

PLANNING APPLICATION REPORT



ITEM: 02

Application Number: 12/01520/FUL

Applicant: James Dean and Kerry Everson

Description of Application: Retrospective application for replacement dwelling with attached double garage

Type of Application: Full Application

Site Address: 21 DEAN ROAD PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 24/08/2012

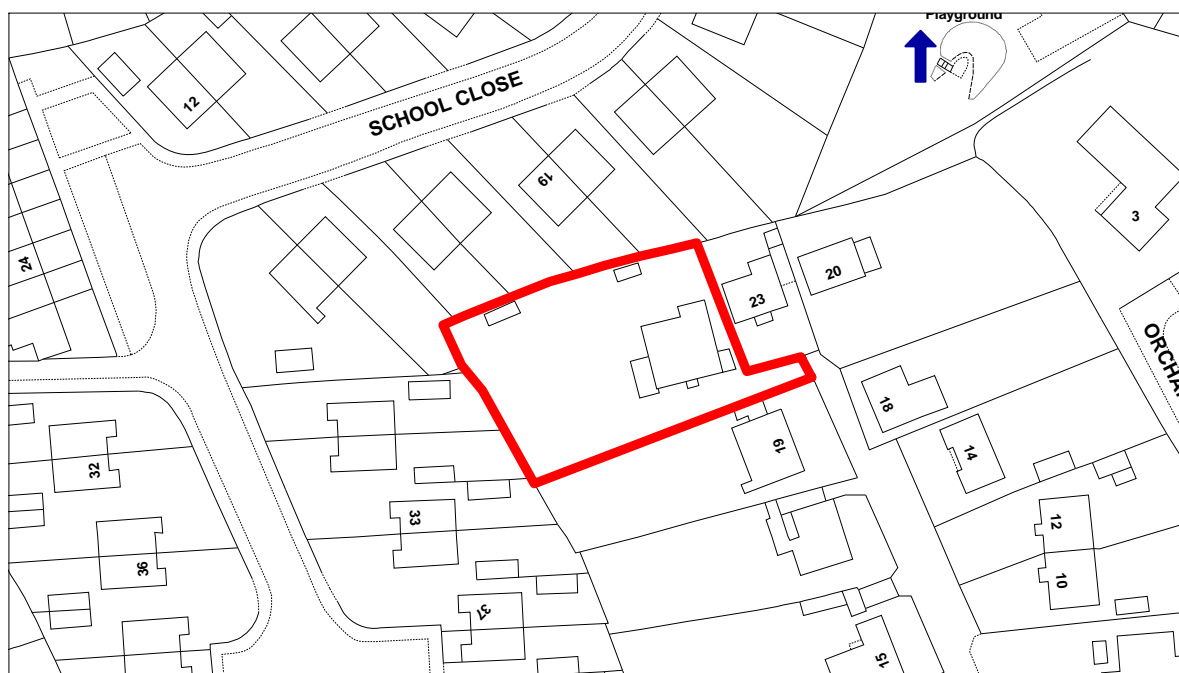
8/13 Week Date: **19/10/2012**

Decision Category: Member Referral

Case Officer : Liz Wells

Recommendation: Grant Conditionally

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Update Report following Negotiations

At Planning Committee on 18 October 2012, Councillors decided to defer this application for negotiation on 5 grounds:

1. further consideration of appropriate landscaping
2. changing the roof design to mitigate overlooking of 17 and 19 School Close
3. investigation into the use of rooflights in place of dormer windows to help mitigate compliance with 21 metres distance for privacy
4. lowering of garage roof
5. suitable screening for 19 Dean Road

A meeting to discuss these items took place on site on 23 October and amended plans were received on 26 October to reflect the changes agreed and landscaping offered by the applicant. Neighbours have been notified of these amended and landscaping plans. Any further letters of representation received will be covered in an addendum report for the 8 November committee meeting.

