

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 12/00568/FUL

Applicant: T & O Developments

Description of Application: Change of use and conversion of office building to form three residential units, and erection of four semi-detached dwellings on existing car parking area

Type of Application: Full Application

Site Address: PARKVIEW HOUSE, TRELAWNEY LANE PLYMOUTH

Ward: Peverell

Valid Date of Application: 05/04/2012

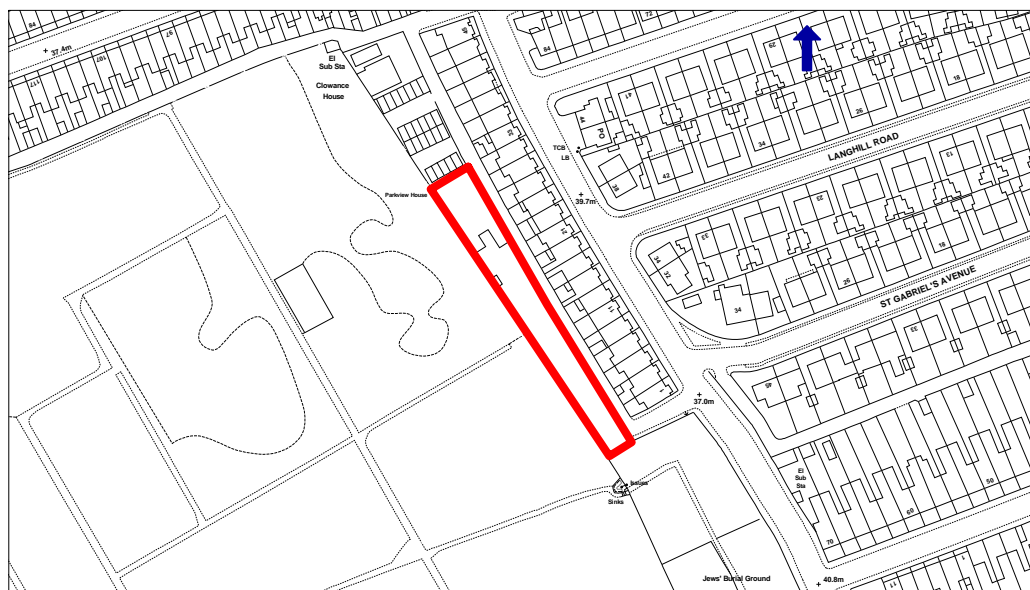
8/13 Week Date: **31/05/2012**

Decision Category: Member Referral

Case Officer : Karen Gallacher

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 31 May 2012

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The application has been referred to Planning Committee by Councillor Mahony because he considers that the issues are finely balanced, it would result in overdevelopment of the site, the development is unusual for the location and the planning history is complex.

Site Description

The site is located to the west of Trelawney Lane in Peverell. It is accessed from Trelawney Lane. To the east is Trelawney Lane and then a terrace of early 20th century dwellings. At a lower level and to the west and south lies Ford Park Cemetery. To the north there is a block of garages and a single dwelling. It is bounded by a brick and block work wall, which is partly covered in vegetation. The site is long (approx 110m) and thin (approx 9 – 14m) and slopes down from north to south. It is currently laid out with Parkview House, at the northern end and a car park to the south. The site has been vacant since 2009 and has permission for restricted light industrial uses.

Proposal Description

The scheme proposes 3 self-contained apartments (1 x 3 bedroom and 2 x 2 bedroom) in Parkview House and 4 new 4 bedroom, flat roofed, semi-detached houses on the car park area.

The apartments vary in size from 75sqm to 160sqm and include 4 parking spaces, 3 cycle parking spaces, refuse storage and a communal amenity area of 85sqm.

All 4 houses propose 4 bedrooms, cycle parking, refuse storage and would share a total of 8 parking spaces. All have amenity areas in excess of 75sqm.

The proposal includes the demolition of the existing boundary wall and the widening of the rear lane to accommodate a pedestrian strip in front of the houses.

There is current enforcement investigation regarding unauthorised building works and residential use of part of Parkview House. These works include new window openings, which can be considered as retrospective for the purposes of this application.

Pre-Application Enquiry

No formal Development Enquiry Service application was submitted, but there have been discussions with the applicant following the withdrawal of a previous application for a similar scheme. The previous application was withdrawn because there were significant concerns about the impact of the development on neighbouring property, the highway network, the design and layout of the scheme and the infrastructure requirements of the scheme.

