

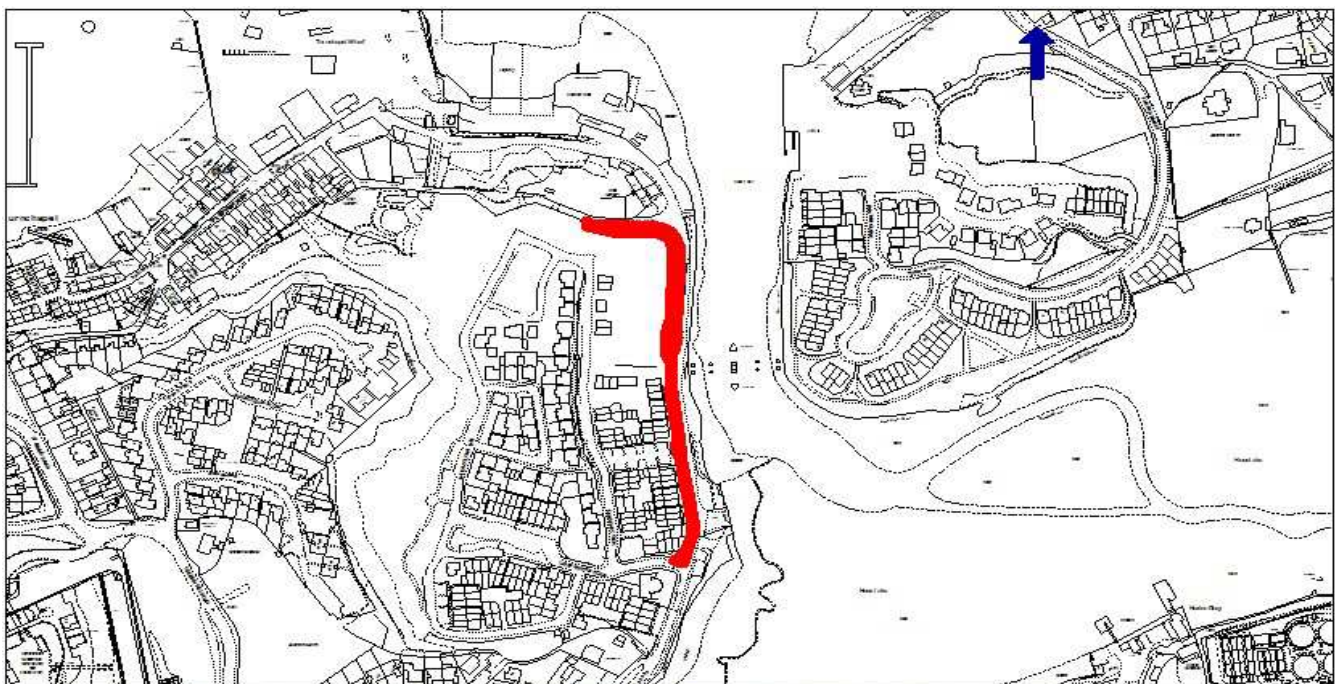
PLANNING APPLICATION REPORT



Application Number	15/01675/FUL	Item	04
Date Valid	09/09/2015	Ward	Plymstock Radford

Site Address	HOOE LAKE, BARTON ROAD PLYMOUTH		
Proposal	Variation of condition 2 (Plans Condition) to allow for changes to the retaining wall along Barton Road		
Applicant	Barratt David Wilson Homes		
Application Type	Full Application		
Target Date	09/12/2015	Committee Date	Planning Committee: 19 November 2015
Decision Category	Major - more than 5 Letters of Representation received		
Case Officer	Kate Saunders		
Recommendation	Grant conditionally subject to S106 Obligation		

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This planning application has been referred to planning committee by Cllr Michael Leaves and by virtue of receiving more than 5 letters of representation.

1. Description of site

The site consists of a former quarry, located on the west side of Hooe Lake, adjacent to Barton Road which runs alongside the western edge of the site. A large proportion of the housing development approved on the site has now been completed.

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

There is a listed lime kiln near the south eastern corner of the site which is being retained as part of the housing development.

2. Proposal description

Variation of condition 2 (Plans Condition) to allow for changes to the retaining wall along Barton Road

3. Pre-application enquiry

Pre-application advice was provided. The applicant was advised to apply for retrospective planning for the as built retaining wall.

