

Application Number

P/2008/0114

Site Address

Hollicombe Gas Works
Torbay Road
Torquay
Devon
TQ2 6TF

Case Officer

Mr Scott Jones

Ward

Preston

Description

Re-Advertisement: Construction of 185 residential apartments with associated vehicular and pedestrian access, parking, infrastructure and landscaping works. THIS APPLICATION IS ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT (as received 04/05/12). THIS IS A DEPARTURE FROM THE SAVED TORBAY LOCAL PLAN.

Executive Summary / Key Outcomes

The proposal remains the redevelopment of the former gas works site, to provide 185 residential apartments supported by new access points, associated parking facilities and public greenspace.

Background

At the February 2011 Committee, the scheme was resolved to be approved subject to the following:

- i) comments received from the Government Office for the South West;
- ii) the completion of a Section 106 Legal Agreement, including provision for an independent observer on site at the cost of the applicant and other terms acceptable to the Executive Head of Spatial Planning; and
- iii) the inclusion of an additional condition that tenting will be used as an appropriate remediation strategy', unless otherwise agreed by the Council's Environmental Health Officer on safety grounds

The resolution to grant was, amongst other things, subject to the outcome of the Secretary of State's consideration of the need for an Environmental Impact Assessment. In the event, the SoS determined the need for an EIA in this case.

The scheme returns to committee afresh accompanied by the required

Environmental Statement (ES), the scope of which accords with the scoping direction provided by the Secretary of State. The ES seeks to determine any likely significant effect, covering the matters of hydrology and drainage, ground contamination, dust and air quality, groundwater and hydrogeology and ecology and natural habitats. The summary findings of the Environmental Statement concludes that there would be either beneficial or negligible affect, and that where there is the potential for a greater degree of affect the mitigation measures that are outlined would bring down the significance of likely environmental affect to negligible.

Contamination

The issue of contamination is clearly very important to the local community groups who have been engaged in the planning process. The comments from the community that have been expressed throughout the 4 years since the submission of the application have resulted in a more robust understanding of the contamination present on the site and an in-depth interrogation of the proposed remediation process.

The significant volume of documents together with the recently submitted Environmental Statement, provide detail as to the proposed remediation arrangements. Having fully considered the proposed remediation measures, it has been determined that they are appropriate in this case for the remediation of the site. This judgment stems from a full interrogation of the submitted assessments and methodologies to be employed in the remediation process. The view of the professionals involved in this assessment is that the proposed process would be appropriate in the context of the associated risks. The Authority's Community Safety Team have advised that the remediation strategy has a comprehensive dust control regime and a robust monitoring programme and they support the principal of the application being approved subject to suitable conditions.

Furthermore, the independent peer review undertaken in respect of the land contamination and the remediation process concluded that; 'the remediation strategy is appropriate to mitigate potential risks presented to identified human health receptors, including local residents and members of the school, from contamination currently present at the site during the remediation process, and that generally the observations identified within the original review had been thoroughly and appropriately addressed.'

The independent peer review endorsed the proposals and considered that the scheme could be approved with detailed matters to be controlled under planning conditions.

Notwithstanding the view that the proposed remediation process is acceptable, in order to ensure that the safety of nearby residents and pupils at the nearby school is protected, Environmental Health has suggested the use of negative

pressure tenting where appropriate. As such a condition in that respect is provided at the end of this report.

Members will note the decision to approve at the February 2011 committee was subject to an independent observer paid for at the applicant's expense. The view of officers is that this is not required for the safe monitoring of the remediation process, due to the agreed arrangements with respect to monitoring and the fact that the process is controlled by other legislation.

In conclusion, the consensus of the professional bodies and persons that have passed comment and the view of officers is that this site can be suitably remediated in accordance with the proposed processes subject to the imposition of the recommended conditions. The process will result in the cleaning up of a contaminated site and the removal of the risks associated with leaving the site in its current state. The scheme will provide 185 much needed new dwellings (including 44 affordable dwellings) on a previously developed site along with a public park and improved linkage through the valley for the general public.

Principle

In terms of the resulting residential scheme that is proposed, although the scheme is formally a departure from the local plan (due to the number of dwellings proposed), the fundamental use is consistent with local plan policy, as the site is an allocated housing site. The number of dwellings proposed may be considerably higher than the 50 units allocated to the site, however, the quantum of development is considered acceptable when considering the scheme's wider planning merit and also the quantum of development that is necessary in order to bring forward viable development that pays for the clean-up of a long-standing contaminated site and provides improved recreation routes and public amenity space.

Furthermore, the Council needs to make best use of previously developed sites such as this in accordance with development plan policy and the National Planning Policy Framework, as both seek to make efficient use of land for housing by building on previously developed land ahead of Greenfield sites.

Design

In regard to the basic form and the detailed design of the scheme it will offer a mix of one, two and three-bed apartments that are arranged in four linear apartment blocks. The blocks are of a scale that is reflective of the site's industrial past, but form and layout also enable the blocks to nestle comfortably within the side of the valley. The form is modern with a palette of materials that takes reference from both its coastal and rural valley context. The design has evolved via negotiation and has been through the Torbay Design Review Panel. The approach has been considered positively as a good solution to the site constraints.

Highways

The scheme will be served by two vehicular access points at each end of this linear site. The solution has evolved through discussion and negotiation to what is considered a satisfactory answer to the questions posed by the context. The arrangement around the Torbay Road entrance features a plaza 'feel' but maintains an engineered highway and formalised (but uncontrolled) crossing points for pedestrians. It will maintain a designated carriageway for the existing main road past the entrance to the site whilst offering a designated right hand turn, together with gateway features, traffic calming and suitable pedestrian crossing areas with central refuge points.

The secondary access off Old Paignton Road will provide a traditional T-junction set within a raised table to help reduce local speeds, together with gateway enhancement works further along Old Paignton Road that also help reduce local speeds. The scheme also includes improvements around the school entrance to provide designated parking bays. The site layout provides for three of the residential blocks to be served off Torbay Road, with block D at the top of the site served off of Old Paignton Road.

Floodrisk

The site is, in part, under flood risk designation and hence the local authority should be satisfied that there are no reasonably available sites appropriate for the proposed development in lower areas of flood risk. Whilst the site is, in flood risk terms, less preferable to sites within flood risk zone 1 and 2, the site is nonetheless sequentially preferable in terms of the desire to develop brownfield land. The alternatives to the development of this site for large-scale housing sites are likely to be in more peripheral Greenfield locations and in the case of sites to the west of Paignton for example, they also have flood risk considerations of their own. As such the development is sequentially preferable to other potential housing sites of this size in Torbay.

In any event, given the need for housing, the wider sustainability benefits such as the remediation and the provision of a public park and improved access routes, it is considered that the proposal would satisfy the exceptions test, as advised in Paragraph 102 of the NPPF. The site specific flood risk assessment has demonstrated to the EA and LPA satisfaction, how the development would be safe for its lifetime.

NPPF

In regard to updated policy guidance the National Planning Policy Framework (NPPF) has recently replaced a great deal of previous national planning guidance. Core to this fresh guidance is that there should be a presumption in favour of sustainable development, which for decision taking means approving development proposals that accord with the development plan without delay. The proposal is considered highly sustainable and concurs with a number of goals for development, offering the following;

- Helps deliver a choice of high quality homes and helps boost the supply of housing
- Offers a mix of market and affordable housing and a variety of types and sizes of units
- Offers high quality design
- Promotes healthy communities through improved access to a valley recreational facility and improved walking and cycling facilities and infrastructure
- Includes the creation of a public park through the site, offering valuable local greenspace
- Makes efficient use of a brownfield site, that decreases the pressure on more sensitive greenfield sites
- Efficiently utilises a site with a flood constraint through making it safe without increasing flood risk elsewhere
- Enhances the green corridor to the coast by opening up the site and maintaining a significant green swathe through the site
- Remediates a long-standing contaminated site that sits aside a residential suburb and nearby school and prevents both the existing and new development from contributing to or being put at unacceptable risk from pollution

s106

In regard to the Council's aspirations towards planning contributions and affordable housing, the scheme has been party to an independent viability assessment following the applicant's assertion that the extraordinary costs, which include the costly remediation treatment, render the site unviable for the delivery of policy compliant planning contributions. The current negotiated 106 package includes appropriate development site acceptability matters such as works to the highway. In terms of affordable housing contributions, the proposal amounts to 24% of the total dwellings as opposed to 30%. Sustainable development contributions (education, transport, greenspace, lifelong learning and waste monies) are excluded due to the viability of the scheme.

