

PLANNING APPLICATION REPORT



ITEM: 02

Application Number: 11/01250/FUL

Applicant: Barratt Homes Exeter

Description of Application: Re-development of site by erection of 222 new dwellings, provision of new public open space, ancillary access roads, improvements to Barton Road and associated works

Type of Application: Full Application

Site Address: LAND AT BARTON ROAD HOOE LAKE PLYMSTOCK

Ward: Plymstock Radford

Valid Date of Application: 09/08/2011

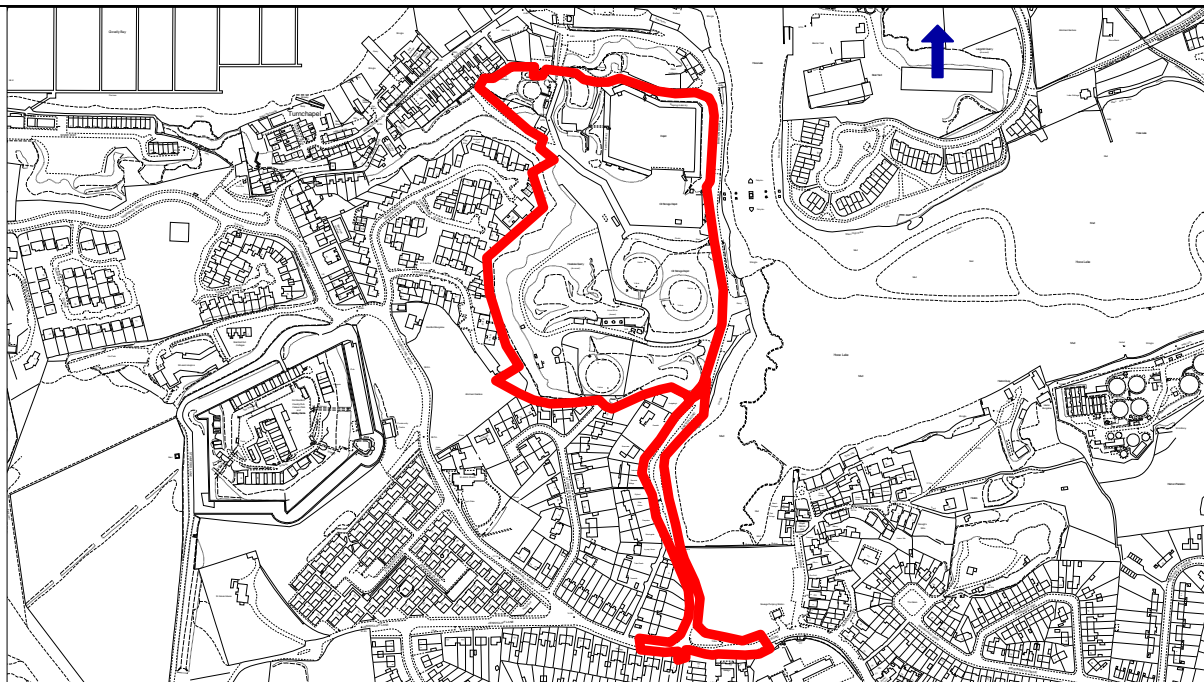
8/13 Week Date: 08/11/2011

Decision Category: Major Application

Case Officer : Robert Heard

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 09th June 2012

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Update

This application was deferred at the Planning Committee on the 12th January for the following reasons:

- the requirements of the ecological and mitigation impact assessment for the proposed new road scheme at Barton Road;
- the requirements for sewage;
- further negotiations with the developer over the S106 contribution;
- highway mitigation measures along Hooe Road, including public transport.

Since then further discussion has taken place with the applicants and additional information has been provided. With regards to the reasons for deferral listed above, the following information is reported:

Ecological mitigation impact assessment for new road scheme at Barton Road

At the previous committee meeting it was recommended verbally that a condition be added seeking an Ecological Mitigation and Enhancement Strategy for the area of land adjacent to Hooe Lake that might be affected by the proposed works necessary to upgrade Barton Road. This was as a result of Natural England confirming verbally on the morning of the committee meeting that they would withdraw their objection subject to the additional condition mentioned above. Since then Natural England have provided an updated consultation response in the form of a letter dated the 25th January 2012, which states that:

'Natural England has no objection to the proposed development. Our response is based upon the provision of additional information that provides clarification of impacts and corresponding mitigation from the proposed development on the interest features associated with Plymouth Sound & Estuaries SAC. Further, we are satisfied that there will be no disturbance of protected species. We do, however, seek further assurances that the proposals will secure the delivery of biodiversity gain..... The delivery of biodiversity gain will need to be secured in perpetuity by your authority through an appropriate planning condition/obligation. Integral to this commitment will be the inclusion of up-to-date Ecological Management Plan, Ecological Mitigation and Enhancement Strategy, Bat Mitigation Strategy, CEMP (details provided in previous consultations), and Landscape & Ecological Management Plan as referred to in Matt Cowley's letter (25th January 2012).'

A further condition has thus been added to the report (condition no.41), seeking further information in the form of an Ecological Mitigation and Enhancement Strategy for the works required to upgrade Barton Road, in order to deliver a net biodiversity gain at the site.

Sewerage Requirments

The issue of sewerage disposal was raised at the last committee meeting, and more information was requested on this subject. In order to ensure that issues of foul water drainage and the disposal of sewerage are properly dealt with at the site, strict conditions are imposed (condition no.s 33, 34 and 35) requiring details of the

provision to be made for foul water drainage and the disposal of sewage from the site and of improvements needed to the public sewage disposal facilities to accommodate the development.

These conditions were attached following negotiations with South West Water, who have stated that they have no objection to the development subject to the conditions referred to. Following the deferral on the 12th January South West Water submitted the following information as a result of the committees decision to seek further information on the requirement for sewerage at the site:

'Barratt Homes approached South West Water prior to submitting the application and it was determined that capacity within the public foul sewer network was insufficient to accept the development without improvements which we will require to be funded by the applicant/developer prior to development commencing.

We have subsequently at the expense of Barratt Homes carried out an investigation to establish what improvements are required and established that the public sewer to which the development will connect would be sufficient subject to its prior improvement.

We are finalising the detailed investigation to allow us to inform Barratt Homes of the improvements costs.'

The applicant/developer is required to fully fund the sewerage improvements prior to development commencing, through an agreement with South West Water.

Section 106 Contributions

As stated in the original report, the applicant is accompanied by a viability report which states that the development incurs abnormal development costs that significantly impact upon its viability and capacity to deliver the required contributions in accordance with the Adopted Planning Obligations and Affordable Housing SPD.

The abnormal costs associated with cleansing the site (due to the previous use at the site and the existence of 3 fuel tanks) have severely impacted upon the proposed developments ability to return a profit. The site also needs extensive re-grading in order to prepare it for development, there is significant mitigation required with regards to ecology and substantial abnormal costs with regards to upgrading Barton Road to an adoptable standard.

Whilst discussions are ongoing with regards to the phasing of payments and the provision of a clawback mechanism, there is considered to be a strong case for relaxing the level of mitigation sought to be able to secure delivery of this project. In such circumstances, it is necessary to consider prioritising the obligations, having regard to evidence of key issues in the neighbourhood and the strategic impacts generated by development. In this context the most significant impacts and policy needs are considered to be in relation to affordable housing, local schools, sport facilities (in particular in relation to swimming) and transport. In addition, it is important to address the Council's legal responsibilities relating to the growth of the city particularly in relation to the European Marine Site. This is reflected in the head of terms set out in the Section 106 section of this report.

Issues raised at the previous committee regarding the amount of contributions required for mitigating the impact of the development on local schools and the possibility of the development funding the implementation of a 20mph road scheme near to Hooe Primary School will be addressed in an addendum report.

Highway Mitigation Measures along Hooe Road and Public Transport

Since the previous committee, clarification has been received relating to the junction at Barton Road/Hooe Road and its impact on the existing bus stop.

It has been confirmed that (as agreed with the Councils Transport Officer) the bus stop will be located on the carriageway rather than in a layby, which is acceptable common practice, and officers within the Council's Public Transport Team are happy with this proposal. The design will include a bus boarder and also a central island with a keep left bollard on Hooe Road adjacent to the bus stop, meaning that once a bus has stopped, following vehicles will not be able to overtake on the approach to the roundabout. This will act as a further traffic calming and highway safety feature. The west bound bus stop will not be as busy for passengers boarding and buying tickets as the east bound bus stop, and so delays to vehicles following a west bound bus will be minimal.

The report below is the original report presented to the committee on the 12th January 2012.

Site Description

The site consists of a former quarry, located on the west side of Hooe Lake, adjacent to Barton Road which runs alongside the western edge of the site. The majority of the site is currently vacant apart from a compound in the north eastern corner which is being used as a storage area for boats and caravans.