Relevant Planning History

11/01288/OPR - Suspected unauthorised building alterations & residential use of part of building – CURRENT CASE

11/1906/FUL – Continued use of Parkview House for residential - WITHDRAWN

11/1495/FUL – 3 Flats and 4 semi detached houses - WITHDRAWN

98/1030/FUL – B1 light industrial – GRANTED with many restrictions on the type of use acceptable.

96/654/FUL – Church and school - REFUSED

92/317/FUL – Storage and paint distribution - GRANTED

81/4262/FUL – Painting contractors - GRANTED

78/2844/FUL – Auction sales - GRANTED

Consultation Responses

Transport – no objection subject to conditions

Public Protection Service – no objection subject to conditions

Economic development – no objection given the restricted nature of the site.

Representations

20 letters of objection have been received from local residents in respect of the scheme.

Highway concerns

- The proposal does not include sufficient parking, will lead to parking on the street and further obstruction of the surrounding roads.
- The service lane is not adequate for use as a main access and highway to these properties.
- Emergency vehicles will not have access.
- Access to the proposed and existing garages on the lane will not be possible.
- Visibility at access points onto and from Trelawney Lane are/will be dangerous.
- The footway and rear lane do not meet highway standards.
- Children playing in the rear service lane will be put in danger by the increase in traffic.
- The properties should be excluded from the controlled parking zone.
- Two way traffic on the rear lane will cause highway danger and congestion.
- Front doors opening onto the rear lane will be dangerous.

Neighbours amenity

- The proposed development would be too close to existing residential development and result in loss of privacy, sunlight, daylight, outlook and view to these properties.
- The increased use of the rear lane would result in additional unacceptable noise, light pollution and disturbance for existing residents.
- Noise and disturbance during construction would be unacceptable.
- The new development will channel wind onto property in Trelawney Road.

Character of the area concerns

- The proposed modern style buildings are completely out of character with development in the area.
- The density of the development is cramped and represents overdevelopment of the site.

Public Amenity

- The loss of the cobbles would be unacceptable
- The applicant has been living in the building without planning permission.
- The site is unacceptably contaminated.
- The site should be kept for employment use.
- The impact on school places would be unacceptable

- Building close to sewers would be unacceptable.
- The unacceptable loss of trees and wildlife .

Concerns about the cemetery

- The proposal will result in the unacceptable loss of wildlife and trees on the site and the boundary with the cemetery.
- Overlooking the cemetery is unacceptable intrusion.
- The cemetery is a listed park and will be harmed.

Analysis

The main considerations are the impact on the highway network, the neighbours' amenity, the character and appearance of the area, the standard of the accommodation provided, the loss of the employment site, the impact on wildlife and trees, public safety concerns, the impact on the cemetery and the impacts on the infrastructure of the area.

Highways

The neighbours have expressed serious concerns about the level of parking and the suitability of the access to the site. Each house proposed will be provided with 2 off-street parking spaces and the flats will have 1 space each (plus 1 visitor). This complies with current parking standards as outlined in the Development Guidelines Supplementary Planning Document, in terms of parking provision, and should be secured by way of condition to ensure provision before occupation of the unit it serves.

Secure and covered cycle storage is also offered per unit and again this should be subject to a condition.

The proposed building line has been set back to provide a margin of 1.2m, thus providing a pedestrian zone, clear of vehicles. This also allows cars to enter and egress into the existing and proposed parking spaces, a 6 metre distance is required which is achieved in this instance.

The service lane would need to be upgraded to a more level and suitable finish to encourage pedestrians and cycling and because it would be the primary access to the new dwellings. Subject to this upgrade the Highway Authority has confirmed that the lane would be suitable for the level of use, including emergency vehicles, two way traffic and people exiting their front doors directly onto the lane. The applicant has agreed to this upgrade. The use of cobbles/setts has also been agreed.

One objection refers to the increased danger for children playing in the road. The improvements to the service lane would increase safety for pedestrians and the proposed increase in traffic is not considered to conflict with this improvement.

The new dwellings are likely to be excluded from the controlled parking zone, as has been requested by one objector.

The site is considered accessible, visibility is acceptable and it is close to Public Transport services and local facilities. With the enhancement works to the highway and the suitable provision of car and cycle parking the development is considered

acceptable and therefore complies with the requirements of policy CS28 subject to conditions.