4. Relevant planning history

14/02107/FUL - Amendment to planning permission 13/00061/FUL to provide 6 additional dwellings with minor changes to the layout and housetypes within the northern section of the site – Granted conditionally subject to S106

13/00061/FUL - Re-development of site by erection of 184 new dwellings, provision of new public open space, ancillary access roads, improvements to Barton Road and associated works. (Amendment of previous planning permission 11/01250/FUL) – Granted conditionally subject to S106

5. Consultation responses

None Requested

6. Representations

Eleven letters of representation have been received, all of which object the application. The key points identified within the letters are summarised below:-

- Shows a disregard for the area and local residents
- Will be double the height of the approved wall
- Vastly changes the perspective, the street scene and outlook from nearby vantage points
- Cannot be considered as di minimus
- Intimidating and out of keeping, and is reminiscent of a high security prison wall
- Spoils a good quality development
- Should be up to PCC to enforce original approval as it would not have been given consent had it been applied for originally
- Acting as a screen for dumping construction waste
- The wall is masking the development behind which is not being built accurately
- The plans are inaccurate
- Wall is an eyesore turning a green site into a concrete monstrosity
- Work should stop until a decision has been made

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007) and North Plymstock Area Action Plan (including Minerals Development Plan Document)

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One was approved by the City Council in September 2015. The Plan, which incorporates draft development plan policy, has been prepared following a consultation process. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at a relatively early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- Sustainable Design Supplementary Planning Document
- Development Guidelines Supplementary Planning Document
- Planning Obligations & Affordable Housing 2nd Review Supplementary Planning Document

8. Analysis

1. This application has been considered in the context of the development plan, the draft Plymouth Plan, the Framework and other material policy documents as set out in Section 7.
2. The policies of most relevance to this application are CS02 (Design) and CS34 (Planning Application Considerations). The main issue to consider with this application is the effect on the character and appearance of the area.
3. This application is for variation of a condition to allow alterations to the retaining walls fronting Barton Road that form part of the Hooe Lake housing development. The original planning permission for the site was considered in full covering issues such as biodiversity, highway safety, contamination etc. These issues will not be revisited as part of this application and only the issues directly related to the changes to the retaining wall will be considered.

Retaining Walls

4. The original planning permission for the scheme provided the following commentary on the retaining walls:
5. *Extract from officer report 13/00061/FUL*

The proposals to re-grade the land involve a large cut and fill exercise to achieve the tiered approach proposed and create in effect 2 development platforms. This will ensure that very little material will be required to leave the site, as the excavated land will be used to fill other areas of the site. The existing retaining wall along part of the eastern boundary of the site (adjacent to Barton

Road) will be kept and extended south along the front (eastern boundary) of the site. This will be approximately 1.4 metres in height and will ensure that the development along the eastern boundary of the site will sit just above the road level. A second retaining wall is proposed within the site, behind (and to the west) of the proposed perimeter blocks in the eastern part of the site adjacent to Barton Road. This will provide a base for the second development platform that will have a localised increase in height in order to give the properties facing east views over Hooe Lake.

6. The principle of constructing the houses on an elevated platform above road level was always the intention of this development. In order to create a safe and secure building platform suitable retaining structures were going to be required. In the original application it was thought that the original wall along the boundary with Barton Road could be retained and extended upwards, to a height of approximately 2.5m, and then a second wall erected 2.1 metres behind to a height of 1.5 metres. This would give a total expanse of wall of approximately 4 metres.
7. Officers are able to confirm that the originally submitted and approved street elevations did show these proposals although the content of some of the supporting information may not have been explicit in this regard.
8. The amendment for which permission is now being sought would result in the retention of the original wall at its current height of 1.4m. The applicant has explained that following review by a structural engineer the existing wall would be unable to take the weight of an extension to its height. A higher second wall has then been constructed 3.2m back from the original wall and predominantly extends to a height of 3.05m high.
9. An area of landscaping was proposed between the two walls on the original plans and this will still be provided in the amended proposals. The increased distance between the two walls will actually allow for enhanced landscaping and this will soften the appearance of the extended second wall.
10. The changes to the retaining walls will have a reduced impact on people walking along Barton Road. In the original plans a 2.5m structure would have been located adjacent to the highway, now the higher structure will be set 3.2 metres away. However, officers accept that the extent of the wall is not ideal but given it will be stone faced and high quality landscaping will be provided it is not considered that it results in significant harm to the visual quality and character of the area.
11. It is noted that a number of properties located opposite the development have raised concerns regarding the visual appearance of the structure. However these properties are located across the water in excess of 80m away. Officers therefore consider that the harm to these properties is not significant and could not warrant refusal of the application.
12. Furthermore prior to work commencing on this development the site included banks and retaining structures. The height of these former structures was far in excess of the retaining walls now proposed.