The site is 7.316 hectares in area. In terms of context, immediately to the north of the site is an existing Royal Marine base and the village of Turnchapel, to the east is Hooe Lake, to the south is existing residential development (which includes Hooe Barn and a small local centre) and to the west is more residential development that sits on top of the 30 metre high quarry face cliff that defines the western boundary of the site.

There is a listed lime kiln near the south eastern corner of the site and derelict concrete block built lime kiln buildings near the centre of site. The site has been fenced and gated with no public access. Recently 3 disused MoD fuel storage silos constructed on the original quarry floor and covered with spoil material have been removed, in accordance with a previous planning permission granted to carry out remodelling at the site.

Proposal Description

This application proposes to redevelop the site, in order to provide a residential development containing 222 dwellings, new public open space, ancillary access roads and improvements to Barton Road.

The approach to the layout has been to design a tight-knit development that reflects the character of a fishing village. The built form is underpinned by a perimeter block arrangement that is prevalent throughout the site, which is proposed to be regarded to create 2 different development platforms. Access to the perimeter blocks will be gained via a ring road that loops the site from a central access point off Barton Road.

An extensive area of public open space is proposed in the western part of the site adjacent to the existing cliff face, with further green space in the form of a wildlife receptor area being provided in the north western corner. The application includes proposals to upgrade the existing junction of Barton Road and Church Hill Road.

In terms of the mix of dwellings, the development proposes 3 one bed coach houses, 20 two bed apartments, 36 two bed houses, 10 two bed coach houses, 75 three bed houses and 78 four bed houses. The dwellings per hectare ratio at the site (dph) is 34.7 including both areas of public space and 44.4 including just the areas proposed to be developed. The application is made under the Council's Market Recovery Scheme and will provide 14% of dwellings as Affordable Housing, which equates to 31 dwellings

Relevant Planning History

01/00736/FUL - Removal of spoil material and regrading of the land. PERMITTED 15/9/2003.

Consultation Responses

Highway Authority

Support subject to conditions.

Environment Agency

Support subject to conditions.

South West Water

Support subject to conditions.

Public Protection Service

Support subject to conditions.

English Nature

Comments awaited, to be reported by addendum report.

Representations

There have been 96 individual letters of objection, and 110 petition style letters of objection received.

The main grounds of objection listed in the letters received include:

- I. The development is out of character with the surrounding areas.

2. An increase in development will place pressure on existing services in the area.
3. Loss of habitat, wildlife and foliage.
4. Road access is inadequate.
5. Contaminated land issues relating to former uses at the site have not been adequately dealt with at the site.
6. Increased traffic movements will have a detrimental impact upon the surrounding areas and services.
7. Loss of a beautiful natural landscape.
8. There will be increased risk of flooding if the development is permitted.
9. Loss of local parking along Barton Road.
10. Issues of sewerage capacity.
11. Risk of flooding.
12. Inadequate parking provision throughout the site.

The issues raised above are considered below in the Analysis section of this report.

Analysis

This application raises a number of key planning issues: the principle of the development; density; design and layout matters; residential amenity standards; contaminated land issues; affordable housing; transport; nature conservation (impact on ecology and protected species); renewable energy; and section 106 obligations and measures to mitigate the impacts of the development.

Relevant national policy guidance in Planning Policy Statements (PPS) and Guidance Notes (PPG) include: PPS1 Delivering Sustainable Development; PPS3 Housing; PPS9 Biodiversity and Geological Conservation; and PPG13 Transport. The recent draft National Planning Policy Framework (NPPF) is also capable of being treated as a material consideration.

Regional Planning Guidance for the South West (RPG10) is still part of the development plan. The relevant strategic policies are: Policy SS 2: Regional Development Strategy, Policy SS 3: Sub- Regional Structure and Policy SS 17: Plymouth. The draft Regional Spatial Strategy for the South West is a material consideration until and unless it is abolished. The key strategic policies are Policy CSS – The Core Spatial Strategy and Development Policy A.

The main Core Strategy policies relevant to the application are: CS01 Development of Sustainable Linked Communities, CS02 Design, CS15 Overall Housing provision, CS16 Spatial Distribution of Housing Sites, CS18 Plymouth's Green Space, CS19 Wildlife, CS20 Sustainable Resource Use, CS21 Flood Risk, CS22 Pollution, CS28 Local Transport Considerations, CS32 Designing Out Crime, CS33 Community Benefits/Planning Obligations and CS34 Planning Application Considerations. The guidance in the adopted Development Guidelines and Design Supplementary Planning Documents (SPD) and the adopted Planning Obligations and Affordable Housing SPD First Review apply.

Background and Pre-application Discussions

The applicants and their agents and consultants have been involved with the site for almost 2 years and with this proposal made a formal pre-application submission using the Council's Development Enquiry Service in May 2010. Since then and now Officers have met the applicants and their team 6 times under the terms agreed within the applicant's DES pre-app in order to discuss the main planning issues raised at the site. Correspondence has also been exchanged over this time, in order to clarify negotiations and continue working towards a development that officers feel is acceptable.

The applicant has also held Public Exhibitions at local venues in order to give local people the opportunity to view and comment on their proposals. The first of these was held in October 2010 and as a result the proposed layout of the development was changed in January 2011 to incorporate some of the comments made by nearby residents. This also followed a number of arranged personal meetings with some of the closest local residents, who had specific concerns about the proposal. The changes mainly consisted of lowering the density (the scheme changed from 300 dwellings to 250), providing larger rear gardens and reducing the size of parking courts.

A further, final full public exhibition took place in March 2011 and again this was well attended by local residents. Following consideration of comments made at the exhibition and also those received in writing the density was further reduced to 225 dwellings, with the proposed area of public open space being increased and a wildlife corridor introduced in order to mitigate the impacts of the proposal on ecology at the site.

Following the conclusion of pre-application discussions a formal planning application was submitted on the 27th July 2011. Officers then met with the applicant and agent following the end of the statutory publicity period in September to discuss consultation responses and letters of representation received. Following this meeting further information was sought with regards to nature conservation issues (in particular bat surveys and a biodiversity enhancement strategy), the layout was amended although not significantly (in order to mitigate officers concerns about circulation and natural surveillance) and discussions regarding the viability of the proposal were commenced.

Negotiations have continued and officers' original concerns have been satisfied to an acceptable degree. The detail of the application is now considered to be sufficient for it to be presented to the Planning Committee.

Principle of development

The site is a former quarry but has long been identified by the Council as a housing site. PPS3 states that local planning authorities should identify a five year supply of housing on sites that are deliverable, available, suitable and achievable drawing on information in the Strategic Housing Land Availability Assessment (SHLAA). This site is identified in the SHLAA 2009 and is included in the Annual Monitoring Statement that identifies a five year housing supply in Plymouth from 2011/12 to 2015/16.

With regards to planning policy history, the site was previously allocated for residential development (or for a mixed use development including residential) in the First Deposit Local Plan under Proposal 104 (land at Hooe Lake Quarry). This plan has now been superseded by the Local Development Framework. Since then a residential led development proposal has been anticipated at the site and thus the principle of a housing based development at the site such as the one proposed is considered acceptable.

The Sustainable Neighbourhood Assessment (SNA) for Hooe, Turnchapel and Oreston identifies a need to increase the range of different housing types and the amount of social housing in the area. It specifically shows a need for more terraced houses and higher density development, to counter balance the low average density of the area which is 17.7 dwellings per hectare and characterised predominantly by semi detached houses.

The proposal contains a mix of housing types although it is in the main characterised by rows of terraced housing, at an average density of 34.7 dph which is significantly higher than existing density levels in the area, and would meet the requirements of future developments in the area as outlined in the Hooe, Turnchapel and Oreston Sustainable Neighbourhood Assessment. It would also provide 14% of dwellings as Affordable Housing, which is higher than the area average of under 10%. The Affordable Housing offer is explained further in the main Analysis section of this report, under the heading 'Affordable Housing'.

It is considered that the principle of residential development at the site is acceptable and that the application would comply with the requirements of Policy CS01 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) by helping to meet the needs of the neighbourhood (as identified in the SNA) and by contributing to the provision of a sustainable linked community.

Density

Density calculations can be a crude measurement in determining the quality of schemes but do provide a broad benchmark in their assessment. The density of development surrounding the site is low, at an average of just 17.7 dph, as identified in the Hooe, Turnchapel and Oreston SNA. This compares with the application of 34.7 including both areas of public space and 44.4 including just the areas proposed to be developed. The figures is slightly inflated because 20 of the units are apartments. Density alone cannot be a reasonable reason for refusal unless it gives rise to manifest shortcomings.