The Independent Viability Assessment (IVA) concluded that this is a good offer for the Authority when considering the circumstances in relation to the costs and values associated with this development. Notwithstanding the omission of monetary contributions for sustainable development contributions, the scheme does deliver physical works that are considered in part as mitigation for the ordinary contributions. Specifically the provision of a public park maintained in perpetuity by the developer and the various enhanced pedestrian and cycle facilities through and adjacent to the site, are considered to part compensate for the lack of financial contributions. The s106 also provides for deferred

contributions in relation to the appropriately mitigated sustainable development contributions, in the event that the scheme is found to be more profitable than anticipated.

Recommendation

Conditional Approval; (suggested conditions are laid out at the end of this report) delegated to the Executive Head of Spatial Planning; Subject to the signing of a S106 legal agreement in terms acceptable to the Executive Head of Spatial Planning (within 3months of the committee date).

Site Details

The site is a 3 acre parcel of previously developed land, which is a former gas works site that sits in a valley between the residential suburbs of Livermead and Preston. The linear boundaries to the East and West are relatively steep wood and scrub borders, which give way to residential roads in the vicinity, with the shorter borders to the North and South abutting highways, the Old Paignton Road to the North and the Torbay Road to the South. The latter of the above roads is a classified A road and part of the locally designated Major Road Network.

Contextually, there is a local school on higher ground to the northeast (Preston Primary School), residential dwellings adjacent to the southwest and there are linkages to a wider green corridor to the north (Scadson Woods) off Old Paignton Road and Hollicombe Park to the south-east across the Torbay Road. There is a culverted watercourse that runs through the site from the valley to the north and discharges to the sea to the other side of Hollicombe Park.

The site was previously used as a gas works with gas holding tanks and ancillary works, buildings and infrastructure. Although gas production ceased in the late 1960s the site remains in-part a functioning facility, holding pipe infrastructure and a gas governor.

With respect to planning designation, the site is locally designated as a Countryside Zone and sits adjacent to the Coastal Protection Zone to the South and a local wildlife site to the East. Part of the site, largely the central spine through towards the coast, is within a Flood Risk Zone Level 3a (high probability zone). It is of significant pertinence to also note that the site is allocated in the Saved Adopted Torbay Local Plan 1995-2011 for residential development for circa 50 dwellings.

Detailed Proposals

The principles behind development of this site are to meet the following objectives, as detailed in the Design & Access Statement:

- Decontamination of the site;
- Alter gas distribution to enable efficient use of the land;
- Reduction of on-site and down-stream flooding;
- Provision of residential accommodation to fund the objectives;
- Maintaining the distinction between Preston and Livermead;
- Balance the density and use of the brownfield site with the provision of public open space to maintain the countryside link to the sea.

In detail the proposals are to remediate the site and construct 185 residential apartments together with a substantial area of public open space in a landscaped corridor, which has aspirations to link with Scadson Woods to the north and Hollicombe Park to the south. In order to maximise the area of open space and maintain a green corridor through the site the residential units have been designed as a series of linked apartments. The proposal seeks to include a mix of one, two and three bedroom apartments with access to balconies, terraces and semi-private communal gardens.

Incorporated within the 185 units is a proposal to provide 44 affordable units (Block D), which would be a mix of rented and shared equity dwellings.

Parking is to be provided underneath the apartments with a proposal for 237 spaces and 21 additional 'on-street' spaces within the site. This is a ratio of 1.45 spaces per dwelling. Secure cycle storage is also to be provided with one space per unit. The parking beneath the buildings is a design solution to ensure that cars do not dominate the street scene or the vista from the proposed public park and are designed into the scheme.

Summary of Consultation Responses

Community Safety / Environmental Health & Protection Team: The remediation proposals have been peer reviewed by an independent consultant (WS Atkins) and reviewed by the Health Protection Agency (HPA) and Torbay Care Trust (Public Health Team).

It is advised that the remediation strategy has a comprehensive dust control regime and a robust monitoring programme. The Community Safety Business Unit has no objection in principal to the application being approved, subject to suitable conditions in order to address a number of outstanding issues and issues that cannot be addressed until the remediation process commences. The planning conditions considered necessary are outlined within the departments' memo dated 19th June 2012.

Further to the necessary conditions the department also outlines further potential planning conditions /or Informatives that the Planning Committee may wish to consider, which have emerged from wider discussions with stakeholders. These

further recommendations are;

- That an out of hours emergency contact number is identified and displayed on the emergency information board/s (informative)
- That emergency procedures for the nearby school should be discussed with the school prior to the remediation works commencing (informative)
- That the previous resolution for the potential use of negative pressure tenting, where appropriate, is again considered as a belt and braces approach to the remediation process (condition). It is advised that the scope or such tenting should be agreed by the Local Planning Authority following consultation with the HPA and the HSE (Health & Safety Executive) (condition)

Environment Agency: The EA confirms that the proposal, which is now supported by an Environmental Statement, remains unaltered from the scheme which they have previously commented on. The EA confirms that the scheme complies, in the broadest terms, with the NPPF and its Technical Guidance.

The issue of flooding from the Hollicombe Stream has been identified and measures to manage the risk have been designed into the layout. The measures, which include a flood channel, an area of open space, as identified on Drawing CO3854/001 Rev B 'Flooding Routes', replacement culverts, landscaping and floor levels of buildings, must be implemented and retained for the lifetime of the development. Conditions as laid out within memo dated 31 March 2008 should accompany any grant of permission and it is also advised that formal consent under the terms of the 1991 Land Drainage Act should be for works affecting an 'ordinary stream' from the relevant flood authority.

In regard to groundwater protection it is again noted that the submitted ES confirms that the site has significant ground contamination and therefore the environmental improvement associated with the redevelopment is welcomed. Previous recommended conditions in respect to this matter should be applied to any grant of planning permission.

For reference previous comments dating from 2010, which were informed by Planning Policy Statement 23 (Planning and Pollution Control), confirmed that the Environment Agency was satisfied that the remediation will address potential impacts upon controlled waters and asserted that the development can take place with appropriate measures to ensure the protection.

South West Water: No objection to the scheme.

Natural England: No supplementary comments, requests that previous advice is referred to.

Previous advice outlined that the authority should be conscious of standing

advice for protected species, the duty to have regard to biodiversity and the opportunities in and around the area for the enhancement of green infrastructure.

Highways & Strategic Transport: The scheme has undergone extensive discussion and design evolution and the key parameters to this development remain supported and unchanged. The previous comments outlined that there were no highway or transportation reasons to refuse the scheme, with advice focusing on the most suitable solution for the local context.

In terms of evolution, following the initial committee resolution the highway and access proposals have progressed in order to ensure the best possible scheme is brought forward. As matters stand the highway solutions for both the Torbay Road and the Old Paignton Road are considered acceptable and meet with the approval of the highways department. There are certain minor amendments to negotiate, however it is acceptable to consider that these minor details can be resolved within any forthcoming Section 278 Highway Agreement.

The car parking and cycle parking is to be provided to an acceptable level and there are wider benefits to cycling within the area through the provision of the new cycling route through the site.

Affordable Housing Team: Previous comments still stand, which stated that the affordable housing offer for the Hollicombe Gas works development equates to 24% affordable housing (44 units) of which 50% would be for social rent and 50% would be for shared ownership. 1 of the 44 units will be suitable for a wheelchair user. When allocating the affordable homes preference will go to households over the age of 55 to encourage existing tenants to downsize out of existing larger family accommodation within Torbay.

While the overall affordable housing provision is less than 30% of the total site and the tenure has altered from the policy position of 75% social rent and 25% shared ownership, an independent viability report has been carried out and has confirmed that due to the high costs associated with removing the contamination on the site this is the maximum level of affordable housing that can be provided without making the development unviable.

Housing Services has considered all of the information provided and accept the findings of the viability report and support the current proposal subject to the applicant entering into a satisfactory S106 agreement which includes a deferred contributions clause to safeguard against the prospect of the development becoming more viable over time.

Arboriculture Team: Previous comments stand in relation to arboricultural impact.

Previously, it was stated that the proposed development would not have any

significant impact on any important trees within or immediately adjacent to the site. It was noted that the site has been redundant for many years, which has resulted in scrub and natural regeneration growth appearing in some places. This can give the appearance of dense tree cover, however, the long term condition and management requirements have been assessed and the areas shown for removal due to the development have little long term value. The impact of the development can be significantly improved and mitigated by new planting.

There are concerns regarding the level of detail on the landscape master-plan regarding specific locations and species which would be either inappropriate in its location or not able to survive due to the site's exposed coastal location. However, these matters can be appropriately dealt with by condition.

