

PLANNING APPLICATION REPORT



ITEM: 2

Application Number: 12/01339/FUL

Applicant: Mr Andrew Preston

Description of Application: Re-develop site by erection of new 4 storey building containing commercial unit on ground floor and 7 apartments on upper floors with associated car parking, refuse and cycle storage (demolition of existing building)

Type of Application: Full Application

Site Address: SEAWINGS, 101 LAWRENCE ROAD PLYMOUTH

Ward: Plymstock Radford

Valid Date of Application: 30/07/2012

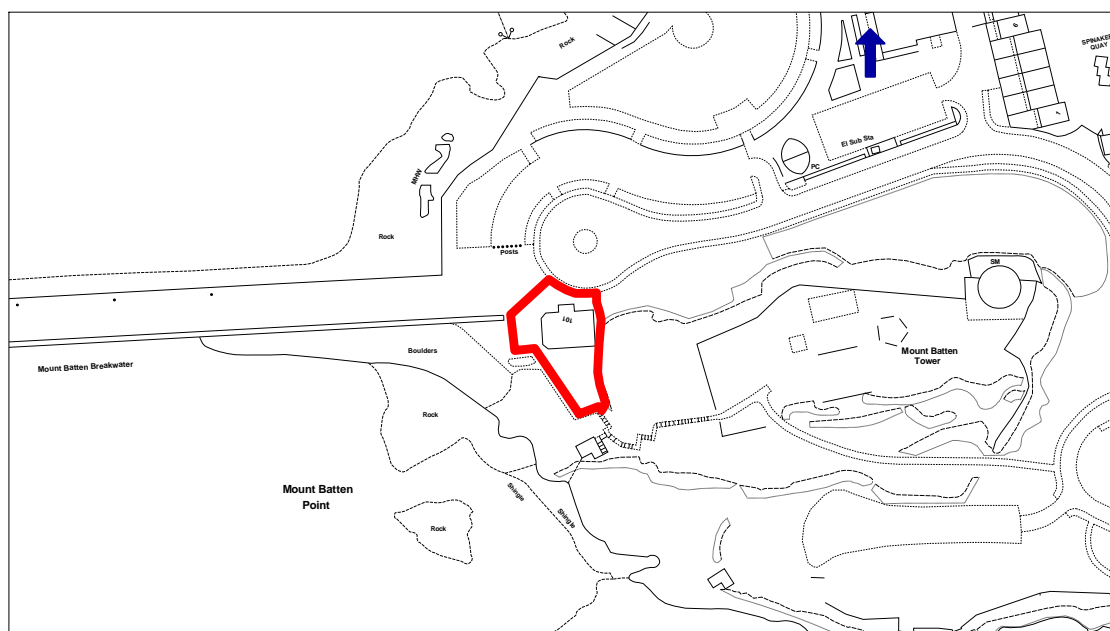
8/13 Week Date: **24/09/2012**

Decision Category: Member Referral

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 18 January 2013.

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This application is being presented to the Planning Committee at the request of Councillor Ken Foster who is concerned about the effects of the development

Site Description

The site is located in a prominent position on the headland at the western promontory of the Mount Batten peninsula, directly overlooking the Mount Batten breakwater. It sits beneath the secured rock face that rises to approximately 26m AOD. It overlooks Mount Batten Point, the eastern waters of Plymouth Sound, and the Cattewater, which forms the mouth of the River Plym.

The site is characterised by its irregular boundaries and together with the topography, exposure, and the imposing backdrop of the cliff, it is constrained. It occupies a footprint of approximately 780m² and rises from a road level of around 4.0m AOD to roughly 6.0m AOD on the southern boundary, where it meets the public footpath. This leads to a cliff top amenity area, which is the setting for the historic Mount Batten artillery tower (1652, Grade II* listed), and is a scheduled ancient monument. The site also includes an external seating area to the south.

There is no immediate surrounding development, the closest existing building to the site is the Mount Batten Hotel. Spinnaker Quay, a small development of 22 modern townhouses, is the closest residential development to the site.

Proposal Description

It is proposed to redevelop the site and erect a new 4 storey building containing a commercial unit on the ground floor and 7 apartments on the upper floors with associated car parking, refuse and cycle storage. It is proposed to demolish the existing building on the site.