PPS3 states that Local Planning Authorities (LPAs) should develop housing density policies. Paragraph 46 sets out the relevant criteria including: capacity of infrastructure services and facilities; using land efficiently; accessibility; the characteristics of the area including the current and proposed mix of uses; and achieving high quality, well designed housing having regard to the considerations in paragraph 16. The previous broad brush reference to a density of 30 – 50 dwellings per hectare (dph) in an earlier version of PPS3 has been removed. But it states that: "The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout can lead to a more efficient use of land without

compromising the quality of the local area.” The draft NPPF states that LPAs should set out their own approach to housing density to reflect local circumstances. Strategic Objective 10.2 aims to promote the highest density compatible with the creation of an attractive living environment. Core Strategy policy CS01.2 states that development must be delivered at the appropriate type form, scale, mix and density in relation to its location relative to the neighbourhood’s centre.

The existence of the cliff face and the importance of ecology issues and the need to mitigate the impacts of the development on protected species and provide adequate on site levels of green space make this a difficult site to develop. These constraints further affect the density at which the site can be developed. Given the low density of the surrounding development and the established pattern of development in the area and also the lack of demonstrable harm associated with the amount of development proposed, the higher density is acceptable and in compliance with Strategic Objective 10.2 and Core Strategy policy CS01.2.

Design, Massing and Layout

PPSI states that good design is indivisible from good planning and that design which is inappropriate in its context or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. This approach is repeated in PPS3 in paragraphs 12-13 and 48-49. The draft NPPF endorses this approach and attaches great importance to the design of the built environment. Core Strategy policy CS02 promotes well designed developments to promote the image of the city through enhanced city and local gateway locations and key approach corridors.

Layout

The proposed layout requires the existing contours at the site to be regarded to allow for a tiered approach to its redevelopment. This includes creating 2 development platforms within the site, in order to maximise views over Hooe Lake. The plateaus created will rise from east to west. The previous application granted under ref 01/00736 and listed above in the planning history section of this report gave the owners of the site consent to remove 3 disused MoD fuel storage silos constructed on the original quarry floor (and covered with spoil material) and to re-grade the site as a level plateau some 3 metres higher than Barton Road. The principle of regrading the land has thus already been established by the granting of this consent, and is necessary due to the vast change in levels at the site, which is currently characterised by a number of steeply sloping mounds that rise significantly from Barton Road.

The proposals to re-grade the land involve a large cut and fill exercise to achieve the tiered approach proposed and create in effect 2 development platforms. This will ensure that very little material will be required to leave the site, as the excavated land will be used to fill other areas of the site. The existing retaining wall along part of the eastern boundary of the site (adjacent to Barton Road) will be kept and extended south along the front (eastern boundary) of the site. This will be approximately 1.4 metres in height and will ensure that the development along the eastern boundary of the site will sit just above the road level. A second retaining wall is proposed within the site, behind (and to the west) of the proposed perimeter

blocks in the eastern part of the site adjacent to Barton Road. This will provide a base for the second development platform that will have a localised increase in height in order to give the properties facing east views over Hooe Lake.

Access to the site is proposed from Barton Road, creating one vehicular access point into the site from the eastern boundary adjacent to the Listed Lime Kiln. From here a ring road that loops the site will provide vehicular access to all of the dwellings proposed within the site. The whole approach to the layout of the proposed development is characterised by a perimeter block arrangement that has been designed to provide active frontages facing all of the main public spaces and routes within and on the edges of the site, and to ensure there is clear distinction between public and private space within the site. The layout of the site has been arranged so that a series of perimeter blocks are situated on the lower development platform adjacent to Barton Road, providing a continual street frontage onto Barton Road, with the west facing dwellings on the opposite side of the blocks providing a continual street frontage to the new loop road proposed within the site. At the north eastern point of the site the height of the built form is increased to maximise views of the sound and to define this prominent corner with a localised increase in building height and scale. This is where the 20 apartments are proposed and this part of the development is intended to act as a focal point, providing a bespoke landmark building that defines this part of the site.

The sides of the proposed perimeter blocks provide dwellings that overlook either the pedestrian routeways that are located between some of the individual blocks or parking courts that exist between others. The whole concept has been designed in order to provide maximum natural surveillance and overlooking of all public areas within the site.

The second development platform, located within the site and through its spine will be slightly elevated from the lower platform in order to give the east facing dwellings in this part of the site views of Hooe Lake. Again, the development through the centre of the site is characterised by a series of perimeter blocks that reflect the layout of the site along the eastern boundary positioned on the lower development platform. The east facing dwellings in this part of the site will overlook the proposed ring road and face the west facing dwellings of the lower perimeter blocks, in order to create a traditional street arrangement. They will have oblique views of Hooe Lake and will provide a strong and imposing street frontage alongside the proposed ring road. The west facing properties of the perimeter blocks on the upper development platform will provide a street frontage to the ring road in the western part of the site and natural surveillance of the proposed public open space along the western boundary of the site adjacent to the existing cliff face. This is essential and ensures the public open space within the site is well overlooked and provides these properties with pleasant views of the green space and rock outcrop. As the proposed perimeter blocks on the upper platform are larger than those adjacent to Barton Road there are less of them, therefore the sides (north and south facing dwellings of the proposed blocks) provide natural surveillance of the pedestrian routes that provide permeability through the site, with car parking being provided within the rear of the blocks.

There is a single block proposed in the north-west corner of the site which provides a street frontage on its eastern side to the ring road and on the western side provides natural surveillance and over looking of the proposed wildlife receptor area in the far north-west corner of the site.

The layout of the site has been designed to maximise pedestrian permeability and the development includes defined pedestrian links throughout the site providing easily identifiable pedestrian routes around the development and linking it with the surrounding areas, reflecting the evidence collected within the Hooe, Turnchapel and Oreston Sustainable Neighbourhoods Assessment which encourages developments to be permeable, especially for pedestrians and cyclists. Upon entering the site from Barton Road there is a clear link to the public open space proposed along the western boundary of the site, which is defined by a strong vehicular and pedestrian route that is framed by planting and landscaping to present a direct route from the east to the west of the site, also being characterised by a different surfacing material in order to emphasize the importance of the route.

The provision of a perimeter block approach to the layout of the site ensures that the site is characterised by terraces of housing, which helps to form a strong street frontage and established building line within the street scenes created within the site. There is clear distinction between public and private spaces and the proposed layout has been designed so that the rear gardens of the proposed new dwellings back onto the rear gardens of the other dwellings located within the perimeter blocks that define the layout of the site. This ensures the provision of a safe and secure environment, omitting the need for small back lanes, and is in accordance with the principles of Secured by Design.

There exists a Grade II Listed Lime Kiln in the south east corner of the site. This is proposed to be retained and will form a feature at the main entrance into the site. It will be surrounded by landscaping and will act as a gateway to the site. It is considered that the proposed development will not impact upon the Lime Kiln and that it will form an attractive feature at the entrance to the site.

The layout proposed creates a clear street hierarchy which will be easily legible, being reinforced by building height and form, continuity of facades and the structure of landscaping and boundary treatments. It is considered that the layout has achieved a balance between providing an appropriate density and ensuring residents will enjoy a decent level of private amenity space and a good quality public realm.

In summary, it is your Officers view that the proposals will provide a well thought out development that is easy to get to and move through and around (for both vehicles and pedestrians) and has public and private spaces that are safe, attractive, easily distinguished and accessible. The layout of the development is therefore considered acceptable and in accordance with Core Strategy policy CS02, CS34 and part 4 of the Design SPD.

Design and Appearance

As stated in the section above, the layout of the proposed development is based upon a perimeter block arrangement in order to maximise active frontages and form a clear distinction between public and private spaces at the site, in accordance with

the principles of Secured by Design. This approach naturally leads to the provision of a continuous built form and the provision of blocks containing terraced houses, which is typical of the fishing village appearance that the development seeks to achieve and reflective of the majority of existing development located within the nearby village of Turnchapel and the Old Wharf Development on the other side (east) of Hooe Lake.

The street scenes within the development are characterised in the main by 2-3 storey dwellings, which reflects the scale of the majority of the surrounding development. The mix of 2, 2.5 and 3 storey dwellings helps to provide some variation to the street frontage and massing of the development whilst providing continuity of building height so that the proposal has balance and uniformity with regards to building heights across the site. For example, the perimeter blocks are generally characterised by 2 storey dwellings with 2.5 (2 storeys with a dormer providing accommodation in the roof) and 3 storey dwellings used to distinguish the corners of the proposed blocks and demarcate changes in direction. This gives symmetry to the blocks whilst introducing subtle changes to the building heights. The exception is the proposed apartment block in the north east corner of the site, which is 4 storeys in height in order to define this important corner of the site and act as a focal point for the development.

The application is accompanied by a Design Codes document that ensures that the whole site follows the same design approach and the different dwelling types and apartment block contain some similar features that ensures that the scheme has balance and symmetry, through subtle repetition of features and materials. The façade detailing and proportioning throughout the site is simple to allow the colour and creative use of materials to define the streetscenes. The contemporary approach is highlighted by the use of simple porches and canopies to define entrances whilst timber clad projecting bay windows add variation to the depth of the elevations and help to give the facades rhythm and distinction.