There are also some reservations regarding the adjacent woodland and its relationship with the development; the woodland is under council ownership and some of the boundary trees will require attention if the site is to be changed into residential use with technically a higher target value raising the inspection and work program of any trees. It is therefore suggested that further discussions are taken regarding any costing of works (who is going to pay if required) and any desired operation agreed prior to commencement of development. Again a planning condition can be used in this instance.

Senior Archaeology & Historic Environment Officer: The Archaeological Report shows that the archaeological potential is very low and no further archaeological works are required. It is requested that there is conservation of some of the World War II features on the south side of the road in Hollicombe Park.

Summary of Community Involvement and Public Representations

The proposal has been advertised on three separate occasions within the last 4 years, the initial submission in 2008, the submission of further information in 2010, and the latest submission being accompanied by an Environmental Statement. Each period of public consultation has raised a high number of submitted objections in the form of both individual letters and petitions. As a summary, the following points have been raised:

Summary of issues raised following the initial submission;

- Impact on human health from the redevelopment
- Traffic flow/congestion, both short and long term
- Noise levels resulting from increased activity
- Overdevelopment
- Design and character of the buildings
- Impact upon watercourses/ flood plain/ the sea
- Implications on wildlife

- Closes the gap between towns
- Support toward the potential of the site to be a green space/ recreation area
- Road calming on the Old Paignton Road and around the school gateway is positive
- Appreciation of the need for more housing
- Provides much needed affordable housing

Objections relating to the revised scheme, re-advertised in 2010 included the following points;

- The potential for toxins to pose a risk to the community
- That extensive areas of the site have not been investigated, which means that the health risks have not been addressed by the remediation process
- The remediation strategy fails to address the control of noise and dust, in relation to the possibility of detrimental effect on local residents and children attending the school
- Conditions set out by the planning committee of the 7th April 2008 have not been met
- Increased strain on the local infrastructure
- Concern that the necessary payments to support local infrastructure is not to be met
- The 'additional information' does not answer the concerns outlined in the Atkins peer review
- The revised data and highway plans have not been put to community consultation
- General comment on the implications of the decontamination of the site and the health and safety of local residents
- Basic objection to any form of development due to the resultant need to disturb the contaminated land
- Issue in respect to the safety off site receptors, i.e. people working or living adjacent to the site, and have championed for a Detailed Quantitative Risk Assessment to be undertaken.

Following the current (June 2012) period of public consultation, including the advertisement of the Environmental Statement, the following issues were raised in the representations;

- The risk assessments and modelling contain serious omissions and deficiencies
- The proposed control methods are not modelled
- There is no firm commitment to use negative pressure tenting
- No firm commitment to reduce risk to the school by commencing in the summer holidays
- Real time monitoring arrangements are not shown as necessary
- Proposed traffic calming methods should be agreed before operations

start

- Works should be overseen by independent monitoring
- Planning conditions should be agreed with the community
- Wind speed data comes from Plymouth and is not site specific, and uses averages and not maximum levels
- Control measures are specified as for 'working hours', which is not sufficient

The above summary gives a flavour of the number and range of the issues raised, however, please note that all letters have been reproduced and placed in the Members' Room. The representations have been separated into those submitted following the initial advertisement, those submitted to the further information in 2010 and those submitted following the most recent period of consultation following the ES.

Public Consultation

The Authority has engaged with a number of interested parties via public and stakeholder meetings, with an ongoing dialogue with bordering Community Partnerships, representatives of Preston Primary School, and the group entitled 'Preston Residents Against Toxic Dust'. This engagement has resulted in the following outcomes:

- Highlighted the strength of concern in respect to the implications on human health for local residents and children attending the adjacent school, which has secured the submission of further information in respect to remediation strategies in order to attempt to address concerns
- Highlighted the community's desire for Atkins to undertake a secondary independent peer review, which has now been undertaken
- Raised opportunities to tailor the proposed access and highway arrangements to suit local aspirations, which has provided the opportunity to secure traffic calming measures and highways improvements locally.

In addition to the above, the applicant has held their own public consultation process, which has stretched over a number of years through the pre-application stage, the initial submission, and following the submission of further information in 2010.

Further public consultation has included initial information sent to key stakeholders in June 2010 followed by a two day public exhibition, held at the Grand Hotel in July 2010. The event was attended by over 160 people and a further newsletter was sent to attendees that sought to respond to questions raised during the process. A brief summary of comments returned following the public event outlined that 17% supported the application, 20% supported with comment, 35% were non committal, and 28% objected.

A further community newsletter was released by the developer in June 2012, seeking to provide further certainty over the remediation process and to provide comfort to the local community. The developer has also met with community representatives and a meeting is to be held with the Governors of the Preston Primary School.

Relevant Planning History

Application history: The application was originally considered by the Development Control Committee in April 2008, where it was resolved to approve the application subject to the resolution of three outstanding matters, these being in respect to;

- i) Decontamination
- ii) Highways and access arrangements
- iii) Section 106 (in conjunction with appropriate planning conditions)

The application was then considered at the December 2010 committee following the submission of 'further information in respect to the 3 outstanding matters'. The Committee subsequently deferred the application, specifically requesting that the applicant provide a Detailed Quantitative Risk Assessment (DQRA) for off-site receptors during the remediation process.

The application returned to committee in February 2011 with further information offered to identify that appropriate risk assessments were already contained within the remediation methodology and strategy. The application was approved with conditions subject to;

- i) Comments received from the Government Office for the South West
- ii) The completion of a s106 Legal Agreement, which shall include the provision of an independent observer on site at the cost of the applicant and on other terms acceptable to the Executive Head of Spatial Planning
- iii) The inclusion of an additional condition that tenting will be used as an appropriate remediation strategy, unless otherwise agreed by the Council's Environmental Health Officer on safety grounds

The application was subsequently considered to be EIA development by the Secretary of State, as confirmed by EIA direction letter dated 17 March 2011. As such an Environmental Statement was submitted to the Council and the application was re-advertised in May 2012.

Further history for the site;

P/2004/2119 Redevelopment to create 50 dwellings and parking and new access onto Torbay Road and Old Paignton Road. Refused 07/03/2005.

P/2004/1511 Redevelopment to create 148 dwellings, new landscape

water feature, parking and new access onto Torbay Road and Old Paignton Road (in outline). Refused 30/11/2004. Appeal submitted and subsequently withdrawn.

P/2004/0772 Change of use to unspoilt parkland for use as public open space. Refused. Appeal dismissed.

Key Issues / Material Considerations

Principle and Planning Policy

Planning regulation requires that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In addition to the development plan (which includes the Torbay Local Plan), the recent NPPF, which was published in March 2012, is a material consideration in planning decisions.

In regard to national guidance the NPPF is centred upon the principle of achieving sustainable development, with three mutually dependent strands of development being key. These are identified as the economic, social and environmental roles that should broadly seek to foster a competitive economy, support vibrant and healthy communities, and protect and enhance the natural and built environment. The heart of the NPPF also goes on to summarise that there should be a presumption in favour of sustainable development, which for decision taking means approving development proposals that accord with the development plan without delay.

It is relevant to note that the NPPF requires Local Authorities to identify and update annually a deliverable five year supply of available housing (para 47). At this time it is materially important to recognise that recent appeal decisions at both Wall Park (Brixham) and Scotts Meadow (Torquay) determined that Torbay does not currently have a five year supply of available housing land, which should be a material consideration given that the site would make a considerable contribution to the delivery of new housing. The NPPF also indicates that where there is not a five year supply of available housing land applications should be determined against the base assumption in favour of sustainable development (para 14).

In regard to the local planning policy the site is allocated for housing, sits under Countryside Zone designation and is recognised as being in a flood risk zone. It is flanked by a strategic footpath that goes around the site linking the wider valley with the coast.

In regard to the proposed residential use Housing Policy H1 in the saved local plan is relevant as it identifies allocated sites for housing, the site itself is allocated for circa 50 dwellings. The proposal accords with the principle of the housing allocation, although the proposed number and consequent density is

necessarily far higher than the Local Plan figure due both to the need to make efficient use of the site and the need to find a development of sufficient value to pay for the costs of the remediation of the land.

The site is also covered by Local plan Landscape Policy L4, Countryside Zones. The general principles in policy L4 seek to protect such areas from inappropriate development. Core to the policy is the aspiration that development should not lead to a loss of open countryside and creation of urban sprawl, or indeed where this would cause the merging of urban areas. The scheme, through the proposed linear block solution with adjacent public valley park, provides a viable solution to the development of the site whilst retaining a green valley through the scheme. This solution is also considered to accord with the aims and objectives that support the designated strategic footpath, as identified in the saved local plan. An apartment scheme is considered more commensurate with the landscape and access policy goals than a more traditional dwelling scheme, which is unlikely to offer such benefits in terms of landscape linkage, recreation and open space.