The development provides 7 no. apartments arranged in three wings around a central service and access core. The apartments vary in size ranging from approximately 105m² to 137m² gross internal area, all offering two double bedrooms and open plan living space. The residential accommodation is raised over a screened and secure, on-site parking area providing 10 car spaces for the use of the residents (11 spaces provided in the car park area), which is accessed from the turning head. Within the ground floor of the building, and associated with the residences, is a secure cycle store with 3 stands (Sheffield type or similar approved) providing 6 spaces, bin store, plant and utilities meter rooms.

One small commercial outlet, or another potential active use is proposed at ground floor level. This will provide approximately 67m² of gross internal area. A dedicated bin store has also been allocated for the use of this commercial unit. 1 cycle stand (Sheffield type or similar approved) providing 2 secure spaces is shown on the ground floor adjacent to the unit's street-facing entrance and under cover of the building, for the use of the commercial unit staff and customers. The car park area will also have 1 car parking space allocated for the commercial unit.

Pre-Application Enquiry

MI/44/PRE - Development Enquiry Service Pre-app Enquiry for 10 apartments at Seawings, Lawrence Road, Plymouth.

Discussions held regarding the development of the site for residential purposes, leading to the submission of a formal planning application (see below for details).

Relevant Planning History

11/01980/FUL - Re-develop site by erection of new 5 storey building containing commercial unit on ground floor and 10 apartments on upper floors with associated car parking, refuse and cycle storage (demolition of existing outbuilding). WITHDRAWN.

Consultation Responses

Environment Agency

No objection subject to conditions.

Highways Officer

No objection subject to conditions.

English Heritage

No objections.

Public Protection Service

No objection subject to conditions.

Queens Harbour Master

No objection.

Representations

One hundred and eleven (111) letters of representation received. One Hundred and ten (110) are in objection, on grounds summarised below:

- Objections to inappropriate design and use.
- Proposed development is on a Site of Special Scientific Interest and includes several scheduled ancient monuments deemed to be of national importance. The proposed development is totally out of context and offends each and every one of the above criteria, in particular, style, layout, scale, height and views. The development is in the proximity of two designated heritage sites and Second World War two remains. It will dominate the area and is therefore out of character for a historic environment of national importance.

- This is an attractive site provided by central national government for the benefit of local people and for visitors to enjoy. Residential use would create parking problems in an area already full with visitors cars most of the year. The whole vista would be destroyed if this building project were to be allowed, and the large scale nature of the complex would bring an unprecedented level of traffic to this small area of the peninsula, having a detrimental effect on parking, traffic flow and bus access.
- This latest proposal will mean the loss of more wildlife habitat completely alien to the historical ethos of the area.

One letter of support has been received.

Analysis

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

Principle of Development

The site is not constrained by any restrictive planning policies. It does not lie within a Conservation Area and there are no protected trees on the site. At present there is an existing late 19th century building on the site that has been converted to residential and catering facilities (Seawings restaurant). The building and its external, terraced, timber decks together with the rear access ways occupy the whole site area. The site has been previously developed and is thus considered to be a brownfield site.

With regards to planning policy, paragraph 10.25 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007) states that *'In order to optimise the use of available sites and to reduce the pressure on Greenfield sites, the Government has set minimum density targets of between 30 and 50 dwellings per hectare. The priority will be on the re-use of previously developed sites'* and goes on to state that *'City Centre or urban sites can achieve quality development with densities significantly above the upper target level, as such sites would normally consist of flats and apartments'*.

Whilst the previous broad brush reference to a density of 30 – 50 dwellings per hectare (dph) in PPS3 has been removed and superseded by the NPPF, which states that LPA's should set out their own approach to housing density to reflect local circumstances, the proposal is on previously developed brownfield land and would provide a development that, in terms of density, would be consistent with other residential schemes for apartments.

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).

Design Issues/Impact upon character and appearance

The NPPF states that good design is indivisible from good planning and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. 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.

Although the existing building occupies a dramatic setting, it is undistinguished and has little architectural or historic value. There is also no predominant architectural language for the buildings that exist throughout the peninsula. They echo the utilitarian requirements of the military and have been sporadically sited to meet functional criteria and access to the water at Clovelly Bay. More recent developments, mainly as a result of the initiatives by the Plymouth Development Corporation, have resulted in buildings of variable architectural merit.

The buildings in closest proximity to this site are the 22 modern town houses at Spinnaker Quay, the conversion of an existing building to the Hotel Mount Batten, and new public toilets adjacent.