The proposed dwellings are predominantly finished in render which is the dominant local material in this part of Plymouth. The materials strategy for the scheme focuses around the aspiration to provide a fishing village appearance containing rich, colourful and vibrant streetscenes. A mix of render shades are therefore proposed and this is complimented throughout the site by use of stonework and more subtle use of timber cladding. Openings have been maximised in order to create light and airy dwellings that provide maximum natural surveillance of the surrounding areas, with large areas of glazing helping to present a modern appearance. Generous use of balconies throughout the site also ensures that views are maximised and this helps to give the elevations further projection and variation.

It is considered that the proposed development provides a high quality contemporary housing development that in terms of scale, massing and design is sensitive to the existing surrounding development, whilst providing a locally distinctive design solution to the development of the site, blending traditional elements of building design with a contemporary twist that ensures the proposal is not a slavish copy of the local style. The general arrangement of buildings on the site is considered to be the correct approach and is a pragmatic response to the constraints of the site. The development is therefore considered to make a positive

contribution to local visual amenity and is compliant with Policy CS02 (Design) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) and the Design SPD.

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 site is unique in comparison to most of its context in that it is a former quarry that in terms of immediate relationships with existing residential development occupies a fairly isolated location. The closest existing property to the site is situated on Barton Road (off Amacre Drive), adjacent to the southern boundary of the site. In terms of distance, the closest proposed property within the site is 18 metres away at an oblique angle. The applicants have been in discussion with the owner of this property and despite the distance between the existing and proposed properties being adequate to ensure there is no residential amenity conflict created, they have agreed to preserve the existing earthbank that defines this boundary and build it up to 4 metres in height. This will be supported by a criblock retaining wall. These details are shown on the drawings and plans submitted with the application and will be secured via planning condition. The closest dwellings to the northern boundary of the site, also located on Barton Road, are over 25 metres away from the nearest proposed dwellings within the site and also separated by significant boundary treatment, also ensuring no issues of residential amenity conflict are created.

Existing properties to the west of the site, located on Tapson Drive, Sunderland Close and Lynch Close, sit onto of the quarry cliff and some 30 metres above the ground level of the site. These properties are therefore not affected by the application.

The existence of the cliff face provides a dramatic backdrop to the proposed development and a natural form of boundary treatment to the western boundary of the site. However, it does raise health and safety issues and mitigation is thus proposed within the site to prevent the public from accessing the cliff face and to protect them from any loose debris. In order to negate the need for unsightly netting to the cliff face, the applicants have proposed a 10 metre buffer zone to keep people a safe distance away from the base of the rock face. This will allow for any loose debris to be caught within a no public access zone. Details of this are contained within the 'Rock Face Stability Assessment' submitted with the application and this method of mitigating the health and safety impacts raised by the existence of the cliff face is supported by the Councils Public Protection Service. The 10 metre buffer zone is proposed to be delineated by a hedge with tree planting with a more robust paladin fence behind to prevent children from accessing this space.

With regards to the relationships created between the new dwellings proposed within the site, the layout has been designed so that all new dwellings will benefit from adequate levels of residential amenity, in accordance with the guidance

contained within the Council's Adopted Development Guidelines SPD. All of the proposed dwellings that are positioned back to back (within the proposed perimeter blocks) are more than 21 metres apart and all houses have private amenity space that in terms of area is in excess of the minimum guidelines contained within the SPD. Bin stores and cycle storage are also included within the development, in accordance with the guidance contained within the Development Guidelines SPD.

It is considered that the proposed development provides a good standard of accommodation for future occupiers and that the layout of the site has been arranged so that the relationship between the proposed dwellings and apartments within the site is not unacceptable. Each dwelling has its own private rear garden and there is open space within the proposed development for future occupiers of the proposed apartments to use. The application is therefore considered to be in accordance with Policies CS14 and CS34 of the City of Plymouth Local Development Framework Core Strategy (2007) and the guidance contained within the Development Guidelines SPD.

Highways Issues

The proposed access to the site is made via Barton Road, which is currently a private road without footways. It should be noted that an earlier planning application was granted in 2003 (reference 01/00736/FUL), which has been formally implemented. This included a requirement to provide a new junction at Barton Road / Hooe Road (which has not yet been implemented). The proposed design of this approved junction will increase visibility for emerging vehicles and provide enhanced pedestrian provision. This scheme already has Highway Authority approval, in principle, and subject to signing of the necessary Section 278 Highway Agreement can be constructed under the provisions of the earlier consent, regardless of the outcome of this planning application.

However, these approved highway works must be completed prior to any development permitted by the granting of this planning application, and will thus also need to be secured via this application. This scheme is required to be implemented on site before development commences to ensure a suitable access arrangement for construction traffic is provided. A negative condition to this effect is recommended. It should be noted that the area of park required to accommodate the road scheme (already approved but also a requirement of this application) is in the control of the Highway Authority following a land transfer to the Council in 2007.

Initially the above junction was required to accommodate Heavy Goods Vehicles (HGV) movements associated with earthworks within the Quarry, as a result of the granting of application 01/00736/FUL. However, the applicant is proposing to use the same mini-roundabout configuration to serve the upgraded Barton Road and subsequent development, as part of this application.

Transport Assessment

A Transport Assessment (TA) has been submitted to support the proposed development. This includes details of the impacts of the development on the local highway network and provides junction modelling on a number of junctions within the Plymstock area. It concludes that the impacts of the additional development trips on the network can be accommodated without detriment to network capacity.

The TA is based on 225 dwellings and has assessed the impacts on the network on the junctions at Pomphlett Road/Horn Cross, Plymstock Road / Dean Hill and Barton Road / Hooe Road. Following early discussions with the applicant, the scope of the TA was agreed and it was accepted that Pomphlett Road to Billacombe Road did not require modelling. This area is covered under the City Council's Eastern Corridor scheme and is tentatively programmed for improvements in 2013/14. As such any development impacts will be accommodated within this scheme, to which the developer is required to make financial contribution towards (see section below titled Section 106 Obligations).

To put the impacts in this area into context, the TA concludes that two-way traffic flow would increase by 9% (85 two-way movements or 1.4 cars a minute on average) in the AM peak hour and 7% (94 cars or 1.6/minute on average) in the PM peak hour. This has been calculated by using existing data, taken from video surveys carried out by the applicant, and applying development trips and general growth up to the year 2016. However, these flows are calculated to the north of the traffic signals at the junction of Pomphlett Road / Dean Cross Road. Some of this 'growthed' traffic will dissipate into the Oreston area, Morrisons supermarket, Breakwater Road and into residential areas before it reaches Billacombe Road. As such these increases in traffic will be significantly less on Billacombe Road itself.

Although they are not linked the junctions at Pomphlett Road / Dean Cross and Plymstock Road / Dean Hill are close enough together that any changes to one has a knock-on effect to the other. The applicant has analysed both junctions with and without development up to the year 2016, including general traffic growth. It can be argued that by adding growth onto traffic flows and also adding development traffic that the increase is 'double counting' to some extent. However, this makes the results very robust and gives a worst case scenario.

The TA concludes that these junctions will operate with capacity on all arms at peak hours, which is the standard method for traffic modelling. However, in order to take account of daily variations it is assumed that anything over 85% capacity will need reviewing. In this instance Pomphlett Road and Dean Cross Road start to exceed this level with a worst case of 91.9% capacity. Thus further scrutiny of these results was required.

The junctions were modelled using a pedestrian call on every cycle of the lights. Having checked with Traffic Controllers the existing pedestrian calls only occur, on average, every 3 cycles (approx every 6 minutes). Without any pedestrian calls the capacities of these arms are reduced to 77.8% (worst case) capacity. Therefore, the models show an under-estimation of capacity at the junctions and the actual capacity would fall somewhere between the two.

The Council is currently funding a series of measures to enhance the pedestrian facilities in the vicinity of the above junctions, whilst upgrading the systems to use low voltage signals. Apart from the operational cost benefits and the energy saving, the upgrade works will gain further capacity for both exiting and future highway users so will benefit the wider community. Due to the impacts of the development traffic, adding to the existing network, the developer has agreed to pay a financial

contribution of £20,000 towards the scheme which will be used at the discretion of the City Council.

The proposed junction at Barton Road / Hooe Road has been shown to operate with no capacity issues. The method of assessing traffic impacts on the network is based on 'worst case' scenario and does not take into account any Travel Plan measures that are being offered as part of the development, which will be discussed later in this report. It is accepted that the network can accommodate the development impacts. Traffic impacts, from the development, will increase gradually as properties are built up to the design year of 2016.

The TA has been independently audited by an external consultant, working on behalf of the Council, for robustness and was subsequently accepted to give a true representation of the traffic impacts from the development.