All matters of policy considered it is concluded that the development of the site for residential purposes is acceptable in planning policy terms, being both consistent with the Local Plan policies and guidance outlined within the NPPF.

Design / Appearance / Layout / Density

Prior to the submission of the application, the proposal was presented to the South West Design Review Panel. The panel then prepared a report which suggested some amendments, but was generally supportive of the scheme. The height of up to six storeys and the linear form of development was supported, but it was suggested that the architect investigated the joining up of the four blocks and having more twists, which would also allow the green corridor to be wider at its mouth facing Torbay Road. There was also concern regarding the floor plans and ceiling heights and the palette of materials. It was also advised that some community provision should be made within the building as a focus for the community. Finally, whilst the green corridor was supported, it was considered that it was too "tailored" and should instead be a natural valley.

In response to the comments from the panel, amendments were carried out. The scheme sees the apartment blocks positioned along the south-western edge of the site to retain the important views of the adjacent pine copse at Round Hill and to improve the built definition between Paignton and Torquay. The joining up of the four blocks was considered, but the separation at higher levels was maintained to ensure that the frontage is not one solid, monotonous block. The separation allows flats to have more than one view out and gives a number of faces to the building, allowing sun penetration through to the communal areas and the parkland area beyond. Splays have also been added onto the gable end of the flats towards the sea to give a better aspect to the flats and better views and also to improve the internal illuminations to the communal corridor spaces.

The front element of Building 'A' has been placed in close proximity to Torbay Road to try to form a definite building boundary to Paignton and Preston, whilst retaining the green open space to the woodland and gardens of Round Hill. This would help to reinforce the historic boundary between the two towns, which runs along the valley floor.

The buildings have been designed with glazed atriums to incorporate lifts and stair wells. These circulations spaces would be overlooked and allow clear views into the park. Segregated refuse chutes would also be provided to enable easy recycling. Ceiling heights of at least 2.6 metres have been incorporated, together with large windows to the living spaces to ensure maximum light penetration.

In terms of scale, the previous gas holder was a dominant feature in the valley. At full capacity it would reach to a height of 37 metres above the valley floor. The buildings have been designed to be robust in appearance and to reflect the industrial heritage of the site. The architect has endeavoured to balance the height and mass of the overall development with the parkland and adjacent valley slopes, which have allowed the introduction of the six-storey element to Building 'A'. This also allows the creation of a landmark building.

The façade of the building has been created through the use of the spaces within, with the introduction of large, glazed openings and balconies to the living spaces and smaller windows to bedroom areas. The penthouse and terraces have been separately defined to make the most of access to external space and to create semi private spaces for residents. Landscaped links are provided from the apartments to the park. Therefore, while much open space is provided for the residents, it is clearly defined that this would be private and not part of the open space adjacent. The open space also clearly leads visitors from one end of the site to the other without the requirement for pedestrian signage.

The materials proposed to be used have been chosen to reflect the surrounding landscape. Permian sandstone has been selected for the main park elevations to reflect the rock formations of Hollicombe Head and the roof tiles of neighbouring properties. Zinc cladding is proposed to frame the living spaces and to reflect sunlight into the park. Western Red Cedar would be incorporated onto the buildings closest to Scadson Woods to give a softer, more organic appearance. The rear elevation facing Preston would be white polymer render to reflect the rendered walls of properties in Great Headland Crescent, Hollicombe Lane and Tarroway Road.

The car park areas would be screened from the park through the use of Torquay grey limestone in gabion baskets and cedar boarding, blocking views in but still allowing natural ventilation and further reinforcing the distinction between public and private spaces.

Flood Risk

The site is, in part, under flood risk designation and hence the local authority should be satisfied that there are no reasonably available sites appropriate for the proposed development in lower areas of flood risk. Whilst the site is, in flood risk terms, less preferable to sites within flood risk Zone 1 and 2, the site is nonetheless sequentially preferable in terms of the desire to develop brownfield land, the alternatives to the development of this site for large scale housing sites are likely to be in more peripheral Greenfield locations and in the case of sites to the west of Paignton for example, they also have flood risk considerations of their own.

In any event, given the need for housing, the wider sustainability benefits such as the remediation and the provision of a public park and improved access routes, it is considered that the proposal would satisfy the exceptions test, as advised in Paragraph 102 of the NPPF. The site specific flood risk assessment has demonstrated to the EA and LPA satisfaction, how the development would be safe for its lifetime.

It is recognised that at the time of the Local Plan Inquiry the Environment Agency did not raise an objection to the allocation of the site for housing and through consultation during the previous two public advertisement periods no overriding objection was raised by the Environment Agency.

As it stands, the site lies in a Zone 3a flood risk area which is assessed as having a 1 in 100 or greater probability of river flooding or a 1 in 200 or greater probability of flooding from the sea in any year.

An assessment of the required 100 year flood event has been carried out and predicted events have been increased to allow for possible climate change. A natural stream enters the site via a culvert from Old Paignton Road. The stream then passes through approximately 250m of 1.2m diameter culvert before emerging into an open stream at the mid-point of the site. The stream is then channelled through a concrete walled section and into a downstream inlet for the remainder of site, under the A3022 and the railway line before entering into the sea.

It is proposed to upgrade the culvert through the site. It was found that the proposed culvert is within capacity except for the lowest two sections for the highest 100 year estimate. It is recommended that the existing trash screen upstream of the site (where the culvert passes under Old Paignton Road) is upgraded to reduce the likelihood of blockage.

The developer recognises that due to the inadequacies of the culverts on either side of the site, surface water flooding in the vicinity of the site does occur but the site itself does not flood and does not cause flooding of land downstream. There is, however, an above ground flood flow pathway across the site carrying flood

water from other sites in the locality.

The proposed development is seeking to reduce flood risk. The impermeable area on the site is to be reduced by approximately 80%. Other improvement works will include enclosing the open channel section of culvert to improve flow capacity and to construct a swale ditch to allow any flood flows that may occur in an extreme event to pass safely through the site.

The residential building has been designed to be at a higher level than the flood flow path with ground floor parking raising the residential floors beyond flood levels. It is also proposed to have a Sedum roof, which will again serve to reduce run-off and to absorb rain water naturally.

In terms of access to the site, two access points are proposed onto Old Paignton Road and Torbay Road. Ponding can occur to both roads in extreme rainfall events so the access points have therefore been situated away from any potential ponding or flood flow paths.

The matter of flood risk is explored within the ES and it was concluded that there would be no significant effect. It is concluded that there are no new issues in relation to flood risk, the Environment Agency does not object to the development, and the matters can be dealt with through appropriate conditions and s106 clauses.

Land Contamination & Remediation

The proposal is now accompanied by an ES that utilises the previous extensive documentation on the topic, as the matter has been a known constraint throughout and previously explored in-depth. The core methodologies remain unaltered and they are presented below as a summary;

Remediation Options Appraisal

Strategic document that seeks to identify the best practicable techniques for the remediation of the known significant pollutants and offer the building blocks to draw out a suitable detailed remediation design strategy.

The proposed methodology incorporates a phased approach and combined techniques, which together are designed to meet what are described as strict remedial targets within a relatively short time frame. The parameters that informed this process included consideration for external environmental impacts, including the potential adverse affects of dust.

Remediation Strategy Report

Outlines the actual strategy for remediation and expands and responds to the Remediation Options Appraisal. The key aim of this report is to propose solutions for the remediation that avoid unacceptable health and safety risks and

environmental impacts.

The proposed methodology outlines a phased approach utilising several combined techniques. The basic strategy for remediation is as follows;

- Where suitable, contaminated soil will be excavation and treated on site utilising engineered biopiles. This is a method for encouraging the natural microbial breakdown of hydrocarbons in soil by optimising the conditions. The process is ultimately to clean the soil in situ for on-site reuse.
- Where contaminated soil cannot be treated and cleaned through the biopile process it will be removed from site and sent to land fill.
- In respect to contaminated water, it is proposed to excavate and treat groundwater affected by contamination via an on-site 'pump and treat' system. This process aims to clean affected water on site by extracting through created wells via an enclosed pumping system. The water is then passed through a series of filters or gravity separators in order to remove contaminants. Clean water is then held and then discharged back into the controlled water system with consent from the Environment Agency.
- The soil and water treatments above will subsequently be supported by a cover system across the site comprising of a layer of clean hardcore and a layer of imported clean soil. The rationale behind the process is to limit the level of soil excavation and to provide an extra measure of security and limit the potential upward migration aided by earthworms, mammals etc.
- The report also outlines the procedure for the investigation of areas not currently accessible or previously tested.
- The report also provides the methodology to ensure the site is safe for its intended use and for future users.