Layout

With regards to the proposed layout, the residential accommodation is raised above ground level to design out flood risk, respond to the rising ground levels, and to accommodate onsite car parking. The close proximity of the cliff face has also impacted upon the layout, and the proposal has been oriented to maximise views from the south-east to the north-west.

The site layout is arranged to address the irregular boundary conditions of the site in a rational design. The ground floor commercial space has a direct and legible access from Lawrence Road. The vehicular entrance is screened and on the northern boundary at the Lawrence Road turning head, which due to the constraints of the site is the only natural vehicular access point.

The physical constraints of the site have had a significant impact upon the layout and design. The application proposes to create three residential blocks grouped around a central and pivotal circulation core. This offers the potential for a form that can respond in section to the change in level across the site and the landform of the backdrop. The layout is therefore a direct response to the physical constraints of the site.

Scale and Massing

Concerning the massing of the building, it has been heavily faceted. This ensures that the building respects the rigorous setting and has the effect of breaking down the overall massing so that the building sits appropriately within its context when viewed from a distance. There are four main elements to the overall building; three residential blocks of varying roof heights, grouped around a higher, pivotal stair core and lift shaft. A series of projecting bays and recessed balconies, together with a stepped profile, add variation to the overall composition of the building. It is considered that the scheme's massing has been articulated successfully to respond to the particular prominence of the site when viewed from the Hoe, and that it sits

comfortably within the context of the natural landforms and rock bluff that form a dramatic backdrop to its setting.

Design and Appearance

With regards to external appearance, the building occupies a prominent location that is also a gateway waterfront site. A landmark building of high quality is thus required in order to make a positive contribution to the unique setting of the site. There is no dominant architectural language within the area and an opportunity therefore exists to design an object building that stands alone in this location.

The building is predominantly residential and its impact on the character and appearance of the surrounding area will be determined by the quality of its facades above ground level. The ground floor appears as plinth and is formed with a random rubble, limestone enclosure, with grouped and framed openings. This ensures that at ground level, the building sits neatly within the street scene, providing a robust plinth that is finished in materials that are respectful to the context in this exposed location.

Above ground floor level, the apartment wings project over the proposed commercial space and parking area. The north wing contains two storeys above ground, the west wing contains three above the ground floor, and the south wing has two storeys above the first floor. This is due to the ground levels at the site and this approach provides a building that responds to the landscape and natural features of the site.

The north façade in particular, has been developed to present a highly articulated elevation when viewed from the Hoe and Barbican. Large framed bay window openings are used to strengthen the articulated form of the building adjacent to the face of the cliff. They create shadow and shelter by using projecting glazed bays and recessed balconies.

The central block has been framed where the full height glazing elements face west. Openings to balconies are placed to protect against the prevailing wind wherever possible.

The penthouse accommodation on the third floor is expressed as a recessed element, further breaking down the scale and mass of the building and helping it relate more successfully to the profile of the cliff when viewed from the Plymouth seafront.

A key feature of the buildings design is the stair core and lift shaft on the west elevation. This introduces a circular element to what is a faceted angular building, and provides a key curved element that references the rugged, organic setting of the building.

Materials

It is paramount that the materials proposed in this location are rugged to reflect the setting but also durable as the location is exposed and robust materials will be required to withstand the natural elements. The ground floor is mainly a mix of stone and glazing. The proposed glazing will ensure that the ground floor use is visually permeable and that any new use will provide surveillance of the areas immediately outside of the building. The stone is a robust material that reflects the setting of the rock outcrop.

There is limited render, used to frame the ends of the building. The applicant is proposing to use a high quality, acrylic render system, designed to perform where there is less air movement and where the building is predominantly in shadow. The north and west/south-west façades contain predominantly glazed elements, designed to maximise solar orientation, and take advantage of the stunning views over Plymouth Sound and the waterfront. For the glazing, the applicant is proposing to use aluminium framed windows, treated with a powder coating to a dark grey. Dark grey, acrylic backed, obscure glass spandrel panels are used to link the windows to hide servicing between floors and simplify the lateral openings in the limestone cladding and the rendered elevations.

The penthouse flat, located atop the west wing, is visually separated from the bulk of the building by being set back and clad in a tinned, pre-patinated copper system to reflect the green/grey hues of the higher slopes. It will weather further into its surroundings and is applied in standing seam construction with a randomised vertical rhythm.