In response to the 5 reasons for deferral, the following changes have been proposed:

1. landscaping plan showing 4 trees to be planted close to the northern boundary of the site (apple tree, red maple, whitebeam and silver birch). It is proposed to remove the existing shed but leave its rear wall, which currently forms the boundary with 17 School Close, and to plant the silver birch within the shed's footprint. Landscaping plan also shows, on southern boundary, 2 columnar Lawson's cypress trees within the driveway.
2. the first floor window in the gable on the northern elevation end serving a bedroom has been removed and replaced by two rooflights in the west-facing roof slope of that gable.
3. no changes have been agreed to the dormer windows (but use of rooflights detailed in point 2).
4. no changes have been agreed to the height of the garage roof, although several options were discussed.
5. in addition to the 2 columnar Lawson's cypress trees within the driveway, a new 1.8 metres high close boarded timber fence is proposed on the boundary with 19 Dean Road with border shrubs within the site.

Another point of note in the amended plans is:

- the previously proposed (and recommended condition for) privacy screen above the shed has been withdrawn.

Further Representations

Since 18 October, 3 further letters of representation have been received from people adding to their previous comments, and a document outlining residents' objections. These raise issue with:

- loss of light to 20 Dean Road in the evenings and loss of enjoyment of setting sun

Response: such loss of light is not considered significant enough to warrant refusal of permission.

- requesting photographs be taken from the dormer windows of 21 Dean Road to assess the outlook/overlooking/privacy

Response: a judgement has been made by officers on the basis of plans.

- under what criteria was an exception made to development guidance paragraph 2.2.58 relating to front facing dormer windows

Response: due to the tucked-away location of the property, there is no objection to front dormer design; the internal arrangement and use of the obscure glazing is significant in assessing potential overlooking. Paragraph 2.2.58 is read in the context of paragraphs 2.2.40-41 and 2.2.52 of the Development Guidelines SPD.

Analysis and Conclusions in respect of Amendments following Negotiations

The amendments represent an improvement to the scheme:

1. The proposed tree planting is likely to take some time to grow but will act to break up and soften the impact when viewed from the rear of 17 – 21 (odd) School Close.
2. The removal of the gable window means that all the new first floor window to neighbouring window distances are in excess of 21 metres in accordance with the guidance within the Development Guidelines SPD. The rooflights proposed in the western side, due to their perpendicular orientation to 17 - 21 (odd) School Close and separation distance from properties to the west, are not considered to result in an unreasonable loss of privacy to those properties or gardens.
3. The agent has set out reasons for not agreeing to changes in the roof design in his letter accompanying the amended plans. Officers consider that use of rooflights in place of dormers would be detrimental to the design, by virtue of the nearly uninterrupted roof slope, and would result in little change to the degree of overlooking.
4. With regards to the garage roof, to lower the roof by lowering its eaves level is understood to result in an awkward fascia and valley detail between the garage and main roof.
5. The proposed fence on the boundary of 19 Dean Road would be within general permitted development rights and would help screen the ground floor windows. The two trees have been placed in line with the two dormers from no. 19's sunroom.

The proposal continues to be recommended for approval. Recommended conditions should be amended to reflect the amended and additional drawing numbers and remove the condition relating to the privacy screen (on top of the shed to be removed).

The following is the Officer Report as it appeared on the agenda for the meeting on 18 October 2012, and should be read in conjunction with the addendum report to that meeting which also follows (at the end)

Committee Referral

This application has been referred to Planning Committee by Ward Member Cllr Nicholson for the following reasons: inappropriate to delegate given the site history and inappropriate form and design of this development.

Site Description

The site is an established residential plot which until recently has been occupied by a bungalow known as 21 Dean Road, with an attached flat roof single private motor garage and garden with various outbuildings. The site rises up gently to the west.

The site is bounded all sides by the gardens of the following residential properties:

- to the east by 23 Dean Road – at slightly lower ground level
- to the south by 19 Dean Road– at slightly lower ground level
- to the north 17-25 (odd) School Close – at lower ground level
- to the west 29 and 31 School Close - at higher ground level

The properties in the vicinity are a mixture of two storey properties and bungalows (predominantly in Dean Road).