Site Specific Remediation Specification and Method Statements

This detailed document outlines the contractor's specific methodologies and specifications to undertake the remediation. The document provides comprehensive detail in respect to the following, which is often provided much later in the planning process under conditions;

- Site management
- Removal of existing structures
- The Bio-remediation process
- Air Quality monitoring
- Groundwater monitoring
- Dust and Odour Suppression
- Validation and future on site monitoring

In regard to policy the recently published NPPF offers guidance that the planning

system should contribute to and enhance the natural and local environment by:

- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (para 109).

The NPPF also cites that to prevent unacceptable risks of pollution planning decisions should ensure new development is appropriate for its location and should take into account the effects of pollution on health, the natural environment or general amenity, with the potential sensitivity of the area or development to adverse effects from pollution being a consideration. It also confirms that where a site is affected by contamination responsibility for securing a safe development rests with the developer and /or landowner (para 120).

The NPPF further states that planning decisions should ensure the following:

- The site is suitable for its new use, taking into account matters including ground conditions and pollution from former uses and any proposals for mitigating through remediation or the impacts on the natural environment arising from that remediation
- That after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990
- That adequate site investigation information, prepared by a competent person, is presented (para 121).

The final note offered by the NPPF is that when considering all of the above, local planning authorities should focus on whether the development itself is an acceptable use of the land and whether the impact of the use itself is acceptable. This as opposed to the control of processes or emissions themselves should be the focus of planning decisions, as these matters are subject to approval under pollution control regimes. It is added that local planning authorities should assume that these regimes will operate effectively (para 122).

The planning application previously went to the Development Control Committee in 2008, supported by detail from Yeandle Geotechnical Ltd in respect to ground investigations. This information attempted to express and comprehend the level and mix of contaminants on what was a known site of contaminated land. This information was then reviewed by an independent third party, Atkins Design Environment & Engineering (who are a specialist in the field of contamination).

As a summary of this 2008 independent review Atkins recommended that a number of further works should be undertaken in order to provide more robust

methodologies and to fill information gaps. Notwithstanding this, with consideration of the site-specific context and relevant statute, the recommendation to the committee outlined that a suitable remediation process could be dealt with under planning condition, with a draft condition detailing the blueprint for this. It was however agreed at the committee meeting that satisfactory further information in respect to this matter should be submitted.

Following the 2008 committee resolution further information in respect to this matter was submitted to the Local Planning Authority in April 2010. This information was subsequently supplemented through revisions and further documentation that responded to issues raised through various representations and stakeholder meetings on the matter.

In respect to due consideration of the matter it was asserted that the Local Planning Authority should be in a position to meet the following objectives;

1) Be satisfied that contamination present and any risks arising from development are properly assessed and that the development incorporates necessary remediation and subsequent management measures to deal with unacceptable risks, which pertain to both human health and the wider environment, and

2) Judge that the remediation of land affected by contamination through the granting of planning permission should secure the removal of unacceptable risk and make the site suitable for its use, with the land not being capable of being determined as contaminated land (under Part 2A of the EPA 1990).

Following the submission of the April 2010 information stakeholder discussions with community partnerships and public representation highlighted the weight of concern with respect to the human health implications of the proposed development. In particular comments have raised concerns at the perceived inadequacies with the data and methods.

As a result of public concern the Authority agreed to the request to once again commission Atkins to review the proposals in order to provide independent professional advice on whether the remediation methods proposed were fit for purpose. Atkins were instructed to review the proposals in light of the two central statutory requirements. The subsequent conclusions of the report summarised the following;

Objective 1: Whether the remediation strategy, risk assessment, method statements and monitoring proposals are suitable to protect local residents and members of the school from harm during the remediation

Atkins' summarised conclusion to Objective 1: Atkins considers that the remediation strategy will be appropriate to mitigate potential risks presented to

identified human health receptors, including local residents and members of the school, from contamination currently present at the site during the remediation process. Atkins considers that certain remaining items relating to the remediation strategy could be adequately controlled under conditioned planning approval.

Objective 2: Whether the remediation strategy satisfies that requirements under planning legislation and ensure that on completion the site would not be considered 'contaminated land' under part 2a of the Environmental Protection Act, 1990.

Atkins' summarised conclusion to Objective 2: Generally the observations identified within the original review have been thoroughly and appropriately addressed, and Midas have provided an appropriate strategy to address the remaining items as the scheme develops. These items could be adequately controlled under conditioned planning approval. It is therefore concluded that the scheme satisfies the requirements under planning legislation and ensures that on completion the site would not be considered contaminated.

Notwithstanding the above, the application was deferred at the December 2010 Development Management Committee with concerns in regard to understanding of the risk to human health resulting from the remediation process, which resulted in the committee requesting a Detailed Quantitative Risk Assessment (DQRA) for off site receptors during the process.

Following the decision to defer, the applicant reviewed their submitted remediation documents and subsequently submitted a further explanatory document that sought to clarify that such concerns were misguided and that the appropriate risk assessments were engrained in the methodology.

The Midas review, which was undertaken by Merebrook (Environmental Consultants), iterated that the previous body of work relating to human health risk was robust and well conceived. It also confirmed that the review has included reasonable worst case assessments of the possible health risk to parties outside of the boundaries of the site by airborne movement of contamination and, given the measures proposed, concludes that there is no reasonable possibility of the site presenting a health risk to off-site receptors.

The Merebrook review also expressed that the contaminants of concern are commonly found in nature and in food and that the health risks associated with them should be taken into context. Three notable contaminants were cited and it was expressed that in regard to arsenic large area of the South West have natural soil concentrations significantly in excess of anything measured on the site, that cyanide is found in concentrations equivalent to those found in foodstuffs such as marzipan, and that the consumption of a well done steak would result in benzo-a-pyrene ingestion greater than what would be predicted

by the reasonable daily exposure pathways from the proposed works.

In addition to the above, the peer reviewers (Atkins) responded to a public challenge that the process is flawed due to the lack of a DQRA for off-site receptors. Their response summarised that the model procedures cited by objectors (CLR11) had been followed and reiterated that it was judged that applicant had provided information to allow the application to be considered. The response also explained that the model procedures are solely guidance and is not intended to present rigid technical requirements. It was further expressed that there is flexibility to move from an initial risk assessment step into options appraisal and implementation without recourse to a detailed quantitative risk assessment. This is what effectively has been expressed, i.e. that on accepting that, if uncontrolled, dust might leave the site during excavation and remediation works, the developer has put forward control measures to mitigate on the site (i.e. the damping down of all working surfaces to avoid dust).

In addition to this latest Merebrook review it is reiterated that the professional peer review of Atkins endorsed the risk assessment process undertaken and the subsequent processes that have been put forward to respond to those risks.

It was therefore concluded that at this point (2010) the extensive documentation put forward for assessment and multitude supportive comments from professional bodies, from the Authority's Community Safety Team, Atkins Consultants and The Environment Agency, the HPA, opinion was that the LPA could be satisfied that the works can be carried out in such a way that risk to both the community and eventual occupiers of the site is kept to a minimum. It is also officers' opinion that the developer is capable of implementing the works in the prescribed manner. As such the duty of the Local Planning Authority on this matter can be fully discharged with reliance on the information submitted and the peer review of the process.

In conclusion, the development proposed was considered appropriate for the land, and with regard to the information available in regard to contamination and remediation, it was concluded that the LPA would be in a position to grant planning permission, subject to the appropriate planning conditions set out by the Authority's Community Safety Team.

The remediation package has been subject to an extensive peer review and the Authority's Community Protection Team, together with Atkins consultants and the EA, had previously confirmed their acceptance of the strategies and methodologies involved, subject to suitable planning conditions. The Community Safety Team and the EA have reviewed that ES and advised that their previous conclusions and support for approval with conditions remain unchanged.

Highway / Transport / Accessibility

The proposal retains the highway solution that was resolved to be approved at

the last committee. To reiterate this scheme details two access points into the site, with three blocks being served off Torbay Road to the south and one block being served off old Paignton Road to the north.

As a result of ongoing negotiations the proposed highway solution for the Torbay Road entrance features a compromise scheme that presents a plaza 'feel' but maintains an engineered highway and formalised (but uncontrolled) crossing points for pedestrians. The scheme has been devised to combine the attributes of both options for the overall benefit of the scheme. In brief terms the Torbay Road access solution provides the following;

- Maintains a designated carriageway for the existing main road past the entrance to the site
- Provides a designated right hand turn set within a central refuge area to give access from the Paignton-bound carriageway
- Provides two designated pedestrian crossing areas with central refuge points
- Provides localised improvements to the cycle and foot path
- The absence of controlled turnings and crossings permit a less intrusive pattern of road treatments, which provides the potential for the road layout outside of the site to sit more comfortably with the adjacent pedestrian plaza area that extends around the site entrance.