Access and parking

The site is served via Barton Road which, at present, is a private single track, unlit access way with passing places. It is not to current Highway adoption standards. Discussions have been held with the applicants Engineering Consultant to agree the works required to bring Barton Road up to an adoptable standard which is suitable to serve the development and the existing properties.

The submitted scheme for Barton Road has been designed to have minimal impact on the foreshore and as such the existing footprint has been used, where possible. In order for the road to be made to an adoptable standard it must accommodate vehicles, cyclists and pedestrians. To this end a two-way carriageway of a minimum 4.8metres will be provided with a footway of 1.8metres. A 4.8m carriageway will allow a wide car to pass a large service vehicle in free flow conditions.

The road will be designed to a 20mph speed limit with road narrowing features enforcing priority flows. Such features will reduce the carriageway to 3.8m which is sufficient for a vehicle to pass a cyclist. Due to the design speed it is acceptable to allow cyclists to share the carriageway without the need for segregation. The locations of the build-outs allow for refuge of pedestrians accessing existing gardens of adjacent properties and also a seating area with views across the lake. Suitable guard railing will be required along the back edge of the footway to provide protection to users against the drop into the foreshore. Access points onto the foreshore will need to be retained.

The plan layout of the proposed amendments has been agreed in principle but the construction and method of construction can be agreed under the provision of Highway Agreements and secured by way of a condition. The works must be completed up to an agreed standard prior to occupation of any dwelling within the development site. The road will be adopted under Section 38 Highways Act 1980.

Due to the complexity of the improvements scheme a strict code of practice is needed and will be secured via planning condition, to ensure access rights are protected where required.

The development site itself has been designed to encourage low speeds, with good pedestrian permeation and is in accordance with Manual for Streets and local design guidance. A mix of standard street forms and shared spaces provide an adoptable standard estate road which promotes pedestrian links between Turnchapel and Hooe. Again the adoption of the estate road will be subject to a Section 38 Highway Agreement and as such street detail conditions are attached to secure the detail.

The estate road is made up of a residential access road in a loop with a pedestrian/cycle shared link to the North of the site, which leads towards Turnchapel. This has been designed to act as an emergency link, should the main estate be blocked for any reason. However, with the proposed looped estate road it is highly unlikely that this route will be used for any vehicles. Secondary pedestrian-only access routes are also provided onto Undercliff Road.

Steps have been designed into the estate road layout to accommodate the gradients. Although it is preferable to have all footways at grade it is acceptable in this instance. Without steps the other option is very large retaining walls which would be costly and unattractive. Alternative level routes are available for the mobility impaired throughout the development site.

The construction and surfacing arrangements of the estate road will be agreed under the provisions of the Section 38 process but the submitted plans give an indication of the mix between tarmac and block paved streets.

Space for the provision of a bridge across Hooe Lake for pedestrians and cyclists (as required in previous, now superseded planning policies) has been safeguarded within the site. The plans have identified an area of land adjacent to plot numbers 42 and 53. This will enable any future bridge to land with a width of 3 metres and has made provision for diverted footway around any future structure. This apron will be adopted as highway to secure the land should the bridge come forward.

It is not deemed necessary to request a financial contribution towards the bridge at this time as there are no plans for the link in the immediate future. As such any monies collected would be unlikely to be spent in the required timeframe. However, it is considered that the developer has safeguarded the opportunity to provide a future bridge link and that the application does not prejudice the opportunity to land a bridge within the site at some point in the future.

The residential properties comprise of a mixture of 1 and 2 bed apartments and 2, 3 or 4 bed houses. The developer has complied with the Councils Development Guidelines SPD with regards to parking standards and is proposing a maximum of 2 spaces per house and 1 space per apartment. The parking provision includes a mix of on-plot spaces, garages and parking courts. Some additional on-street visitor parking is proposed by way of lay-bys on the side of the proposed estate road. These will be unallocated and form part of the future adopted highway.

In summary 201 dwellings have 2 parking spaces and 21 have 1 parking space, 423 in total, inclusive of 44 disabled spaces (1 space per Lifetime home). There is an additional 14 spaces on-street which are not be allocated to properties. These will form part of the adoptable highway network and will be available for visitors.

It is considered that the developer is meeting the car parking demands arising from the proposed development and its likely associated car ownership levels.

The application provides cycle storage at a ratio of 1 space per dwelling, in the form of garage storage or by providing a shed, and 1 space per 2 apartments in the form of secure shelters. This conforms to the current standards for cycle parking and a condition is attached in order to secure this.

Travel Plan

A Travel Plan has been submitted to discourage car use by future residents. Although a Travel Plan is an ongoing working document a framework has been discussed and agreed with the Council's Travel Plan Officer. Modal shift targets are supplied to specifically promote individual travel modes. However, in this instance the impetus has been put upon reducing car use and any other modes are encouraged. The Travel Plan will ensure that the traffic impacts will not increase above those measured within the Transport Assessment.

The site lies within walking distance of local shops, services and public transport routes which also includes a ferry service towards the Barbican, and thus a good link into the City Centre. Officers consider that there are good opportunities for future residents to use alternative modes of transport to and from the site. Obviously any reductions in car trips will further reduce the impacts on the network, which were assessed under 'worst case' conditions within the TA.

The applicant has proposed a series of measures within the Travel Plan which will be monitored by the City Council over the lifetime of the Plan. The measures will form part of a legal obligation between the developer and the City Council to promote sustainable travel and will be secured and controlled within accompanying Section 106 agreement.

The Travel Plan proposes that each property, upon first occupation, will be provided with a travel plan information pack outlining the commitment to the Plan. Each pack will include, amongst other things, a voucher to the value of £250 (per dwelling at 222 dwellings - £55,500 in total) which can be used towards the purchase of either; a bicycle, a bus ticket or a ferry concession ticket. Future residents will be given the choice to ensure that the most appropriate travel mode is promoted for each individual property. The developer will commit a sum of £100 per dwelling (£22,200 in total) to cover the cost of running the Travel Plan over a 5 year lifetime.

All associated admin costs with the Travel Plan will be met by the developer which will include the requirement to appoint a Travel Plan Co-ordinator. This role will be responsible for administering the Plan and liaising with Council Officers during the course of the Plan. If the agreed targets, to reduce car journeys, are not met the applicant has agreed to contribute a further £75 (£16,650 in total) per dwelling to be invested in further measures. Surveys will be undertaken after 3 months of occupation of the 80th dwelling to gain baseline data on residents travel patterns and modes. This data will be used to determine proposed targets.

The provision of cycle storage for each dwelling and the improvements to Barton Road will help to promote cycling and walking and with the Travel Plan secured and implemented the developer has made a real commitment to offer a sustainable development. For the reasons outlined above, the application is considered to be in accordance with policy CS28 (Local Transport Considerations) of the Core Strategy and the advice contained within the Development Guidelines SPD on parking standards and PPG13 (Transport).

Nature Conservation and Biodiversity

The application is accompanied by an Ecological Impact Assessment, Bat Mitigation Strategy and Ecological Mitigation and Enhancement Strategy. The site is of ecological value for several rare, notable and protected species and one Biodiversity Action Plan (BAP) habitat including:

- Bats
- Badgers
- Reptiles
- Invertebrates/plants
- Breeding Birds
- Calcareous grassland

Bats

A series of bat surveys have been undertaken between March and September 2011. Three caves within the quarry contained non breeding summer and autumn roost sites for greater horseshoe bats and lesser horseshoe bats. The caves are also considered likely to be used by these species for hibernation.

The application proposes a series of mitigation measures during construction. The caves containing bat roosts will be retained in situ and an exclusion zone of 30 metres will be established from each roost. In addition an exclusion zone 10 metres wide will be established along the base of the quarry wall. The exclusion zones will be delineated by Heras fencing and an acoustic screen. These measures and others, including timing, lighting and further ecological monitoring as outlined in the Bat Mitigation Strategy are considered to be acceptable to the Local Planning Authority's Nature Conservation Officer.

In addition, the development incorporates the following mitigation:

- A minimum of 25 bat tubes installed within new buildings proposed at the site
- Lighting to be maintained at a maximum of 0.5 Lux along the western boundary of the site
- Limiting access to the caves through installation of appropriately designed grills
- Ecological monitoring of the bat populations within the caves for 3 years post construction
- Natural England license application if necessary

Reptile translocation

It is proposed that reptiles (slow worm and common lizard) are excluded and translocated from the site (at the appropriate time of year) to 2 receptor sites (Jennycliff and Radford Woods). This will minimise harm to these species and ensure their long term survival in this locality.

Nesting Birds

Any bird nesting habitat will be removed outside of the bird nesting season. A minimum of 20 sparrow terraces will be incorporated into new buildings and 10 standard nesting boxes will be installed on mature trees within the site.

Badgers

The site will be re-surveyed prior to earth moving operations and if necessary a license from natural England will be obtained. The active badger sets at the site will be retained within the receptor area in the north western part of the site.