Changes to House Types

13. Concern has been raised that the submitted drawings propose changes to the houses on plots 56 and 57. Officers can advise that the house types have been altered from the original planning permission however these changes have already been approved under application 14/02107/FUL.

Unauthorised Works

14. Members should be aware that the majority of the changes proposed as part of this application have already been carried out by the applicant. The applicant has suggested that they progressed works as they believed the changes to be “de minimis” and therefore did not require further consent from the Local Planning Authority. The unauthorised works were highlighted to the Local Planning Authority by a local resident and therefore an enforcement file was raised which initiated a discussion with the applicant. Following some dialogue the applicant was advised that a new planning application would be required which resulted in the submission of this proposal. Work is not currently taking place on the wall whilst this application is determined.
15. Officers are aware of the recent ministerial statement advising that “intentional unauthorised development” is a material consideration. However officers understand that the main purpose of this legislation is to offer greater protection to the greenbelt where the effects of unauthorised development are often felt most severely and can result in irreparable harm.
16. The impacts of the changes to the retaining wall have been considered thoroughly above. This recent new legislation has no further bearing on the consideration of this application

9. Human Rights

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.

10. Local Finance Considerations

None relevant

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

A supplementary planning agreement will be required to link this application to the original permission and ensure appropriate mitigation is provided.

12. Equalities and Diversities

The alterations to the retaining wall will allow level access to be provided to the properties above allowing easier access for buggies and for the disabled.

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance and it is therefore recommended to grant conditionally subject to the completion of the supplementary S106 agreement.

Officers consider that the changes to the retaining wall along Barton Road does not result in undue harm to the visual quality and character of the area. The walls will still be of a high quality, faced in stone with the benefit of enhanced landscaping provided to minimise their prominence. Officers consider the development therefore accords with Policy CS02 and CS34 of the Local Development Framework Core Strategy (2006-2021) 2007.

13. Recommendation

In respect of the application dated **09/09/2015** and the submitted drawings 1261/3003-1, 1261/3003-2, 1261/3004-1, 1261/3004-2, 1261/100/W, 1261/100/X, 1261/3002, 12-3870-101A, GL0492 01, 12-3870-102A, 1261/3001, 102/10/1B, 1261/107E, 102/10/2B, 100PI, 101*, 102E, 103C, 104C, 105C, 106B, 107D, 110A, 111A, 199*, HLP.LS.01E, HLP.LS.02E, LMP.01*, LS.03*, 140B, 142A, 144*, 150*, 151*, 152*, 153*, 154*, 155*, 156*, 158c, 159D, 160C, 161D, 163C, 167C, 168C, 171B, 172C, 174C, 175B, 177B, 178B, 180C, 181B, 182C, 183B, 187B, 191C, 192C, 193*, 194*, 195*, 196*, 197*, 198*, 199*, 201C, 400*, 401*, 402*, 403*, 404*, 405*, 406*, 407*, 408*, 409*, 410*, 411*, 412*, 413*, 414*, 415*, 416*, 417*, 418*, 419*, 420*, 421*, 422*, 423*, 424*, 425*, 426*, 427*, 428*A, 429*, 430*, 450*, 451*, 452*, 453*, 454* and accompanying Design and Access Statement, Transport Statement, Sustainable Resource Use Statement, Flood Risk Assessment, Contamination Report, Ecological Mitigation and Enhancement Strategy, Interim Travel Plan, Historic Environment Assessment, Bat Mitigation Strategy, Arboricultural Constraints Report, Archaeological Assessment, it is recommended to: **Grant conditionally subject to S106 Obligation**