In regard to the access solution proposed for the Old Paignton Road the scheme provides;

- A traditional T-junction to service Block D of the scheme, set within a raised table to help reduce local speeds
- Gateway enhancement works to the east and west of the site in order to help reduce local speeds
- Improvements around the school entrance to provide designated parking bays, reduce unsuitable car movements around the entrance to the school, and improve crossing arrangements
- Further pedestrian crossing points to improve linkages across the road to Scadson Woods corridor.

The above detailed highway solution has evolved following a number of stakeholder meetings with the school and community members, which subsequently received member support when the application was last seen by the committee.

The highways department had previously explored a request for a Zebra Crossing to be incorporated within the existing highway improvements on Old Paignton Road. Highways opinion is that the relative traffic and pedestrian movements within the vicinity of the site means that a Zebra Crossing would not be appropriate in the location proposed (adjacent to Preston Primary School). This is principally due to the fact that the crossing would experience sporadic use

outside of the busy school times. This is because pedestrians would assume relative safety on a controlled crossing, whilst at the same time drivers would assume the crossing would not be in use outside of school times. The scheme submitted, in the absence of a controlled crossing, is therefore considered the most appropriate and safe and is fully supported by the Authority's Highways Department.

Ecological issues

The submitted ecological report stated that as a whole, the site is considered unlikely to be important in terms of biodiversity, with the limited site area not being associated with good levels of botanical, habitat or structural diversity. In addition no animal or plant species considered to be uncommon, either nationally or locally, are likely to be found on the site. The subsequent ES explored the likelihood of significant effect in respect to ecology.

A number of nesting bird species were recorded on site, namely Blackbird, Blue Tit, Robin, Greenfinch, Goldfinch, Wren, Dunnock and Blackcap and it is an offence to damage or destroy the nest of a wild bird or to disturb birds whilst nesting. Therefore it is concluded that clearance of vegetation or tree felling should only be undertaken outside of the bird nesting season, between mid August and late February. As a point of note the site does not lie within the known breeding range of the Cirl Bunting.

No habitat suitable for dormice has been found on site and previous surveys indicated this species is unlikely to be found on site.

Previous surveys indicated that the site is of limited value to bats but have recognised it is used for feeding by Pipistrelle bats. Individual trees were assessed for bat roosts and most were deemed to be of negligible potential to support bat roosts, however one dead tree would be of moderate/low potential. With cross-reference to the Arboricultural Implications Study, this tree is proposed to be felled, and it is therefore recommended that prior to any felling work, contractors should carry out a limb by limb inspection to identify potential bat roosting features. As the proposed development is retaining significant open space, it is recommended that bat boxes are erected, especially where new tree planting is proposed.

A previous survey found a small population of slow worms. Ambios Ecology subsequently undertook a capture and removal programme during September/October 2007. A total of 25 individuals have been translocated to suitable habitat in the local area. The applicant has detailed that this process has been repeated in a subsequent year and no slow worms were found.

No populations of specially protected invertebrates have been identified. The report notes that a Deaths' Head Hawk Moth was found on site in 2007 but this is of no ecological significance. The species is not native to the UK, but is a

summer/autumn migrant from Southern Europe. It is not protected by law in the UK and therefore no special measures are required prior to site development.

No evidence of badger activity was found on site but if a sett was to be located, works must cease to allow for further investigation.

No evidence of invasive species such as knotweed has been identified, but if it is suspected to be present, further advice would need to be obtained.

In summary, the site does not hold any specific ecological significance that would restrict its redevelopment, however in light of the likelihood of nesting birds or roosting bats, or the existence of slow worms or badgers, any forthcoming development should be managed by appropriate planning condition to ensure measures are in place to identify and safely remove protected species and / or provide suitable potential habitat for use of the site and surrounding.

Arboriculture Issues

The trees have been divided into the following tree categories:–

R – The value would be lost within 10 yrs and should be removed (93 trees in this category).

A – High quality and make a substantial contribution (40 years or more)(61 in this category).

B – Moderate quality and value and make significant contribution of 20 years or more (119 in this category).

C – Low quality, 10 years contribution or stem of less than 150mm diameter (58 in this category).

There are no Tree Preservation Order on any trees within the site. In summary 41 trees and 1 group of dead elms require removal for reasons of sound arboricultural management. Six are located off-site to the North East (Round Hill) as their failure would have safety implications for the site. A further 42 trees require removal to facilitate development in that they lie in the building footprint or would be damaged during construction.

The report has concluded that the layout is arboriculturally acceptable. The impact on trees is acknowledged by the majority of the trees on the valley sides on and off-site are to be retained. There is an opportunity to enhance the amenity of the area through extensive replanting and arboricultural management. This is also recognised with the Planning Statement accompanying the application.

No new arboricultural issues are raised and the proposal remains acceptable in this respect.

Drainage

South West Water has previously advised that foul drainage will need to be connected into the existing foul sewer at the junction of Torbay Road and Hollicombe Lane. As it is at a higher level than the site, pumping will be required. The Pumping Station would be sited adjacent to the new gas governor housing near Torbay Road. There are no new drainage issues.

Archaeology

A desk based assessment was undertaken. The site is not listed in the Sites and Monuments record although Hollicombe Park opposite the site is. There is no direct evidence of any archaeological deposits on the site. Overall, it is considered that the archaeological potential of the site is low and the report recommends that no further archaeological investigation is required. There are no new issues in relation to this issue.

Affordable Housing

The affordable housing offer for the Hollicombe Gas works development equates to 24% affordable housing (44units) of which 50% would be for social rent and 50% would be for shared ownership. In addition, included within these numbers one of the units will be suitable for a wheelchair user. When allocating the affordable homes preference will go to households over the age of 55 to encourage existing tenants to downsize out of existing larger family accommodation within Torbay.

While the overall affordable housing provision is less than 30% of the total site and the tenure has altered from the policy position of 75% social rent and 25% shared ownership, an independent viability report has been carried out and has confirmed that due to the high costs associated with removing the contamination on the site this is the maximum level of affordable housing that can be provided without making the development unviable.

The decision to locate all of the affordable dwellings together and not “pepper pot” the units throughout the development has been taken for the following reasons:

1. The concept of older persons accommodation requires the accommodation to be grouped together to reduce social isolation and improve internal support networks.
2. Applicants looking to downsize out of their larger family accommodation will get priority for the affordable rented homes. This will free up family accommodation for other households on the waiting list.
3. Due to its location the affordable block will be built first ensuring that these

homes are available much sooner than if the homes were delivered over all four blocks.

4. Grouping the affordable homes within one block ensures that the service charges are kept to an absolute minimum, making the properties more affordable and it will assist with the management of the block as a whole.
5. A single block enables all of the affordable dwellings to be designed and constructed to suit specific design requirements and space standards. The affordable block will meet Level 3 of the Code for Sustainable Homes.

Housing Services has considered all of the information provided and accept the findings of the viability report and support the current proposal subject to the applicant entering into a satisfactory S106 agreement which includes a deferred contributions clause to safeguard against the prospect of the development becoming more viable over time.

S106 / CIL

In respect of current guidance the Council's adopted SPD on s106 contributions would trigger the following contributions;

30% Affordable housing (which equates to 56 units)

Education	£ 32,000*
Greenspace	£167,083
Sustainable Transport	£258,028
Street Wardens	£ 18,916
Learning Skills	£ 44,569
Waste & recycling	£ 7,752

** The figure for the education contribution factors in current guidance that dictates that the Authority does not seek contributions for either secondary or primary places for Torquay proposals, and that only primary school places are sought for Paignton proposals. As the site straddles the border, the calculation seeks contributions for half of the eligible units.*

In respect to the above referenced planning contributions the adopted SPD prioritises affordable housing over the following six 'sustainable development' contributions. The SPD also states that development viability is a material consideration in the determination of a planning application and should be taken into account when deciding the level of planning contributions and affordable housing that a proposed scheme should be required to provide.

The applicant has proposed that due to mitigating factors, largely the extensive cost to remediate the site in order to make it fit for development, it is unviable to provide the full suite of contributions. The applicant's reduced offer takes into account the Council's priority in relation to affordable housing and proposes the

following:

The full compliment of 'inner circle' contributions required from the scheme, which include;

1. The provision of on-site public open space and ecological enhancements, including amenity space, landscaping, and the recreational corridor between Scadson Woods and Hollicombe Park - estimated cost £113,000.
2. Off-site highway improvement works comprising front of site traffic gateway, traffic calming, pedestrian crossing, bus stop & cycleway (circa £307,000) and rear of site - traffic calming and school-based traffic measures totalling circa £48,000.
3. Off site flood alleviation works – estimated cost around £50,000.
4. Remediation of the site and removal of unnecessary gas plant - estimated cost circa £1,300,000.

