4 units of the total number of 23 as affordable housing, to be managed by a Housing Association. Older people will also be specifically affected as the development will provide 20% of dwellings to Lifetime Homes standard. The benefits to these groups are considered to be positive.

No negative impact to any equality group is anticipated. The financial mitigation, secured by Section 106 under the Plymouth Development Tariff will benefit the whole community by providing money to be spent on Green Space, Sport and Recreation, Libraries, Health, Children Services and the Public Realm.

Section 106 Obligations

The application is accompanied by a viability assessment that states that the development would not be viable if it was required to provide 30% of units as affordable housing. Policy CS15 (Overall Housing Provision) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) states that on qualifying developments of 15 dwellings or more, at least 30% of the total number of dwellings should be affordable homes, to be provided on site without public grant (subject to viability assessment).

The Local Planning Authority have scrutinised the viability assessment (produced for the applicant by Vickery Holman Property Consultants) and agree that generally, the assumptions made in this report are a fair reflection of the current market. Whilst the applicant has agreed to pay the full tariff (at a 50% discount according to the Market Recovery Scheme due to the site being brownfield land), the viability assessment states that the proposed development would not be viable if affordable housing was required to be provided at the site, in accordance with the Councils Policy of 30% provision.

Through a combination of challenges to certain information contained within the viability assessment and negotiations with the preferred RSL partner about the value and location of potential affordable units, despite compromised viability, agreement has been reached with the applicant to provide 4 Affordable Housing units at the site, comprising of 2 flats and 2 houses (with 2 flats for shared ownership and 2 houses for social rent). This compromise, achieved through positive negotiation with the applicants property consultants, adequately addresses concerns that the application did not contain any affordable housing units. The compromise of a 4 unit affordable housing package would provide housing for identified local needs, achievable 'affordability', and 19% affordable housing delivery at the site.

Whilst the provision of 4 affordable housing units at the site compromises the developers profit on costs to slightly below the 20% target required to ensure

a viable development, it was deemed close enough (19.77%) that the Local Planning Authority was justified in making the case that four units should be the minimum provision at the site. In addition, given the likelihood of future increase in sales values and the contingencies that were already provided within the viability assessment, it is likely that the development could ultimately achieve a profit in excess of 20%. In this event, the Local Planning Authority has agreed (by further negotiation with the applicants property consultants), a clawback mechanism within the Section 106 Agreement to obtain additional planning gain in the event that the development achieves more than a 25% profit-on-cost.

The application has been assessed against the Governments Community Infrastructure Levy (CIL) and it is considered that the financial obligations required by the Plymouth Development Tariff of £120, 497 meet the 3 CIL tests and that the obligation is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Conclusions

To summarise, this application will provide 23 new residential units (17 houses and 6 apartments) with 19% to be provided as affordable housing, to be managed by a Registered Social Landlord. Ancillary car parking and landscaping are also provided as part of the development package and the applicant has agreed to pay the financial contributions considered necessary under the Community Infrastructure Levy.

It is considered that the application proposes high quality contemporary housing with a design solution that is modern and innovative, ensuring consistency in appearance through subtle repetition of features and materials. The layout is a positive response to the constraints of the site.

The proposed development would not impact significantly upon nearby properties residential amenities due to the layout and orientation of the proposed dwellings and would not harm the surrounding highway network, providing adequate levels of off street car parking. The application is therefore recommended for approval, subject to conditions and the successful completion of a S106 agreement by the 5th July 2010, with delegated authority sought to refuse the application if the Section 106 Agreement is not signed by this date.

Recommendation

In respect of the application dated **06/04/2010** and the submitted drawings, **653-301/P, 653-300/P, 653-302/A, 653-320/A, 653/321/A, 653-322/P, 653-323/A, 653-324/A, 653-325/A, 653-326/B, Energy Statement, Contaminated Land Report and Development Appraisal, and accompanying Design and Access Statement** , it is recommended to: **Grant conditionally subject to S106 Obligation, Delegated authority to refuse is S106 not signed by 29 September 2010**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) 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.

DETAILS OF BOUNDARY TREATMENT

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

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(3) 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 Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

ROAD ALIGNMENT AND DRAINAGE

(4) Development shall not begin until details of the vertical alignment for the new street areas have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

To provide a road and footpath pattern that secures a safe and convenient environment and to a satisfactory standard in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

COMPLETION OF ROADS AND FOOTWAYS

(5) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 4 above before the first occupation of the penultimate dwelling.

Reason:

To ensure that an appropriate and safe access is provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(6) The secure area for storing cycles 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:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(7) No development shall take place until samples 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.

CODE OF PRACTICE DURING CONSTRUCTION

(8) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase 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.

ON SITE RENEWABLE ENERGY PRODUCTION

(9) The development shall be constructed in accordance with the details contained within the applicants Energy Statement and individual Energy Compliance Reports for each dwelling, showing that 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, for the period 2010-2016. The hereby 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 up to 2016, in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

PROVISION OF LIFETIME HOMES

(10) The development shall be constructed strictly in accordance with drawing no. 653-326/B which shows 5 units (plots 1, 7, 10, 11 and 23) within the development hereby approved to be constructed to Lifetime Homes standards. The layout of the floor plans hereby approved shall be permanently retained for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

Reason:

In order to provide 20% Lifetime Homes at the site, in accordance with Policy CS15 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

PROVISION OF DRAINAGE WORKS

(11) Development shall not begin until details of drainage works and surface water disposal have been submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.

Reason:

To ensure that satisfactory infrastructure works are provided in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FURTHER DETAILS

(12) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: details of a refuse storage facility for the apartment block hereby approved. 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.

SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

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

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

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

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.

SUBMISSION OF REMEDIATION SCHEME

(14) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not

qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

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

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

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.

REPORTING OF UNEXPECTED CONTAMINATION

(16) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 15.

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.

LAND QUALITY

(17) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 13 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 16 has been complied with in relation to that contamination.

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.

INFORMATIVE: EXCLUSION FROM PPZ

(1) The applicant should be made aware that the development lies within a resident permit parking scheme which is currently over-subscribed. As such the development will be excluded from obtaining permits and visitor tickets for use within the area.

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(2) The management plan required by condition 8 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. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be the impact of the proposed development on visual and residential amenity and the surrounding highway network, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (1) policies of the

Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, and (b) relevant Government Policy Statements and Government Circulars, as follows:

- PPS3 - Housing
- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS20 - Resource Use
- CS22 - Pollution
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- CS16 - Housing Sites
- SPD1 - Development Guidelines