14. Conditions

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1261/3003-1, 1261/3003-2, 1261/3004-1, 1261/3004-2, 1261/100/W, 1261/100/X, 1261/3002, 12-3870-101A, GL0492 01, 12-3870-102A, 1261/3001, 102/10/1B, 1261/107E, 102/10/2B, 100PI, 101*, 102E, 103C, 104C, 105C, 106B, 107D, 110A, 111A, 199*, HLP.LS.o1E, HLP.LS.o2E, LMP.01*, LS.03*, 140B, 142A, 144*, 150*, 151*, 152*, 153*, 154*, 155*, 156*, 158c, 159D, 160C, 161D, 163C, 167C, 168C, 171B, 172C, 174C, 175B, 177B, 178B, 180C, 181B, 182C, 183B, 187B, 191C, 192C, 193*, 194*, 195*, 196*, 197*, 198*, 199*, 201C, 400*, 401*, 402*, 403*, 404*, 405*, 406*, 407*, 408*, 409*, 410*, 411*, 412*, 413*, 414*, 415*, 416*, 417*, 418*, 419*, 420*, 421*, 422*, 423*, 424*, 425*, 426*, 427*, 428*A, 429*, 430*, 450*, 451*, 452*, 453*, 454*

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.

CONTAMINATED LAND

(3) 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.

SOUND INSULATION

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

Reason:

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

SOUND INSULATION VERIFICATION

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

Reason:

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

STREET DETAILS

(6) Development shall not begin until details of the design, layout, levels, gradients, materials and method of construction and drainage of all roads and footways forming part of the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved details.

Reason:

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

ROAD ALIGNMENT AND DRAINAGE

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

Reason:

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

COMPLETION OF ROADS AND FOOTWAYS

(8) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 9 above before the first occupation of the penultimate dwelling.

Reason:

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

ACCESS

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PROVISION OF PARKING AREA

(10) Each parking space shown on the approved plans shall be constructed, drained, surfaced and made available for use before the unit of accommodation that it serves is first occupied and thereafter that space shall not be used for any purpose other than the parking of vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(11) The secure areas 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

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

Reason:

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

CODE OF PRACTICE DURING CONSTRUCTION

(13) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TRAVEL PLAN DETAILS

(14) The use hereby permitted shall be carried out in accordance with details of a Travel Plan which shall be prepared in accordance with prevailing policy and best practice and shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the use. The Travel Plan shall include as a minimum the following elements:

- identification of targets for trip reduction and modal shift
- practical methods to encourage modes of transport other than the private car such as:
the Government Cycle to Work Scheme
provision or subsidy of travel passes
promotion of car sharing
establishment or use of car clubs
- the provision of secure and convenient cycle parking facilities

- provision of shower and changing facilities for staff
- householder welcome packs and travel passes
- measures to regulate the management and use of permitted car parking areas
- mechanisms for monitoring and review
- the appointment of a Travel Plan Coordinator and notification to the Local Planning Authority of their contact details
- measures for enforcement of the Travel Plan, should agreed objectives and targets not be met
- an agreed timescale for implementation of the agreed measures.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007. The applicant should contact Plymouth Transport and Infrastructure for site-specific advice prior to preparing the Travel Plan.

LANDSCAPE DESIGN PROPOSALS

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

Reason:

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

SOFT LANDSCAPE WORKS

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

Reason:

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

LANDSCAPE WORKS IMPLEMENTATION

(17) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

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

LANDSCAPE MANAGEMENT PLAN

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

Reason:

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

SURFACE WATER DRAINAGE

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

- (a) details of the drainage during the construction phase;
- (b) details of the final sustainable drainage scheme;
- (c) provision for exceedance pathways and overland flow routes;
- (d) a timetable of construction;
- (e) a construction quality control procedure; and
- (f) a plan for the future maintenance and management of the system and overland flow routes.

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

Reason:

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

CONTAMINATION INVESTIGATION

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

A) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason

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

UNSUSPECTED CONTAMINATION

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

Reason:

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

DETAILS OF BOUNDARY TREATMENT

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

Reason:

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

EXTERNAL MATERIALS

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

Reason:

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

SURFACING MATERIALS

(24) No development shall take place until details of all surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

WHEEL WASHING

(25) Details of wheel washing facilities for construction traffic connected with the development hereby permitted shall be submitted to and approved by the Local Planning Authority and shall be installed before the development hereby approved is first commenced, and once installed such facilities shall be used at all times to prevent mud and other debris being deposited on the highway(s) during the construction of the development hereby permitted.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUSTAINABLE RESOURCE USE