In addition to the above the applicant proposes a reduced 'middle circle' contribution of 44 affordable units, which equates to 24% affordable housing, on a 50:50 social rent/intermediate basis. This falls below the 56 units that 30% affordable housing would provide.

In respect to sustainable development contributions the applicant's offer excludes these on viability grounds, inline with the prioritisation arrangements within the SPD. There is hence no payment forthcoming for contributions in respect to education, greenspace, sustainable transport, waste & recycling, lifelong learning and street wardens.

It is, however, observed that although the offer excludes all outer ring contributions there are social benefits from the scheme that may be argued as a degree of mitigation were funds available. Notably the scheme will itself provide a public park managed in perpetuity by the applicant and the scheme will also provide improved pedestrian and cycle facilities in the area. These would mitigate against the required greenspace and sustainable transport contributions were these financially viable.

In consideration of the reduced s106 offer, the Council has commissioned an independent review of the applicant's viability study by Belvedere Vantage Ltd. This review included a meeting between the Council, the Applicant, Savills and Belvedere Vantage on the 28th September 2010 to discuss the background to the scheme and was followed by a detailed analysis of the applicant's viability study, backed up by conversations and correspondence with the Council, the Applicant and Savills. The Review was also informed by independent research and financial modelling.

The Belvedere Vantage Review finds that the methodology and assumptions used within the applicant's viability study are reasonable and that the financial modelling within the viability study is generally optimistic. Accordingly, the Belvedere Vantage Review concludes that this is a good offer from the applicant taking into account the risk of embarking on a scheme of this nature in the current climate.

The Review recommends that suitable delivery arrangements should be agreed, together with a mechanism to review viability at later stages of the scheme in order to ensure that the community does not lose out in the event of an uplift in profit.

In the eventuality of increased profit over and above the assumed developer margin, the s106 will therefore provide for the payment of appropriately mitigated commuted sums towards sustainable development infrastructure.

Conclusions

The proposal has been previously resolved to be approved subject to the receipt of comments of the Secretary of State, the completion of a s106 Legal Agreement, and the inclusion of an additional condition that tenting will be used as an appropriate remediation strategy, unless otherwise agreed by the Council's Environmental Health Officer on safety grounds.

The Secretary of State (SOS) subsequently determined that the scheme is EIA development and should be accompanied by an Environmental Statement (ES). The scope of the ES issued by the SOS did not however contain areas of potential significant effect that had not been previously explored by the applicant and thus the process has brought about the re-issuing of data, updated where required, to satisfy the statutory requirements of the process. Importantly it should be appreciated that the conclusions in the ES are commensurate with those that have previously been established, and that consultees have fundamentally reiterated their previous comments due to the lack of any change in circumstance.

Considering the lack of clear change in regard to the scheme, along with the retention of the save local plan as the primary policy consideration, the scheme remains acceptable on planning merit and will result in the remediation of contaminated land, provide much needed new dwellings, and a platform for the creation of a new area of public open space, which would link to a wider recreational corridor.

In the intervening period, national guidance has changed with the emergence of the NPPF as the key policy document. It is however considered that the application sits comfortably with the core principles of there being a presumption in the favour of sustainable development unless other material considerations show otherwise, and the approval of development without delay should it accord

with the local plan.

To conclude on key topics of concern in regard to decontamination, professional peer advice and appraisal by external bodies corroborates the developer's contention, that the remediation of the site is acceptable in relation to both human health and the environment. The processes also convey that it will provide a safe and clean site for future users and residents on the site. With suitable planning conditions to manage outstanding matters, the remediation process remains appropriate.

The access solutions and highway works proposed are considered to provide suitable solutions that knit together the needs of all road users whilst providing the most visually attractive design. In addition the enhancement works proposed as part of the scheme are considered the most favourable solution for all road users.

In light of the viability issues surrounding this contaminated site the Section 106 arrangements are considered to provide contributions inline with corporate priorities and ensures wider benefits are secured through remediation of land, the provision of a new public park, and enhancements to walking and cycling within a wider strategic recreational corridor. Any reduced package should be supported by a deferred contributions clause commensurate with the Council's adopted policy aims.

It is again concluded that the scheme should be subject to various planning conditions and the completion of a suitable Section 106 Legal Agreement in respect to highways works, public open space and its maintenance, off site flood alleviation measures, ecological enhancements and affordable housing provision.

Condition(s)/Reason(s)

01. Prior to the commencement of development on the site, a phasing plan shall be submitted to and agreed in writing by the Local Planning Authority to achieve a phased implementation of the scheme in relation to an agreed timetable of works. This shall secure the obligation to enter into a Section 278 Agreement to deliver the indicative highway works shown on the plans hereby approved. The phasing plan shall secure the implementation of all highway, parking, traffic calming and drainage infrastructure relevant to each phase prior to occupation of any dwelling or building that forms part of that phase. It shall also secure hard and soft landscaping works including all boundaries and park areas. The affordable housing units relevant to each phase shall be completed and made available for occupation prior to the commencement of each subsequent phase.

Reason: To ensure that the scheme is implemented within an agreed timetable

and that essential elements of the scheme are delivered at an appropriate stage and to comply with policies HS, H1, H6, H9,H10, H11, L10, BE2, TS, T1, T2, T25, T26 and T27 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

02. Prior to the commencement of the development hereby approved, details of the proposed street lighting shall be submitted to and agreed in writing with the Local Planning Authority including their specification, location and type of fittings.

Reason: To ensure that the details are acceptable in terms of their appearance and function and to accord with Policies BES, BE1, BE2 and EP5 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

03. A management agreement shall be entered into prior to the occupation of any of the dwellings, hereby approved, to ensure (a) that an agreed maintenance strategy in respect of all buildings and non-adopted areas of open space on the site is in place, including the new park land (b) that an agreed maintenance strategy for the underground culvert is in place, and (c) that there is an agreed refuse disposal strategy. This shall be agreed in writing by the Local Planning Authority and implemented prior to the occupation of any of the dwellings on the site.

Reason: To ensure the development is properly serviced and maintained in accordance with Policies H9, H11, CF2, W6, W7 and L10 of the saved adopted Torbay Local Plan 1995-2011.

04. Any works of clearance on the site shall only take place outside the bird breeding season (i.e. no clearance to take place between April and September). If any tree identified in the Wildlife Report is to be felled it should be checked by a licensed bat worker prior to felling. If bats, reptiles or evidence of badgers and badger setts are discovered during the implementation of the development, work should cease in the vicinity until Natural England have been notified and have advised on the appropriate action to take.

Reason: To ensure the development does not have a detrimental impact on wildlife that may exist on site and that any appropriate mitigation measures are put in place, to accord with Policies NCS and NC5 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

05. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order, 1995 (or any order revoking and re-enacting that order) no development of the types described in Schedule 2, Part 2 shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To ensure that any subsequent proposals maintain the appearance and

character of the original development and to protect residential amenities, in accordance with Policies H9, BES and BE1 of the saved adopted Torbay Local Plan 1995-2011.

06. Prior to the clearance of any buildings on the site a Method Statement for demolition and a Building Agreement shall be negotiated with the Local Planning Authority to secure appropriate hours of operation, site access routes, disposal of all building waste and routes for construction traffic to ensure that disturbance to local residents is minimised.

Reason: To ensure that the amenities of local residents are protected and to accord with policies H9, ES, E9, EPS and EP4 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

07. Prior to the commencement of the development hereby approved, details of all proposed boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by the Local Planning Authority. The approved boundary structures shall be constructed in accordance with the agreed details prior to the first occupation of the dwellings for which the boundary provision is made and shall be retained at all times thereafter.

Reason: In the interests of the visual amenity of the area and in accordance with Policies BES, BE1 H9 and L10 of the saved adopted Torbay Local Plan 1995-2011.

08. The development hereby approved shall not be commenced until details of colour, type and texture of all external hard-surfaced areas, to be used in the construction of the proposed development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed schedule of materials.

Reason: To ensure a satisfactory form of development in accordance with Policies BES, BE1, H9 and L10 of the saved adopted Torbay Local Plan 1995-2011.

09. Prior to the occupation of the dwellings hereby approved, details of the provision of external bat boxes shall be submitted to, and approved in writing by the Local Planning Authority. The bat boxes shall then be provided on-site prior to the first occupation of the units.