Heritage Issues

The site is positioned approximately 122 metres to the west of the existing Mount Batten Tower, which is a scheduled Ancient Monument. The Plateau on which the tower sits is also protected due to its archaeological value. The Heritage Asset therefore corresponds to the surviving limestone plateau that forms the top of the limestone rock outcrop, upon which at its eastern end sits the 17th century artillery tower, and includes land and features to the south and southwest.

The Tower is located to the east of the plateau and is visually remote from the development site. It is not dominant in the context of the wider panorama of the Sound, having more impact when viewed from the harbour and those parts of the Barbican, which are in closest proximity. Within the Mount Batten peninsula itself, the Tower is most visible from the eastern approaches, whilst from the west in the areas close to the development site and from the pier it is shielded from view by the rock outcrop.

Consultation with English Heritage (EH) has been ongoing since an earlier application at the site (11/01980/FUL – see planning history section for full details) was withdrawn due to concerns EH had in relation to the scale of the proposal. The proposed development, as a result of the discussions with EH, is now for a 4 storey building and not a 5 storey building, as originally proposed. This has had the affect of significantly reducing the proposed buildings impact upon the Artillery Tower and its setting, and has resulted in a reduction in the number of apartments proposed from 10 to 7.

In its consultation letter dated 31st August 2012, EH have commented that *'It is apparent that the applicant has taken on board EH's concerns in the revised scheme. The reduction in building height, scale & mass now demonstrates a clear subordination to the designated 17th Century defences on the adjacent plateau. Although this would still be likely to have some impact upon the setting of the heritage assets, we do not believe that this would constitute substantial harm to the significance of the Mount Batten defences in the same way that the original scheme clearly did. It would not therefore be reasonable for EH to maintain an objection to this planning application.'*

It is thus considered that the application does not have a significant detrimental impact upon the Artillery Tower or Plateau, and that the scale and massing of the proposal is of an acceptable form and is not harmful to the setting of the heritage assets.

In conclusion, it is considered that the proposed development provides a high quality and innovative contemporary development that in terms of scale and massing is sensitive to the existing surrounding development and heritage features, whilst providing a modern urban design solution to the development of this gateway waterfront site. The development is therefore considered to make a positive contribution to local visual amenity and is compliant with policies CS02 (Design) and CS03 (Historic Environment) of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Highways Issues

Vehicular access onto the site is proposed from the northern boundary, off the existing turning head on Lawrence Road, via a dropped kerb. There are 11 car parking spaces proposed on-site to serve the 7 apartments proposed. Due to the small scale of this development, there will not be a significant impact on the local highway network in terms of additional trips. The Highways Officer has stated support for the proposal and the application is considered compliant with Policy CS28 (Local Transport Considerations) of the adopted City of Plymouth Local Development Framework Core Strategy (2007).

Residential Amenity

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

The proposed building has been designed so that future occupiers will benefit from a full range of amenities. Bin and cycle stores are provided, as well as adequate levels of car parking. Each flat is spacious, light and airy and fitted to a high specification. The apartments have been arranged so that no conflict with regards to residential amenity standards is created between them.

There are no existing dwellings in close enough proximity to the site to be affected with regards to residential amenity impact. The proposed development is therefore considered compliant with Policy CS34 of the Adopted City of Plymouth Local Development Framework Core Strategy (2007).

Other Issues

110 letters of objection have been received. These are mostly based around the impact that the development will have on visual amenity and the nearby heritage assets. These issues are discussed in detail above in the main Analysis section of this report, with the conclusion being that the proposed development is acceptable with regards to its impact upon visual amenity and the nearby heritage assets.

Although not a Policy requirement, the application provides two apartments that are fitted to Lifetime Homes standard. Although all apartments could comply as designed currently, or could be easily adjusted to comply, not all parking spaces within the development are capable of being adjusted to suit the requirements, without decreasing the number of parking spaces.

Consultation with the Environment Agency has revealed that despite the site being located in flood zone I (and thus there being no statutory requirement to consult the EA with regards to flood issues), discussions were required to ensure that the building is not at risk to flooding in the future. In order to meet the EA's requirements the proposed ground floor level of the building has been raised. The EA have confirmed in their letter of the 5th October that *'we consider that the proposed development will be acceptable (and we will not object) if subsequent planning permission includes conditions to manage the flood risks to the ground floor commercial unit and ensure the provision of a secure emergency egress route for the occupants of the residential units. Furthermore, as highlighted in our letter of 12 September 2012 we also recommend the inclusion of conditions to ensure the appropriate investigation and remediation of contaminated land and the management of any unsuspected contamination which might be encountered'* The conditions referred to are attached. .