The site is located at the end of Dean Road, accessed from the hammerhead at the end of the cul-de-sac. Dean Road is a private road accessed from Lucas Lane in Plympton, an established residential area.

Proposal Description

Retrospective application for replacement dwelling with attached double garage

Pre-Application Enquiry

None but applicant queried if revised permission was required following removal of wall.

Relevant Planning History

12/00728/FUL - Extension and alterations including raise in roof height with dormer windows, two storey side extension (existing garage to be removed), and single storey front extension to form double-width private motor garage – GRANTED CONDITIONALLY

12/01170/CDM - Condition 3 – CONDITION DETAILS DISCHARGED

Consultation Responses

Public Protection Service - Objection: Public Protection Service recommends refusal to the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable. Having consulted the online details for the above application PPS notes that an appropriate contamination assessment has not been

submitted with the application. The applicant has not acknowledged in section 14 of the form that the proposed development is sensitive and a use that would be particularly vulnerable to contamination and so it does not appear that the appropriate documentation has been submitted with the application. Given the retrospective nature of the application, this is particularly significant.

Representations

8 letters of representation have been received in response to this application, of which 7 object to and raise queries with the application, and one states that two occupants of Dean Close have no objection. There is some duplication in the letters of objection – one objector written in twice, and another property has letters from the occupants and representatives on their behalf. In summary, the letters represent the concerns of occupants of 33, 31, 17 and 28 School Close and the Plympton & District Civic Society. In response to the letters, the planning agent has submitted a letter responding to many of these points.

Letters object to the application on the following grounds:

- impact on 29, 31 and 33 School Close – loss of privacy, loss of aspect, loss of visual amenity / outlook and enjoyment of garden, overbearing, and loss of view of Newnham Valley and Hemerdon Ball and reduction in value of these properties
- loss of privacy to 17 School Close not going to be solved by fencing
- size and height / massing out of keeping with surrounding houses and area (includes some analysis of footprint and volume increase)
- approach of builders to development previously permitted
- misleading information and descriptions
- garage roof potential for conversion to room – lesser pitched roof requested
- discrepancy in site plan – building closer to boundaries than indicated

All letters can be viewed in full on the webpage relating to this application.

The previous application attracted just 2 letters of representation from 15 and 17 School Close, raising concerns about loss of privacy, loss of value and precedent for dormer windows.

Analysis

Background:

In June 2012, a householder application for extension and alterations including raise in roof height to the property was approved. Works to implement the permission are understood to have commenced shortly afterwards. During works, the applicant rang to advise that after removing the roof of the original bungalow, it was found that the original walls were unstable, and after discussion with the Building Control Officer were removed. The result is that the development will be a replacement dwelling, rather than an extension, and therefore the applicant was advised to submit a new planning application to reflect this change.

Differences from previous permission:

The plans submitted for this application are the same as the previous approved application, with the exception of one ground floor window at the rear, which has

been repositioned and enlarged. As works have already started on site, this application is described as 'retrospective'.

Planning Compliance Investigation:

The applicant has been advised that works carried out without the appropriate planning permission are done so at his own risk. The Council is aware that development has continued, although the letter from the agent, dated 4 October 2012 states that works have now ceased.

Complaints have been received about the height/size of the development. An inspection was undertaken on 18 and 28 September 2012. From the on site observations and measurements, the height of the building appears to accord with the plans.

Main planning considerations:

The main considerations and relevant policies of the Core Strategy in assessing this application are:

- principle of replacement dwelling / overall housing provision - policy CS15
- impact on character of area and neighbouring residential amenities – policy CS34 and Development Guidelines SPD

Principle of replacement dwelling:

There is no objection in principle to the replacement dwelling within this established residential area in Plympton. Policy CS15 states all new dwellings must be of sufficient size to provide satisfactory levels of amenity and respect the privacy and amenity of existing occupiers.