Neighbours amenity

The nearest neighbours are the houses in Trelawney Road, who are on the opposite side of Trelawney Lane. The majority of these householders have objected to the scheme on the basis that the proposed development would be too close to their properties and cut out daylight and sunlight, reduce outlook and view and dominate their outlook. Since the previous application, significant changes have been made to the application to address these concerns.

The houses have no first floor habitable room windows fronting the existing houses. The apartments do have existing windows at first floor level that face Trelawney Road. The scheme includes obscure glazing to these windows to a height that would prevent overlooking.

The existing building does dominate the outlook from the rear of properties on Trelawney Road, as it is a tall 2 storey building approximately 9 m from the nearest property. The proposed new houses have been designed to be as low as possible for 2 storey buildings. They have also been positioned so that they are 12m from the nearest dwelling, which meets the development guidelines standard in terms of light, outlook and dominance. View from individual houses is not something that can be protected by the planning system.

Residents have also been concerned about the increase in noise, light and comings and goings along the rear cobbled lane. The proposal will increase this level of activity, especially as the existing building has been vacant since 2009. The lane at present serves the properties in Trelawney Lane, a vacant light industrial use/office, 24 garages and a dwelling. However, a new use in the business could result in significant disturbance during the day and the proposal for 7 additional dwellings is unlikely to result in a level of disturbance that could justify refusal on these grounds even given the additional evening concerns.

Disturbance during construction would be controlled via a code of practice condition.

The concerns about the possible changes to the wind strength are noted, but are not considered to justify refusal on these grounds.

It is considered by officers that the proposed development will not harm the amenity of neighbours so significantly to justify refusal as being contrary to policies CS15, CS34 or the development guidelines supplementary planning document.

Character of the area

The existing development on the site is a brick built, flat roof, 2 storey building. The proposed design of the new houses reflects this flat roof design. Due to the constraints of the site and modern room sizes, the new buildings would have a reduced mass and be significantly lower. The flat roof element leads to a contemporary styling for the buildings that reflects its surroundings by predominant use of render and high quality materials. The design addresses the rear lane, with front doors under canopies, yet retaining small areas of defensible space, which gives the overall design a contemporary mews feel.

The proposal removes the existing brick wall along the eastern boundary of the site. It also involves widening the road to accommodate a pedestrian zone. The new boundary is shown as being reinstated in brick between the new houses and the

widened section of road would be constructed using compatible materials to protect the identity of the area.

The changes to the existing building would not, in officers' opinion, significantly impact on the character of the area. The introduction of additional windows and balconies in the south west elevation of the building, breaks up what is an existing featureless wall overlooking the cemetery. The scheme involves the removal of some of the adjacent, ground floor buildings and the creation of parking areas, the surface treatment of which would need to be conditioned to reflect the existing use of materials.

The layout of the site is dictated by the shape of the site, but the density of the proposal is compatible with surrounding development.

The design approach for this individual site is considered by officers to meet the requirements of CS02 and NPPF and would not harm the character of the area.

Standard of accommodation

The standard of accommodation provided meets the standards outlined in the Development Guidelines Supplementary Planning Document. Internally the accommodation in each unit is spacious and well laid out. The external amenity area space is dictated by the narrowness of the site and includes balconies, but is reasonably arranged and useable. Two of the apartments meet the lifetime homes standard. The proposal meets the requirements of policy CS15 and the Development Guidelines Supplementary Planning Document.

Loss of employment

The site has been in employment use of various kinds since it was first built. The last use was B1 light industrial use granted on 1998. Because of the sensitive location of the site, and the objections from local residents, this permission was severely restricted by condition so that all future users would, among other things, need to submit details of all processes and machinery and would be prevented from open storage. The last use moved out in 2009 and no new user has been found. The applicant has submitted an employment land study, which includes details of how the site has been marketed over this period and explains why the site is not well suited for office accommodation because of its location, layout and inability to compete with the supply of office accommodation in the central part of the city. This together with the back lane location of the site has lead officers, in consultation with colleagues in economic development, to recommend that the loss of this site for employment purposes would not conflict with the aims of policy CS05, despite the shortage of employment site in Peverell.

Wildlife and trees

The site includes some natural growth on the boundary with the cemetery and a vacant building, with a potential to contain bats. The application was therefore accompanied by a phase one habitat survey and arboricultural statement. No evidence of any significant wildlife or trees was found. An informative is, however, recommended to ensure that no natural growth on the boundary wall is removed during the nesting season for birds. A condition is also recommended to ensure that the mitigation works included in the application are implemented to ensure compliance with policy CS19 in this respect. This includes native planting and nesting boxes for each of the new dwellings.