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.

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 £12, 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 £1, 860.

3. Libraries. Library Services advise that development in this area will generate a pressure on existing library facilities which are already in need of additional capital investment as a result of the cumulative impact of population growth. The development will therefore generate an impact that needs to be mitigated. The estimated cost of mitigating this impact is £936.

4. Local green space. By reason of the increased population facilitated by the development, it will contribute to the cumulative impact on existing local green space, most specifically through the need for green space improvements. The estimated cost of mitigating this impact is £2, 731.

5. 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 £4, 955.

6. 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 £1, 955.

7. 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 £6, 000.

8. 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 £143.

9. 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 £3, 890.

10. Transport. By reason of the increased population facilitated by the development and the increased demand for journeys, the development will have a cumulative impact 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 the impacts on the strategic highway network is £5, 600

11. 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 £462.

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. The applicants have agreed to the Council's substantial start clause to ensure that the development is delivered quickly.

Recommended heads of terms

The Heads of Terms have been agreed with the applicant. The section sets out the agreed position.

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: £6, 100 to be allocated to the provision of additional school places within the vicinity of the application site.
- b. Local health: £900 to be allocated to improvement of primary care health capacity in Plymstock.
- c. Libraries: £469 to be allocated to improvement of local library facilities in Plymstock.
- d. Local Green Space: £1, 300 to be allocated to the provision of improved green space in the area.
- e. Playing pitches: £2, 450 to be allocated to the provision of improved playing pitch facilities in the area, as identified in the Playing Pitch Strategy.

- f. Local play space: £970 to be allocated to the improvement of local play facilities.
- g. Strategic green space: £3000 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.
- h. European Marine Site: £71 to be allocated to appropriate management measures for the Tamar Estuaries as identified in the Tamar Estuaries Management Plan.
- i. Strategic sports facilities tariff. £1, 900 to be allocated to the delivery of priority strategic sports facilities as identified in the Sports Facilities Strategy.
- j. Transport: £2, 800 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.
- k. Public realm: £230 to be allocated to the delivery of priority City Centre public realm improvements as proposed in the City Centre & University Area Action Plan.

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. The other agreed mitigation measures equate to £20, 190.

Equalities & Diversities issues

No negative impact to any equality group is anticipated. The existing public footpath at the site is not affected and financial contributions to mitigate the impact of the proposed development have been agreed.

Local Finance Considerations

Local finance considerations are now a material consideration in the determination of planning applications by virtue of the amended section 70 of the Town and Country Planning Act 1990. This development will generate a total of approximately £40, 292 in New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in the report, continue to be the matters that carry greatest weight in the determination of this application.

Conclusions

The application site occupies a prominent location at a gateway waterfront site, close to a Scheduled Ancient Monument. The scale, design and appearance of the proposed development is thus a key issue in the determination of this application. As explained in the main analysis section of this report, it is considered that the application proposes a high quality, modern and innovative design solution to what is an unusual site. It will make a positive contribution to local visual amenity and will complement the landscape and context in which it sits.

Access and parking levels are acceptable and there are no properties in close enough proximity to the development to be affected with regards to residential amenity standards. The application is therefore recommended for approval subject to conditions and the completion of a Section 106 Agreement within 3 months of the date of the planning committee, with delegated authority to refuse sought if the S106 is not completed within this timescale.

Recommendation

In respect of the application dated **30/07/2012** and the submitted drawings I423-PL-001C, I423-PL-004B, I423-PL-002D, I423-PL-003B, I423-PL-010C, I423-PL-011C, I423-PL-012C, I423-PL-013C, I423-PL-005D, I423-PL-006D, I423-PL-007D, I423-PL-016C, I423-PL-017C, I423-PL-015C, and accompanying Design and Access Statement, Flood Risk Assessment and Phase I Desk Study, 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 18 January 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: I423-PL-001C, I423-PL-004B, I423-PL-002D, I423-PL-003B, I423-PL-010C, I423-PL-011C, I423-PL-012C, I423-PL-013C, I423-PL-005D, I423-PL-006D, I423-PL-007D, I423-PL-016C, I423-PL-017C, I423-PL-015C.

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.