Impact:

The form of development was considered in detail under the previous application (12/00728/FUL) and the impact of the development is considered to be acceptable, being in line with the guidelines set out in the Development Guidelines SPD. The larger and repositioned window in the ground floor rear elevation is not considered to result in any loss of amenity to neighbouring properties.

The previous application was subject to a condition for privacy screening, the details of which are shown on the plans submitted. A condition relating to this screen to be retained after construction is recommended.

Issues raised in letters of representation:

Addressing the issues in turn:

- impact on 29, 31 and 33 School Close – loss of privacy, loss of aspect, loss of visual amenity / outlook and enjoyment of garden, overbearing, and loss of view of Newnham Valley and Hemerdon Ball and reduction in value of these properties

Response: the impact on these properties is considered acceptable (as with the previous application) due to the separation distance and in line with the Development Guidelines SPD. Loss of a view from a private property and loss of property values are not a material planning consideration. The more distant view of the hill is retained above the roof under construction when viewed from the road of School Close.

- loss of privacy to 17 School Close not going to be solved by fencing

Response: issues considered under previous application. Condition requiring privacy screening to be retained after development complete recommended.

- size and height / massing out of keeping with surrounding houses and area (includes some analysis of footprint and volume increase)

Response: As the site is located at the end of a cul-de-sac and in an area of mixed property designs, including bungalows and two storey properties, the size and height is not considered to result in any demonstrable harm to the surrounding area. The planning application considerations are not prescriptive to size or volume increase, so whilst the proposal represents a larger single dwelling than previously occupied the site, the scale of the development sits comfortably within the available curtilage and area. The letter from the planning agent also comments in detail on this issue which is displayed on the website for interested parties to read.

- approach of builders to development previously permitted

Response: Having discussed this matter with the Building Control Officer, he has advised that there is nothing about the way work was carried out to implement the previous approval that could be challenged. As such, objections on this ground appear unfounded and this does not effect the main 'material planning' consideration for assessing this application. The letter from the planning agent responds to this matter in detail, including photographs, to support the intention to retain part of the outside wall of the former bungalow.

- misleading information and descriptions

Response: it is appreciated that residents may feel misled, but the submitted plans are clear and have been fully considered. The letter from the planning agent responds to this matter in detail and is displayed on the website for interested parties to read.

- garage roof potential for conversion to room – lesser pitched roof requested

Response: given the form of the development have previously been approved, no amendments to this application have been sought during the course of this application.

- discrepancy in site plan – building closer to boundaries than indicated

Response: this will be given further consideration through the current planning compliance investigation (described above). The Committee will be given a further evaluation of this aspect in an Addendum Report

Other issues:

The Public Protection Service (PPS) have objected to this application on the basis of lack of information submitted. Whilst the concerns they have raised are noted, as this development is for residential development on a previously residential site and the works are not significantly different to those permitted by the previous approval to extend the former bungalow, the lack of information in this instance is not considered to warrant the application being recommended to be refused. In addition, the comments in the letter from the planning agent are noted.

The proposed dwelling has adequate off-street parking.

The comments in the letter from the planning agent emphatically deny allegations that the developer intended to replace the bungalow from the start. The letter does not raise any additional planning considerations to those addressed above.

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

No S106 recommended for this application.

Equalities & Diversities issues

None

Conclusions

The application is recommended for approval, subject to a condition to ensure the privacy screen, details of which have been submitted, is retained after the development is complete.

Addendum Report to Planning Committee 18 October 2012

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 £1,919 in New Homes Bonus contributions for the authority over 6 years.

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.

This paragraph should have been included in the report.