(26) Unless otherwise agreed previously in writing with the Local Planning Authority, the development shall be completed in accordance with the Hooe Lake Sustainable Resource Use Report (Ref: CS20/SKH/revB, Dec 2012). This identifies and proposes the use of Photovoltaic Cells as the preferred method of incorporating onsite renewable energy production.. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

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

LIFETIME HOMES

(27) Unless otherwise agreed in writing with the Local Planning Authority, the development shall be constructed strictly in accordance with drawing no. 106B showing 38 units within the development to be constructed to Lifetime Homes standards, These units shall be permanently retained as Lifetime Homes for so long as the development remains in existence, unless a further permission is granted for the layout of these units to change.

Reason:

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

BIODIVERSITY

(28) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Impact Assessment (dated May 2011) by Richards Ecology, the EAD Ecological Enhancement and Mitigation Strategy (December 2011), the EAD Bat Mitigation Strategy (November 2011) and the Ecological Impact Assessment Report (July 2011) by Richards Ecology. In addition, further details of the following shall be submitted to and approved in writing by the Local Planning Authority:

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

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

FURTHER DETAILS

(29) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz: further details of the layout, planting, landscaping and boundary treatment of the proposed Public Open Space and the hedge and tree planting proposed to define the 10 metre buffer zone adjacent to the cliff face (which shall include details of a 2.0 metre paladin fence). The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

FOUL WATER DRAINAGE AND DISPOSAL OF SEWAGE

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

Reason:

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

PUBLIC SEWAGE DISPOSAL FACILITIES

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

Reason:

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

SEWAGE DISPOSAL/DRAINAGE WORKS

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

Reason:

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

EXISTING TREE/HEDGEROWS TO BE RETAINED

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

(a) Notwithstanding the details shown on drawing no. 100L*, no existing tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with BS 3998: 2010 Tree Work Recommendations.

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or pruned in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Guide for Trees in relation to construction) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground areas within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

To ensure that trees or hedgerows retained in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are protected during construction work and thereafter are properly maintained, if necessary by replacement.

TREE PROTECTION DURING CONSTRUCTION

(34) The existing trees and hedgerows shown on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall an excavation be made, without the written consent of the local planning authority.

Reason:

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

PROVISION FOR TREE PLANTING

(35) No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority and all tree planting shall be carried out in accordance with those details and at those times.

Reason:

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

TREE REPLACEMENT

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

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 are subsequently properly maintained, if necessary by replacement.

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

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

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with Core Strategy policies CS01, CS19, CS34 and Government advice contained in PPS9.

Informatives

INFORMATIVE: SECTION 278 AGREEMENT

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

INFORMATIVE: SECTION 38 AGREEMENT

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

INFORMATIVE: PUBLIC HIGHWAY

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

INFORMATIVE: TRAVEL PLAN

(4) The document required in connection with the Travel Plan should be based upon the Council's guidance for Travel Plans published on the Council's website and should, where possible, be created using iTRACE, an online travel plan management tool available through Plymouth Transport and Infrastructure. The applicant is advised to contact Plymouth Transport and Infrastructure prior to preparation of this document for site-specific advice on the requirements for the Travel Plan, which are likely to include:

- (a) appointment and contact details of a Travel Plan Coordinator
- (b) recommendation of the use of iTRACE
- (c) site specific targets, measures and management/monitoring plan.

INFORMATIVE: CODE OF PRACTICE

(5) The management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information;
- b. Proposed hours of operation of construction activities and of deliveries, expected numbers per day and types of all construction vehicles and deliveries, routes of construction traffic to and from the site (including local access arrangements, timing of lorry movements, and weight limitations on routes), initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, location of wheel wash facilities, access points, location of car parking

for contractors, construction traffic parking, details of turning facilities within the site for site traffic and HGVs, and a scheme to encourage public transport use by contractors; and

c. Hours of site operation, dust suppression measures and noise limitation measures.

INFORMATIVE: CONDITION DETAILS

(6) Conditions attached to the original planning application have been re-attached for clarity. The Local Planning Authority however accept that further details have been submitted to satisfy a number of these conditions.

INFORMATIVE: [NOT CIL LIABLE] DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(7) The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVE: CONDITIONAL APPROVAL [NO NEGOTIATION]

(8) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.