Invertebrates

The mosaic of habitats currently present at the site will be significantly reduced due to the proposed development. The proposed receptor area will retain some of these habitats.

Receptor area (in the north-west of the site).

There is currently an area in the north west of the site that contains the following habitats: broadleaved woodland, scrub and grassland. This is proposed to be retained and will be enhanced using topsoil from areas of botanical interest from within the site. In addition, toadflax leaved St-John's-wort (a notable plant) will be moved by hand into the receptor site. This area will be monitored and managed for a period of 10 years post construction.

Off site habitat creation

Policy CS19 (Wildlife) requires the development to achieve a net gain in biodiversity. The mitigation described above alone does not deliver this, as the majority of the site will be developed. The applicant is therefore proposing that parts of 2 local greenscape areas (Jennycliff and Radford Woods) in the ownership of the Council are enhanced and managed as wildflower meadows for a period of 10 years post construction. Wildflower meadows are beneficial for invertebrates, plants, reptiles, birds and bats. The provision of 4 log piles and 2 hibernacula will be incorporated on these sites, for the benefit of reptiles. These meadows will be secured within the Section 106 Agreement. It is considered that these measures will achieve a net gain in biodiversity in accordance with Policy CS19 (Wildlife) of the Core Strategy.

Access Road Impacts

At present an EclA (Ecological Impact Assessment) for the area of highway improvements adjacent to Hooe Lake (a County Wildlife site) has not been received. It is considered any mitigation will need to be included in the EMES.

Consultation with Natural England (NE)

Comments are still awaited from NE with regards to much of the information that has been submitted. Comments from NE will be reported in an addendum report.

It is considered that subject to the submission of further, acceptable information, the application (through on site and off site mitigation) will deliver biodiversity benefits that are in accordance with Policy CS19 (Wildlife) of the Core Strategy.

Public Protection Issues

The Council's Public Protection Service (PPS) have been consulted with regards to the impacts that the development may have on existing residents and also any impact that existing features may have on the proposed development. They have considered impacts from noise, air quality and contaminated land.

Although potential adverse impacts have been identified, PPS have advised that these can be mitigated during the course of development.

During the construction phase the applicant will be required to abide by a Code of Practice for Construction and Demolition, this will address all of the environmental impacts from the development during the construction. They have identified mud on roads as being a specific problem and have therefore provided an addendum to their consultation response asking for a condition that ensures appropriate wheel washes are installed prior to any earth movement on site.

The issue of contaminated land has been subject to a number of technical reports and PPS have been visiting the site regularly whilst cleansing of the site is being undertaken. The site is a former MOD fuel depot and as such there is a level of contamination on site that has to be mitigated before any development can commence. The applicant is currently liaising with both PPS and the Environment Agency to agree the best way to deal with existing contamination at the site. Local residents have expressed concerns about the way that contamination is dealt with on the site, however, PPS's technical expert in contamination is happy that contamination has been dealt with diligently and in accordance with best practice. Contamination represents a significant cost for the developer but will see a heavily contaminated site brought back into use in a safe manner, it is also hoped that the clean up on site will have a positive impact on the contaminant levels in Hooe Lake.

The applicant will be required by condition to submit a noise impact assessment for approval with potential mitigation against noise impacts likely to be in the form of triple glazing or acoustic insulation, but this is unlikely as there are no significant noise generating uses nearby. Air Quality is not considered to be a problem because there are no identified air quality issues in the area.

Affordable Housing

The delivery of affordable housing development is one of the top Corporate priorities for Plymouth City Council. The policy context for its provision and delivery is set out in paras.10.17-10.24 of the Core Strategy and policy CS15 (Overall Housing Provision). With such high levels of Affordable Housing need consistent delivery of affordable housing units can cumulatively make a big difference to catering for the City's overall housing need.

The need for the delivery of affordable housing in the city is greater than total annual housing provision. Plymouth's Housing Register of those in proven housing need, has risen sharply from 6625 (13/01/2010) to 11, 790 (20/10/2011).

The applicant has asked for the application to be considered under the City's Market Recovery Initiative and as such seek only to provide 15% affordable housing on site. The applicants have discussed the rationale behind their proposals openly with the Council's Strategic Housing Officers. Based on the information submitted with the application and the affordable housing mix proposed, the Council's Strategic Housing Service has stated that they support the affordable housing offer.

Following discussions with the applicant a revised layout has been submitted, which reflects initial discussions that were had a pre-application stage, under the Council's Development Enquiry Service. This has resulted in an offer of 31 units of affordable housing. This equates to 14% affordable housing onsite with nil public subsidy. Despite the reduced level, a suitable and sustainable location and mix of properties and tenure has been achieved. Whilst a few details are yet to be finalised with the applicant and subject to agreement of all parties, the Strategic Housing Service are happy in principle with the offer.

The offer of affordable housing includes:

- Affordable housing that is fully integrated with the proposed market units in terms of materials and build quality and are tenure blind in design.
- A tenure split that will meet the policy requirements of CS15 of 60% social rent and 40% intermediate housing, such as shared ownership. The detail of the tenure split will be secured in the supporting Section 106.
- Adequate, car, motorcycle and cycle parking spaces. This will also be secured by planning condition and in the Section 106.
- Delivery by a Housing Association partner – Spectrum Housing. Officers are encouraged by the applicants wish to use one of our Housing Departments preferred partners to deliver the affordable housing.

As submitted, subject to finalising a few minor details, the Housing Strategy team has stated support in principle for the affordable housing offer contained within this application.

Lifetime Homes

Policy CS15 of the Core Strategy requires that 20% of all new dwellings shall be constructed to Lifetime Homes Standards. Lifetime homes allow for the 'future proofing' of all new dwellings so that they can be adapted over time to suit the needs of occupants as their lifestyles change due to age or other factors.

To comply with policy CS15 (4), the proposed development includes proposals to provide 20% of the total number of units as Lifetime Homes, which equates to 44 units on site. In order to secure the delivery of the units proposed as Lifetime Homes a condition is attached

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.

In order to meet the requirement of Policy CS20 it is proposed to have Photovoltaic (PV) Panels installed on the roofs of the proposed dwellings. Photovoltaic panels are almost flush with the roofline and will only have a minimal visual impact. They 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. The use of PV Panels is more than adequate to meet the 15% energy saving and the application is therefore compliant with Policy CS20.

The Sustainable Resource Use report submitted with the application confirms the use of PV panels as the chosen technology to meet the requirements of Policy CS20, and includes calculations to demonstrate that the required energy savings can be achieved at the site. It also contains a plan confirming the properties that will have PV panels installed at the site. This equates to 80% of the total number of dwellings, due to the site being a former quarry with levels of shadowing being slightly higher than a more conventional site. However, despite all of the proposed dwellings not being appropriate for the use of PV panels, the energy savings required by Policy CS20 can still be achieved across the site. Provision of the proposed PV panels is proposed to be secured by planning condition.

Other Issues

Of the issues raised in the letters of representation received, most have been considered in the sections above, under the main analysis section of the report and under the relevant sub headings. However, issues of sewerage capacity, which have been raised in a number of representations received, have not been. With regards to this, South West Water have been consulted on the application and stated support, subject to conditions being attached to any grant of consent requiring further details of improvements to public sewage disposal facilities being agreed and implemented. South West Water have considered the application and would not support it if the impacts of the development could not be mitigated by improving the existing sewerage systems, which shall be at the developers cost. Any impact on existing foul sewerage systems can therefore be mitigated, hence conditions are attached to deliver and secure improvements to existing foul sewerage systems to ensure that the development does not have any adverse impacts upon the surrounding area.

Issues of flood risk have also been raised. Following consideration of flood risk issues the Environment Agency confirmed in their letter of the 23rd November 2011 that they do not have any objection to the application subject to conditions being attached to secure surface water drainage improvements at the site, in order to prevent the increased risk of flooding and minimise the risk of pollution of surface water, by ensuring the provision of a satisfactory means of surface water control and disposal during and after development. It is therefore considered that subject to

improvements required by condition, the application would not have any adverse impacts with regards to flooding at the site. The application is thus in accordance with Policy CS21 (Flood Risk) of the Core Strategy.

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.

Section 106 Obligations

Planning obligations have been sought in order to help mitigate the infrastructure impacts of the development and satisfy the policy requirements for the proposal, pursuant to Core Strategy Policy CS33 and the Planning Obligations & Affordable Housing Supplementary Planning Document.

Infrastructure impacts

The impacts relate to the following areas:

1. Primary schools. The development provides for family accommodation which will generate a demand for school places. The Council's Children's Services have provided evidence that there is a deficiency of school places in the locality given projected population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £470, 250.

2. Local health infrastructure. The development will create an additional demand upon local health facilities. The Primary Care Trust has provided evidence that capacity in the locality of the development is substantially deficient for meeting the needs of the population growth in this area. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £78, 700.