Representations

6 additional letters of representation have been received, of which 5 objects and 1 supports the application. Two letters of representation have been rescinded, including the one including figures of footprint and volume increase. Letters objecting repeat many points already raised but additional comments relate to:

- loss of privacy to 19 Dean Road
- gable windows overlook properties nearby

- higher than led to expect
- applicants with know-how in planning system getting away with development larger than normally allowed
- lack of courtesy of applicant to neighbours
- road surface (which is a private road) deteriorating / cracking due to lorries
- builder's vans blocking access to 19 Dean Road
- noise from groundwork machines and concrete crushers up to 1.30pm on Sat and deliveries at 6.30-6.45am and brickies working on a Sunday from 8.40am ish and work on site up to 7-8pm

In response to these issues:

- The impact of the proposal in terms of privacy, overlooking and height has already been addressed in the officer report.
- The height of the proposal is the same as the previous application.
- The conduct of the applicant and the status of the applicant / agent are not material planning considerations.
- The deterioration of the private road and blocking of private access by parked vehicles in this road is a private matter and not a material planning consideration.
- The concerns raised on the working hours during construction has been brought to the applicant's attention and passed to the Public Protection Unit. The agent has confirmed that works on site have currently ceased. Given the residential area, a condition requiring further development work to be carried out in accordance with the Public Protection Service Code of Practice for Construction and Demolition sites is recommended. This includes hours of working and delivery being restricted to 0800 – 1800 hours Monday to Friday, and 0830 to 1300 hours Saturday. No Sunday or Bank Holiday working.

Should members wish to view letters of representation in full, they are displayed on the website as via the following link: <http://www.plymouth.gov.uk/planningdoc-2?appno%3D12-01520-FUL>

Residents meeting

Cllr Patrick Nicholson, the Case Officer, Liz Wells and the Planning Agent, Roger Dean met with residents on Thursday 11 October to allow residents to get a better understanding of the proposals. The following additional issues were raised.

Privacy Screen / Landscaping:

Concern has been raised about the recommended condition for a 1.2 metre high privacy screen to be placed on top of the existing outbuilding on the boundary with 17 School Close. A planting scheme was suggested as an alternative.

As the outbuilding on this part of the boundary is proposed to be retained, and the height of the screen required to screen part of no. 17's garden closest to the house from the proposed first floor window is around 3.5 metres in total height, officers feel that a planting scheme is not considered to be appropriate as it is likely to take several years to establish a planting screen that would adequately mitigate for this loss of privacy. Conversely, the privacy screen proposed is not considered by

officers to result in any unacceptable impact on no. 17's garden given the separation of the end boundary from the rear of the house and the orientation to the south.

Furthermore the neighbour would need to agree to planting being placed in their ground, and that a planting scheme will mitigate for the unreasonable loss of privacy. At the time of the site visit, there was a small patio/decked area land to the rear of the outbuilding which would preclude planting at this time.

Whilst the land to the north of this outbuilding currently forms part of the garden of 17 School Close, it is noted that the legal ownership boundary which may differ but this is a civil matter.

Agent status:

Concern has been raised about the Planning Agent's former employment with the Council and alleging influence over the decision making process. No evidence was provided to support this allegation.

Building Process:

Concern has been raised about the building process and specifically the circumstances that led to the wall of the former bungalow to be retained being subsequently demolished, which has resulted in this planning application for the replacement dwelling. As outlined in the report, the principle of a replacement dwelling is considered by officers to be acceptable and the considerations of the impact of the proposal are not altered by the proposal being a replacement dwelling, rather than an extension.

See also response to Public Protection consultation response.

Height of garage:

Questions have been raised about the height of the garage – why it needs to be so high and the potential for future use of the roof space and insertion of rooflights.

The garage is high for a garage. Its design continues the eaves height of the main dwelling but a lower ridge height of 5.5 metres. The size of the garage has been taken into consideration and whilst large, its design is considered by officers to be acceptable. It is not proposed to remove permitted development rights as the potential to convert this roof space is not considered to result in any unacceptable impact on neighbouring properties.