Public safety

The application was accompanied by a phase one contamination report because of fears regarding contaminated land. The report concludes that further site investigation and risk assessment is required due to previous commercial land use on site/in the near vicinity and the continued potential presence of underground fuel storage tanks and/or pipe lines. Officers are in agreement with this conclusion and as such, conditions are recommended to ensure that any contaminants are adequately dealt with. The proposal is considered to comply with CS22 in this respect.

There has been an objection to the proposal as it would involve building close to a public sewer that runs along Trelawney Lane. There has been no response from South West Water in respect of this. It is recommended that an informative is added to highlight this issue to the applicant.

The Cemetery

Concerns have been expressed from neighbours about the impact of the development on the cemetery as a historic garden and because it would be overlooked by the development. The written comments from the Ford Park Cemetery are awaited. They are, however, aware of the application and have confirmed verbally that they have no objection to the proximity of the proposal in these terms. They have agreed with the applicant that the development should not affect the existing vegetation within the cemetery.

The cemetery is in an urban location and already overlooked to a degree. The area adjacent to the development site is not part of the listed park and garden, which is sufficient distance from the site so as not to be affected. There is no conflict with policies CS34 or CS03 in respect of the impact on the cemetery.

The compliance case

In August 2011 complaints were received regarding suspected unauthorised building alterations & residential use of part of Parkview House. Following the registration of a planning compliance case (reference 11/01288/OPR), the applicant made a planning application to continue the use. Insufficient information was submitted with the application to show that the site was safe in terms of contamination. Following on from this refusal a Planning Enforcement Notice issued on 09 March 2012. This enforcement notice is now the subject of an appeal. If planning permission is granted for this current planning application the enforcement case can be closed.

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

The proposed development would have direct impacts on local and strategic infrastructure and the environment requiring mitigation. This mitigation will be achieved through a combination of planning conditions and planning obligations

identified in a S106 agreement. Each planning obligation has been tested to ensure that it complies with the three tests set out in Reg.122 of the Community Infrastructure Levy Regulations April 2010.

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 likely to be a deficiency of school places in the locality ('Central and North East') from 2014 given projected population growth. Furthermore, city wide applications for reception places are outstripping the availability of places. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £18,740.

2. Local green space.

By reason of increased population facilitated by the development it will contribute to the cumulative impact on existing green space, most specifically an additional pressure on its management. The estimated cost of mitigating this impact is £4,343.

3. Childrens 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 an additional pressure on its management. The estimated cost of mitigating this impact is £3,108.

4. 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 £7,878.

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 £9,686.

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 £229.

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 £6,188

8. 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 £739

9. Strategic transport.

By reason of the increased population facilitated by the development and the increased demand for journeys, it will contribute to the cumulative impact of development on the city's strategic transport infrastructure. This will bring the likelihood of increased congestion and pollution, particularly in the northern corridor, unless there is adequate mitigation. The estimated cost of mitigating this impact is £20,815

The total estimated cost of mitigating these impacts would be **£71,726** if this is to be delivered through financial contributions.

Market Recovery

The applicant has claimed that the development would be unviable with allowance for full mitigation of these impacts, and therefore indicated that they wish to have the application considered under the Council's Market Recovery Scheme.

The Market Recovery Scheme 2011/12 sets out the following measures:

- Up to 50% discount on tariff contribution sought for development on Brownfield sites
- A requirement for a substantive start to be made on the development within 2 years.

The developer is prepared to commit to the early delivery of this project, and this is considered to be a weighty material consideration in its own right given current economic circumstances, sufficient to justify a limited relaxation of the Council's policy requirements for mitigation of development impacts, in accordance with the Market Recovery Scheme. It will also bring the additional benefit of generating finance through the New Homes Bonus.