3. Playing Pitches. The development is in a location that is deficient in terms of access to playing pitches. There is therefore an impact on infrastructure requirement that arises as a result of the development, namely the provision of improved access to playing pitches. The estimated cost of mitigating this impact is £210,200.

4. Local play space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing play facilities, most specifically through the need for play facility improvements. The estimated cost of mitigating this impact is £82, 500.

5. Strategic green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the quality of environmental sites protected by legislation, particularly through increased recreational demands. The Council has an obligation through the Habitats

Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £250, 250.

6. European Marine Site. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the environmental quality of European Marine Site particularly through increased recreational demands. The Council has an obligation through the Habitats Regulations Assessment of the LDF Core Strategy and relevant Development Plan Documents to seek mitigation for such cumulative impacts. The estimated cost of mitigating this impact is £6, 100.

7. Strategic sports facilities. By reason of the increased population facilitated by the development and the increased demand for use of sports facilities, it will contribute to the cumulative impact of development on the city's sports infrastructure. The estimated cost of mitigating this impact is £165, 250.

8. Transport. There are 2 different types of transport impact. The first relating to local impact upon the junctions at Dean Cross and Horn Cross and the second being the impact of the increased population facilitated by the development and the increased demand for journeys, which will have a cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution unless there is adequate mitigation. The estimated cost of mitigating both of these impacts is £789, 600. £20,000 to mitigate the impact upon the local junction and £769,600 to mitigate the impacts on the strategic highway network.

9. Strategic public realm. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact of development on the City Centre's public realm. This is because there will be a greater level use of the City Centre which itself generates extra pressure on the existing infrastructure. The estimated cost of mitigating this impact is £19, 700.

Policy requirements

In addition to these infrastructure impacts, consideration needs to be given to the seeking of planning obligations in relation to relevant policy requirements, most particularly:

1. Provision of affordable housing, in accordance with Core Strategy Policy CS15. The application provides for 31 affordable homes, which represents 14% of the total development.

2. The provision of a net gain in biodiversity, in accordance with Core Strategy Policy CS19. The applicant's ecologist has acknowledged that the scheme does not provide net biodiversity gain on the site.

Other considerations

The applicants have asked for the application to be considered under the Council's Market Recovery Scheme, which allows reductions to the contributions required to mitigate the impacts of the proposal and for Affordable Housing levels to be reduced from 30% to 15%, subject to the findings of a viability report. The applicants submitted a viability report that demonstrated that the site incurred abnormal development costs and this was found to be sound by the Local Planning Authority.

The abnormal costs associated with cleansing the site (due to the previous use at the site and the existence of 3 fuel tanks) have severely impacted upon the proposed developments ability to return a profit. The site also needs extensive re-grading in order to prepare it for development and there is significant mitigation required with regards to ecology.

Whilst discussions are ongoing with regards to viability, in particular the proposed phasing of payments and the provision of a clawback mechanism, there is considered to be a strong case for relaxing the level of mitigation sought to be able to secure delivery of this project. In such circumstances, it is necessary to consider prioritising the obligations having regard to evidence of key issues in the neighbourhood and the strategic impacts generated by development. In this context the most significant impacts and policy needs are considered to be in relation to affordable housing, local schools, sport facilities (in particular in relation to swimming) and transport. In addition, it is important to address the Council's legal responsibilities relating to the growth of the city particularly in relation to the European Marine Site. The recommended head of terms set out below reflect these priorities.

Recommended heads of terms

The Heads of Terms have not yet been agreed with the applicant. The section sets out the Council's initial position. Officers are willing to continue negotiating with the applicant on a revised proposal.

The following Heads of Terms are proposed, each of which have been tested against Regulation 122 of the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

a. Local schools tariff: £205, 100 to be allocated to the provision of additional school places within the vicinity of the application site.

b. Playing pitches tariff. £85, 250 to be allocated to the provision of improved playing pitch facilities in the Eastern sub-area, as identified in the Playing Pitch Strategy.

c. Local play space tariff. £25, 250 to be allocated to the improvement of local play facilities.

d. Local health tariff. £25, 500 to be allocated to improvement of primary care health capacity in Plymstock.

e. Strategic green space tariff. £105, 750 to be allocated to the provision of strategic green spaces that help to take pressure off the designated environmental sites, as identified in the Plymouth Green Infrastructure Delivery Plan.

f. European Marine Site tariff. £6, 100 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.

g. Strategic sports facilities tariff. £85, 500 to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.

h. Transport tariff. 275, 500 to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan - Eastern Corridor Whole Route Implementation Plan. £20,000 to be allocated to improving the pedestrian facilities at the existing junctions in the vicinity of Dean Cross Road.

i. Public realm tariff. £5, 000 to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.

j. The provision of 31 Affordable Housing units.

k. Nature conservation. An additional contribution of £45, 000 is sought, to be spent on biodiversity enhancements as part of the off site works required to bring about a net gain in biodiversity in the area, as outlined in the applicants Ecological Mitigation and Enhancement Plan.

The applicant's provision of 31 affordable housing units is welcome. The type, size and location will be finalised as part of the section 106 agreement. The other agreed mitigation measures equate to £863,950.

Each planning obligation sought has been tested to ensure that it complies with the three tests set out in Regulation 122 of the Community Infrastructure Levy Regulations April 2010.

Equalities & Diversities issues

The application provides a range of house types and will be available to all equality groups including affordable units suitable for young families and people on lower incomes. Properties will comply with Lifetime Homes standards suitable for people with disabilities and the elderly and frail. The application therefore does not have any adverse impacts on any equality groups.

Conclusions

The proposal supports the city's ambitious growth agenda in providing 222 dwellings, much needed homes of different sizes including 31 affordable dwellings and 44 Lifetime Homes. This would increase the catchments for the local centres and help in part in creating sustainable linked communities in Hooe and Turnchapel to comply with Core Strategy policies CS01, CS15 and CS16.

The applicant has agreed to sign up to a Section 106 Agreement to mitigate the impacts of the development on the local and strategic infrastructure. These include the substantial contributions of nearly £900,000 to comply with Core Strategy policy CS33.

There are difficulties developing the land given the site's constraints which in part have led to a lengthy negotiation period over the last year or so to achieve an acceptable standard of development. The applicant has worked with officers to address several areas of concern. The principles of the design, layout and appearance have been agreed. Highways issues have now been resolved and nature conservation mitigation measures have been agreed in accordance with Core Strategy policies CS18 and CS19. On-site renewable energy production will be provided in compliance with Core Strategy policy CS20.

For these reasons the application is recommended for approval. However, if the Section 106 agreement is not completed by 9th June 2012, delegated authority to refuse is recommended because the application would not mitigate the infrastructure impacts of the development.

Recommendation

In respect of the application dated **09/08/2011** and the submitted drawings 102/10/1B, 102/10/2B, 100L*, 101, 102A*, 103A, 104A*, 105A*, 106A, 107C, 110A, 111A, 199, HLP.LS.o1B, HLP.LS.o2B, 140B, 141, 142, 143, 144, 150A, 151A, 152, 153, 154, 155, 156A, 157A, 158A, 159B, 160A, 161B, 162A, 163B, 164A, 167B, 168B, 169B, 170B, 171A, 172B, 173B, 174B, 175A, 177A, 178A, 179A, 180B, 181A, 182B, 183A, 184A, 185A, 186B, 187A, 188A, 191B, 192B, 193, 194, 195, 196, 197, 198, 199, 201C, Design Codes, Lime Kiln Method Statement, Arboricultural Report (JP Associates), Archeological Assessment (Exeter Archaeology), Solar Shading Study, Sustainable Resource Use rv.A, Rock Slope Stability Assessment (Hydrock), Transport Assessment (Key Transport), Interim Travel Plan (Key Transport), Remediation Report (Hydrock), Statement of Community Involvement (remarkable engagement), Ecological Impact Assessment - July 2011, Bat Mitigation Strategy - November 2011, Ecological Mitigation & Enhancement Strategy - December 2011, Flood Risk Assessment, and accompanying Design and Access Statement, it is recommended to: **Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 09th June 2012**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 2 YEARS

(1) 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 due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

SITE CHARACTERISATION

(2) 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,

archaeological 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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

SUBMISSION OF REMEDIATION SCHEME

(3) 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 2009 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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(4) 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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

REPORTING OF UNEXPECTED CONTAMINATION

(5) 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 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3, 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 4.

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 to comply with policies CS34 and CS22 of the Adopted Plymouth Core Strategy Development Plan Document.

SOUND INSULATION

(6) All dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time).

Reason

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

SOUND INSULATION VERIFICATION

(7) Details of the sound insulation verification methodology including the identification of the appropriate test properties and subsequent sound insulation verification results for each phase or part of a phase of residential development shall be submitted to and approved in writing by the local planning authority before any dwelling or building is occupied in that phase or part of that phase of development.