Planning Compliance Investigation

Site inspections have been carried out following complainants about the height and size of the dwelling. On site observations of the remaining subwalls of the former bungalow and surrounding ground levels, and measurements taken have established:

- the finished ground floor height of the dwelling replicates the floor level of the previous bungalow;
- the height of the walls accords with the submitted plans
- the distance of the house from the site boundaries accords with the submitted plans within a reasonable degree of accuracy

The current application has been submitted to regularise the development resulting from the removal of all the original walls.

Consultation response – Public Protection Unit

Further consultation with Public Protection Unit has highlighted that, in accordance with the Council's guidance "Contaminated Land in the Planning Process" a Phase I Risk Assessment should be carried out. It is acknowledged that the site use was previously residential, but the Public Protection Unit consider that the risks to future occupiers cannot be properly assessed without a Phase I Risk Assessment that considers full land use history for the site and adjacent land, having been carried out. This is not normally a requirement for applications for extensions to a property because these application types are automatically viewed as less sensitive development in line with nationally accepted policy.

An additional condition is recommended to address this concern, requiring a Phase I risk assessment for the site to be submitted for approval by the Local Planning Authority prior to further work being carried out on the development.

Recommended additional conditions

Condition – Code of Practice

3. CODE OF PRACTICE

During development of the scheme approved by this planning permission, the developer shall comply with the relevant sections of the Public Protection Service, Code of Practice for Construction and Demolition Sites, with particular regards to the hours of working, crushing and piling operations, control of mud on roads and the control of dust.

Reason: The proposed site is in immediate vicinity to existing residential properties, whose occupants will likely be disturbed by noise and/or dust during demolition or construction work and to avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informative – Code of Practice

A copy of the Public Protection Service, Code of Practice for Construction and Demolition Sites can be adopted either in part or as a whole to satisfy the above condition. It can be downloaded for submission via:

<http://www.plymouth.gov.uk/homepage/environmentandplanning/pollution/noise/construction.htm>

It is also available on request from the Environmental Protection and Monitoring Team: 01752 304147.

Conditions – Land Quality

4. CONTAMINATED LAND

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 shall not take place until sections 1 to 3 of this condition 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 section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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'.

Section 2. Submission of Remediation Scheme

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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, 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 section 3.

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, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

Informative – Land Quality

It is recommended that appropriate assessments and site investigations are carried out in order to identify the appropriate protection measures for the proposed development.

Recommendation

In respect of the application dated **24/08/2012** and the submitted drawings 62501/01c, 62501/02b, 62501/03b, 62501/06d, 62501/07c, 62501/08d, 62501/09c, 62501/10b and 62501/11, it is recommended to: **Grant Conditionally**

Conditions

APPROVED PLANS

(1) The development hereby permitted shall be carried out in accordance with the following approved plans: 62501/01c, 62501/02b, 62501/03b, 62501/06d, 62501/07c, 62501/08d, 62501/09c, 62501/10b and 62501/11.

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.

LANDSCAPE WORKS IMPLEMENTATION

(2) All hard and soft landscape works shall be carried out in accordance with the approved landscaping plan. 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.

TREE REPLACEMENT

(3) 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 as that originally planted 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 and are subsequently properly maintained, if necessary by replacement.

CONTAMINATED LAND

(4) 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 shall not take place until sections 1 to 3 of this condition 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 section 4 of this condition has been complied with in relation to that contamination.

Section 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall 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'.

Section 2. Submission of Remediation Scheme

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 shall 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.

Section 3. Implementation of Approved Remediation Scheme

The approved remediation scheme shall 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 the replaced 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.

Section 4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of section 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section 2, 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 section 3.

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, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE: Land Quality

(1) It is recommended that appropriate assessments and site investigations are carried out in order to identify the appropriate protection measures for the proposed development.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact on the character and appearance of the area and the impact on the neighbouring residential amenities, 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

CS34 - Planning Application Consideration

CS22 - Pollution

CS02 - Design

CS15 - Housing Provision

SPD1 - Development Guidelines

NPPF - National Planning Policy Framework March 2012