Heads of Terms

Without the discount, we would normally be seeking to negotiate contributions in the order of £71,726 to mitigate each of the impacts identified above. However, under the provisions of the Market Recovery Scheme the following heads of terms have been negotiated, and considered to be acceptable. In this case the priorities are finely balanced and the discount has therefore been applied equally across each infrastructure item. The Heads of Terms have been tested against Regulation 122 of

the Community Infrastructure Levy Regulations 2010, to enable appropriate mitigation of the impacts identified above:

- i. Local schools tariff: £9,370, to be allocated to the provision of additional school places within the vicinity of the development.*
- ii. Local greenspace tariff. £2,17, to be allocated to the improvement of local green space.*
- iii. Local children's play space.£1,554, to be allocated to the improvement of local play facilities.*
- iv. Local playing pitches. £3,939,to be allocated to the provision of improved playing pitches in the area*
- v. European Marine Site tariff. £410, to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.*
- vi. Strategic transport tariff. £10,408, to be allocated to the delivery of priority strategic transport interventions as identified in the LTP3 Transport Implementation Plan, specifically the Northern Corridor Whole Route Implementation Plan*
- vii. Strategic green space tariff. £4,843, 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.*
- viii. Strategic sports facilities tariff, £3,094, to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.*
- ix. Strategic public realm tariff.£370, to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre and University Area Action Plan.*

Equalities & Diversities issues

The development brings about significant improvements to the access lane for all users. The development meets the requirement of policy CS15 in respect of lifetime homes. There are no conflicts with CS34 in this respect.

Conclusions

The proposal has given rise to a significant level of objection from near neighbours. The applicant has taken these and the objections from the previous application into account to overcome previous concerns. The resulting scheme meets the

requirements of the Highway Authority, reduces the impact on neighbours amenity to an acceptable level, results in mitigation measures for biodiversity, relates well to the character of the area, meets the standard for acceptable residential accommodation and public safety and mitigates the impact of the development. The proposal therefore complies with policies CS02, CS03, CS15, CS18, CS19, CS22, Cs28, Cs33, CS34, the development guidelines and design guidelines supplementary planning documents and the National Planning Policy Framework.

Recommendation

In respect of the application dated **05/04/2012** and the submitted drawings I204-01, I204 PO2, I204 PO3, I204 PO4, I204 PO5 and I204 PO6. the accompanying design and access statement, phase one habitat survey, contamination survey, arboricultural report, and employment land survey, 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 31 May 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: I204-01, I204 PO2, I204 PO3, I204 PO4, I204 PO5 and I204 PO6.

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.

EXTERNAL MATERIALS

(3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(4) 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.

CAR PARKING RESTRICTION

(5) No part of the site shall at any time be used for the parking of vehicles other than that part specifically shown for that purpose on the approved plan.

Reason:

In the opinion of the Local Planning Authority the level of car parking provision should be limited in order to assist the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(6) The secure area for storing cycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

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

GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(7) No development shall commence on site until the proposed access and improvements to the existing highway 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.

COMPLETION OF ROADS AND FOOTWAYS

(8) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 7 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.

CODE OF PRACTICE DURING CONSTRUCTION

(9) 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.

RESTRICTIONS ON PERMITTED DEVELOPMENT

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Class(es) [A] of Part I of the Schedule to that Order shall be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to ensure that the development retains an acceptable level of amenity space and does not harm the amenity of near neighbours, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONTAMINATION

(11) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 12 to 15 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 15 has been complied with in relation to that contamination.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

SITE CHARACTERISATION

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

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

- (ii) an assessment of the potential risks to:
- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

REMEDIATION SCHEME

(13) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason : To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

APPROVED REMEDIATION SCHEME

(14) 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 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. Alternatively, a visit by the Council's Land Quality officer can be arranged so that proper membrane installation according to manufacturer's guidelines/instructions can be confirmed. Please call Public Protection Service to arrange on 01752 304147.

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.

UNEXPECTED CONTAMINATION

(15) 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.

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.

WILDLIFE MITIGATION.

(16) Before work commences on site a detailed management plan for the wildlife mitigation works shall be submitted to and approved in writing by the Local Planning Authority. The proposed works shall be carried out in accordance with the approved plan.

Reason: To ensure that the development complies with the requirements of policy CS19 of the Local Development Framework Core Strategy.

SECTION 278

(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.

SECTION 38

(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.

WORKS IN 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: loss of the employment use, impact on neighbours amenity, the character and appearance of the area, highway safety, wildlife and trees, public safety, and the impacts of the development on the local and strategic infrastructure, 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 (a) 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:

- CS28 - Local Transport Consideration
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS22 - Pollution
- CS05 - Development of Existing Sites
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- SPD2 - Planning Obligations and Affordable Housing
- SPD1 - Development Guidelines
- SPD3 - Design Supplementary Planning Document
- NPPF - National Planning Policy Framework March 2012