Reason:

To ensure that the proposed dwellings hereby permitted achieve the standards of noise attenuation set out in above condition so the properties achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to comply with policies CS22 and CS34 of the adopted City of Plymouth Core Strategy Development Plan Document 2007.

STREET DETAILS

(8) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development 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.

ROAD ALIGNMENT AND DRAINAGE

(9) 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

(10) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 9 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.

ACCESS

(11) Before any other works are commenced, an adequate road access for contractors with a proper standard of visibility shall be formed to the satisfaction of the Local Planning Authority and connected to the adjacent highway in a position and a manner to be agreed with the Local Planning Authority.

Reason:

To ensure an adequate road access at an early stage in the development 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.

PROVISION OF PARKING AREA

(12) 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.

CYCLE STORAGE

(13) 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.

GRAMPIAN

(14) No development shall commence on site until the proposed access and improvements to the existing highway at the junction of Barton Road and Hooe Road shown on the approved plans have been completed.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

GRAMPIAN

(15) No dwelling shall be occupied until the proposed improvements to Barton Road, in accordance with details to be submitted to and approved in writing, have been completed to an agreed standard suitable to serve residential development. Furthermore, the improvement works shall be fully completed to an adoptable standard, in accordance with the approved plans, prior to occupation of the penultimate dwelling.

Reason:

In the interests of highway and pedestrian safety in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(16) 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.

TRAVEL PLAN

(17) No dwelling shall be occupied until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The said RTP shall seek to encourage staff to use modes of transport other than the private car to get to and from the development site. It shall also include arrangements for monitoring the use of provisions available through the operation of the RTP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of first occupation the developer shall operate the approved RTP.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPE DESIGN PROPOSALS

(18) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation for the whole site including the woodland area have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc.,

indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

Reason:

To ensure that satisfactory landscape works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOFT LANDSCAPE WORKS

(19) Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

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.

LANDSCAPE WORKS IMPLEMENTATION

(20) All hard and soft 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 or in accordance with the programme agreed with the Local Planning Authority.

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.

LANDSCAPE MANAGEMENT PLAN

(21) A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas including the woodland area based on the Management and Enhancement Plan dated 4 November 2011 other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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.

SURFACE WATER DRAINAGE

(22) No development approved by this permission shall be commenced before a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) details of the drainage during the construction phase;
- (b) details of the final sustainable drainage scheme;

- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable of construction;
- (e) a construction quality control procedure; and
- (f) a plan for the future maintenance and management of the system and overland flow routes.

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

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATION INVESTIGATION

(23) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

A) A preliminary risk assessment which has identified:

- (a) all previous uses;
- (b) potential contaminants associated with those uses;
- (c) a conceptual model of the site indicating sources, pathways and receptors; and
- (d) potentially unacceptable risks arising from contamination at the site.

B) A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

C) The results of the site investigation and detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

D) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

To identify whether existing contamination identified at the site presents a significant risk to groundwater and to prevent pollution of nearby surface waters, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

UNSUSPECTED CONTAMINATION

(24) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To prevent pollution of controlled waters, in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF BOUNDARY TREATMENT

(25) 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 in accordance with a timetable to be agreed in writing with the Local Planning Authority. 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.

EXTERNAL MATERIALS

(26) No development shall take place until a schedule of materials to be used in the construction of the external surfaces of the development hereby permitted has 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.

SURFACING MATERIALS

(27) No development shall take place until details of all surfacing materials to be used 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.

WHEEL WASHING

(28) Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved by the Local

Planning Authority and shall be installed before the development hereby approved is first commenced, and once installed such facilities shall be used at all times to prevent mud and other debris being deposited on the highway(s) during the construction of the development hereby permitted.

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.

SUSTAINABLE RESOURCE USE

(29) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the Hooe Lake Sustainable Resource Use Report (Ref: CS20/SKH/revA, July 2011). This identifies and proposes the use of Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production.. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

LIFETIME HOMES

(30) The development shall be constructed strictly in accordance with the drawings hereby approved showing 45 units within the development to be constructed to Lifetime Homes standards (plots 1, 2, 3, 4, 41, 52, 68, 69, 90, 91, 96, 97, 98, 106, 107, 114, 115, 116, 117, 118, 119, 128, 136, 144, 145, 151, 164, 171, 172, 173, 174, 185, 186, 187, 189, 190, 191, 196, 197, 198, 202, 203, 204, 205, 206.) 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).

BIODIVERSITY

(31) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment (dated May 2011) by Richards Ecology, the EAD Ecological Enhancement

and Mitigation Strategy (December 2011), the EAD Bat Mitigation Strategy (November 2011) and the Ecological Impact Assessment Report (July 2011) by Richards Ecology. In addition, further details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- A minimum of 25 bat tubes installed within new buildings at the site;
- A minimum of 20 sparrow terraces to be incorporated into new buildings at the site;
- A minimum of 10 standard nesting boxes to be installed on mature trees within the site.
- Precise details of the proposed receptor area in the north-west corner of the site, including information on proposed habitats and management arrangements for this area.

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 and Government advice contained in PPS9.

FURTHER DETAILS

(32) 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: further details of the layout, planting, landscaping and boundary treatment of the proposed Public Open Space and the hedge and tree planting proposed to define the 10 metre buffer zone adjacent to the cliff face (which shall include details of a 2.0 metre paladin fence). 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.

FOUL WATER DRAINAGE AND DISPOSAL OF SEWAGE

(33) Prior to the commencement of development, details of the provision to be made for foul water drainage and the disposal of sewage from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed 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.

PUBLIC SEWAGE DISPOSAL FACILITIES

(34) No building hereby permitted shall be occupied, and no connection to the public sewerage system shall take place, until all improvements to the public sewage disposal facilities, rendered necessary by the development, have been completed to the Local Planning Authorities satisfaction.

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.

SEWAGE DISPOSAL/DRAINAGE WORKS

(35) None of the dwellings shall be occupied until the infrastructure works have been completed in accordance with the submitted plans.

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.

APPROVED PLANS

(36) The development hereby permitted shall be carried out in accordance with the following approved plans: 102/10/1B, 102/10/2B, 100L*, 101, 102A*, 103A, 104A*, 105A*, 106A, 107C, 110A, 111A, 199, HLP.LS.o1B, HLP.LS.o2B, 140B, 141, 142, 143, 144, 150A, 151A, 152, 153, 154, 155, 156A, 157A, 158A, 159B, 160A, 161B, 162A, 163B, 164A, 167B, 168B, 169B, 170B, 171A, 172B, 173B, 174B, 175A, 177A, 178A, 179A, 180B, 181A, 182B, 183A, 184A, 185A, 186B, 187A, 188A, 191B, 192B, 193, 194, 195, 196, 197, 198, 199, 201C.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXISTING TREE/HEDGEROWS TO BE RETAINED

(37) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is shown on the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of occupation of the last dwelling forming part of the development.

(a) Notwithstanding the details shown on drawing no. 100L*, no existing 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 fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) 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 areas 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 in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

TREE PROTECTION DURING CONSTRUCTION

(38) The existing trees and hedgerows shown on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to 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 an excavation be made, without the written consent of the local planning authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION FOR TREE PLANTING

(39) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, 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.

TREE REPLACEMENT

(40) If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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 are subsequently properly maintained, if necessary by replacement.

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(41) Prior to development on site commencing, an Ecological Mitigation and Enhancement Strategy for the highway improvement works required to upgrade Barton Road adjacent to Hooe Lake, shall be submitted to and approved in writing by the Local Planning Authority. This shall be based upon the Hooe Lake CWS Ecological Impact Assessment (EIA) (January 2012) and shall deliver a net biodiversity gain.

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 and Government advice contained in PPS9.

INFORMATIVE: SECTION 278 AGREEMENT

(1) No work within the public highway should commence until engineering details of the improvements to the public highway have been approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into. The applicant should contact Plymouth Transport and Highways for the necessary approval.

INFORMATIVE: SECTION 38 AGREEMENT

(2) Any of the roadworks included in the application for adoption as highways maintainable at public expense will require further approval of the highway engineering details prior to inclusion in an Agreement under Section 38 of the Highways Act 1980.

INFORMATIVE: PUBLIC HIGHWAY

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

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be the principle of development and impact upon visual amenity, the local highway network and ecology, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPG13 - Transport
PPS3 - Housing
PPS9 - Biodiversity and geological conservation
PPS1 - Delivering Sustainable Development
PPS22 - Renewable Energy
PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS32 - Designing out Crime
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS18 - Plymouth's Green Space
CS19 - Wildlife
CS20 - Resource Use
CS21 - Flood Risk
CS01 - Sustainable Linked Communities
CS02 - Design
CS15 - Housing Provision
SPDI - Development Guidelines
NPPF - Draft National Planning Policy Framework 2011