SITE CHARACTERISATION

(3) 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

(4) 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

(5) 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

(6) 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 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

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.

DELIVERIES AND REFUSE COLLECTION

(7) Deliveries and refuse collections are restricted to the following times: -

- Monday to Saturday No deliveries or refuse collection between 6pm and 8am
- Sundays and Bank Holidays No deliveries or refuse collection

Reason: To protect the residential and general amenity of the area from noise emanating from delivery and waste collection activities and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NOISE FROM COMERCIAL PREMISES

(8) Prior to the commencement of any occupation of the development building, details of the specification and design of any air conditioning or kitchen extraction equipment shall be submitted to and approved by the Local Planning Authority. The applicant should include details of noise data associated with regard to the any system that is to be put in place. The approved scheme shall be implemented in accordance with the approved details. Any alteration or variation to the equipment should receive the prior written approval of the Local Planning Authority.

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

CONTROL OF NOISE

(9) The noise emanating from the fans/ventilation equipment/air conditioning/ plant (LAeqT) should not exceed the background noise level (LA90) by more than 5dB, including the character/tonalities of the noise, at anytime as measured at the façade of the nearest residential property.

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.

ODOUR

(10) Before the occupation and use hereby permitted is first implemented, details of the specification and design of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the use first commences and shall be retained at all times thereafter. Any alteration or variation to the equipment should receive the written approval of the Local Planning Authority. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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

REFUSE STORAGE

(11) The development shall not be commenced until details of dustbin enclosures showing the design, location and external appearance have been submitted to and approved by the Local Planning Authority. The approved enclosures shall be provided before the commencement of the use and thereafter permanently retained.

Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality.

ACCESS

(12) 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.

CAR PARKING PROVISION

(13) The development shall not be occupied until space has been laid out within the site in accordance with the Approved plan for a maximum of 11 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

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

CYCLE PROVISION

(14) No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for 6 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(15) 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.

LOADING AND UNLOADING PROVISION

(16) Before the development hereby permitted is first brought into use, adequate provision shall be made to enable goods vehicles to be loaded and unloaded within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- (i) damage to amenity; (ii) prejudice to public safety and convenience; and (iii) 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.

USE OF LOADING AREAS

(17) The land indicated on the approved plans for the loading and unloading of vehicles shall not be used for any other purposes unless an alternative and equivalent area of land within the curtilage of the site is provided for loading and unloading with the prior consent in writing of the Local Planning Authority.

Reason:

To ensure that space is available at all times to enable such vehicles to be loaded and unloaded off the public highway so as to avoid:- a. damage to amenity; b. prejudice to public safety and convenience, and c. 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.

CODE OF PRACTICE

(18) 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.

EXTERNAL MATERIALS

(19) No development shall take place until details 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.

BOUNDARY TREATMENT

(20) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. 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.

FLOOD RISK MANAGEMENT

(21) No development approved by this permission shall be commenced until a detailed scheme to minimise flood damage and provide flood warning to the proposed commercial unit has been submitted to and approved in writing by the Local Planning Authority. These details shall include design of the wave protection wall, details of the flood resistance and resilience measures and a related warning and operation procedure. Prior to use of the building the agreed measures shall be implemented and thereafter maintained in accordance with the approved details.

Reason

To minimise the risk of damage to the commercial unit during coastal flood events, in accordance with Policy CS21 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EMERGENCY ACCESS AND EGRESS

(22) The development hereby permitted shall not be occupied until such time as a scheme for the installation of a door and provision of signage for the alternative egress shown on drawing I423-SK-008 has been submitted to, and approved in writing by, the local planning authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure safe access and egress to and from the residential units in times of flood, in accordance with Policy CS21 of the Plymouth Local Development Framework Core Strategy (22) 2007.

INFORMATIVE: KERB LOWERING

(1) Before the access hereby approved is first brought into use it will be necessary to secure dropped kerbs [and footway crossings] with the consent of the Local Highway Authority. The applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works within the public highway must be agreed with the Highway Authority.

Statement of Reasons for Approval and Relevant Policies

Having regard to the planning considerations, which are: the design of the proposed development and its impact upon nearby heritage assets, highways and issues of flood risk, 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 signs are acceptable and comply 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 (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS21 - Flood Risk
- CS03 - Historic Environment
- CS01 - Sustainable Linked Communities
- CS02 - Design
- CS15 - Housing Provision
- NPPF - National Planning Policy Framework March 2012