Reason: To protect endangered species in accordance with Policy NC5 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

10. The dwellings within each of the respective blocks shall not be used/occupied until the vehicle parking areas shown on the approved detailed

plans associated with that block have been provided and made available for use. The areas shall be kept permanently available for parking purposes to serve the development.

Reason: To ensure that adequate off-street parking is provided in accordance with Policy T25 of the saved adopted Torbay Local Plan 1995-2011.

11. The waste storage facilities shown on the approved plans associated with the respective blocks shall be completed and made available for use prior to the first occupation of any of the residential units within the relevant block hereby approved and shall be so retained for the duration of any residential occupation of the buildings.

Reason: To secure appropriate service facilities for the development, in accordance with the terms and objectives of Policy W7 of the saved adopted Torbay Local Plan 1995-2011.

12. Prior to the occupation of any of the residential units within a respective block, hereby approved, the allocated cycle parking provision shown on the approved plans to serve the relevant block shall be completed and made available for use, and shall be so retained for the duration of the residential occupation of the flats for which the provision is made.

Reason: To secure the appropriate provision of cycle parking facilities to serve the development and to promote and enable the use of sustainable methods of transportation, in accordance with Policies TS, T1, T2 and T25 of the saved adopted Torbay Local Plan 1995-2011.

13. At the point of occupation of each of the residential units a Welcome Travel Pack shall be provided for the occupants, which shall include information on sustainable transportation facilities including cycling routes and bus timetables within the locality.

Reason: To encourage and facilitate the adoption of sustainable transportation practices by the residents of and visitors to the development in accordance with Policies T1 and T2 of the saved adopted Torbay Local Plan 1995-2011.

14. The development, hereby approved, shall be constructed from the palette of materials submitted to the Local Planning Authority unless otherwise agreed in writing:

- Western Red Cedar horizontal boarding
- Natural Red-pink Permian sandstone
- K-rend silicone white
- Blue-grey Zinc

Reason: To ensure a satisfactory form of development in accordance with Policies BES & BE1 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

15. The Velfac window system with dark grey exterior paint as submitted to the Local Planning Authority on 12 March 2008 is hereby approved as the glazing for the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory form of development in accordance with Policies BES and BE1 of the saved adopted Torbay Local Plan 1995-2011.

16. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

i) 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.

ii) 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; implementation programme.

iii) The landscape works established as part of the development shall be managed in accordance with an approved Landscape Management Plan/Schedule for a period of 10 years from the first occupation of the site.

iv) The landscape management plan which shall include long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than the small, privately owned gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and in accordance with the requirements of Section 197 of the Town and Country Planning Act 1990, and Policies LS, L4, L8, L9, L10, BES, BE1 and BE2 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

17. No works or development shall be carried out until the Local Planning Authority has approved in writing the full details of which trees and shrubs are to

be retained, by reference to a plan showing the location of every tree which has a stem with a diameter of over 75 millimetres (measured over the bark at a point 1.5 metres above ground level), and either:

- (a) is on the application site; or
- (b) is on adjacent or nearby land and is located so that the application site includes land within the outermost limit of its crown spread or any land at a distance from the tree equal to half its height.

Reason: To ensure the preservation and protection of existing and new trees on the site in accordance with Policies LS, L4, L8, L9, L10, BES, BE1 and BE2 of the saved adopted Torbay Local Plan 1995-2011.

18. The protection of any existing tree to be retained in accordance with the approved plans and particulars as identified with the submitted arboricultural report numbered CBA6543 and dated January 2008 shall be achieved as follows:

- (a) no equipment, machinery or material shall be brought onto the site for the purpose of development until fencing has been erected in accordance with and the arboricultural report;
- (b) if that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Council;
- (c) the fencing shall be maintained in position to the satisfaction of the Council, until all equipment, machinery and surplus materials have been moved from the site; and
- (d) within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below the ground, the ground level shall not be altered, no excavations shall be made, nor shall any fires be lit, without the prior written consent of the Council.

Reason: To ensure the preservation and protection of existing trees on the site and in accordance with Policies L8, L9 and L10 of the Torbay Local Plan 1995-2011.

19. Prior to the commencement of the work hereby approved, a site meeting shall be arranged with the applicant, the person carrying out the work and a person appointed by the Local Planning Authority to agree the arboricultural processes. No work shall be carried out other than that which is agreed in writing by the Local Planning Authority following the site meeting.

Reason: To ensure that all parties are familiar with the details of the site regarding the protection of trees and in accordance with Policies L8, L9 and L10 of the saved adopted Torbay Local Plan 1995-2011.

20. The development hereby approved shall not commence until sections and

elevations to a scale of not less than 1:20, indicating the following details, have been submitted to and approved by the Local Planning Authority:

- (i) eaves overhang;
- (ii) rain water goods;
- (iii) reveals to window/door openings;
- (iv) soffits;
- (v) mouldings;
- (vi) glazing bars.

The building shall not be occupied until it has been completed in accordance with these details.

Reason: To ensure that the architectural detailing of the development is completed to a satisfactory standard in accordance with Policies BES, BE1 and H9 of the saved adopted Torbay Local Plan 1995-2011 and guidance contained within the NPPF.

21. During the construction of the development hereby approved the site shall only be open for operations between 07:30 and 18:00 on Monday to Friday and construction works shall only be allowed to take place between 08:00 and 18:00. The site shall only be open and operational between 09:00 and 13:00 on Saturdays with no working on Sundays or Bank Holidays, unless previously agreed in writing with the Local Planning Authority.

Reason: In order to protect the residential amenities of the neighbouring occupiers in accordance with policy EP4 of the saved adopted saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

22. A revised method statement relating to air, vapour, dust monitoring and control, with due consideration to the baseline monitoring (incorporating the points raised in the review by Atkins, dated 05 November 2010) shall be submitted to the Local Planning Authority and approved in writing prior to any work being carried out on site. The agreed methods shall be implemented in full throughout the remediation and construction process.

Reason: In order to ensure that appropriate methods are put in place to control pollution and protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

23. Prior to the commencement of development a site specific assessment criterion for the soil used in the cover system shall be submitted to the Local Planning Authority and agreed in writing. The assessment shall take into account up to date guidance including the Environment Agency Guidance on soil from 2009. All subsequent remediation target criteria (for example for TPH, PAH

and hexavalent chromium) shall be produced in accordance with the up to date human health risk assessment guidance (currently CLEA 2009). The remediation works shall be implemented in strict accordance with the agreed criterion.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

24. The results of the ground gas monitoring and assessment shall be submitted to the Local Planning Authority and agreed in writing prior to the installation of any required ground gas protection measures. Full design specification and installation details for any gas and vapour protection membranes which will be employed to mitigate human health risks on site shall be submitted to the Local Planning Authority and agreed in writing prior to their installation. For the avoidance of doubt and in addition to any other gases or vapours, the design must take into account hydrogen cyanide. The gas and vapour membrane shall be incorporated into the building design in strict accordance with the agreed details.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

25. Specific details of the proposed site preparation and ground engineering details, such as earthworks, cut and fill and capping details, drainage mechanisms, protection of services (including water supply pipes) and layout and building foundation design shall be submitted to the local planning authority and agreed in writing prior to the commencement of the development.

Reason: In order to ensure that the development is progressed in accordance with agreed detailed plans and to control pollution in accordance with policy EP3 of the saved adopted saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

26. 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 to the Local Planning Authority an amended investigation and risk assessment and, where necessary, an amended remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. The amended investigation and assessment documentation shall be agreed in writing by the Local Planning Authority prior to the continuation of the works and the works shall continue in strict accordance with the agreed revised

methodology.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

27. The results of any additional sampling at the site shall be submitted to and agreed in writing by the Local Planning Authority and if necessary the developer shall submit and obtain written approval from the Local Planning Authority for an amended investigation and risk assessment and, where necessary, an amended remediation strategy and verification plan detailing how this contamination shall be dealt with. Any revised strategy shall be implemented in strict accordance with the agreed details.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

28. Following completion of the measures identified in the approved remediation scheme including any revised measures agreed during the sampling, monitoring and remediation process, and prior to the occupation of any of the dwellings hereby approved, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall be in accordance with CLR11 and the Environment Agency verification of remediation of land contamination documents.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

29. Any changes to the submitted document "Outline Method Statement: Validation Of Soil And Groundwater Remediation, dated 28 October 2010, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. Any changes or revisions to the document shall be implemented in strict accordance with the agreed details.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

30. Prior to the commencement of any works on the site, asbestos must be

added to the suite of contaminants being tested for under section 2.2 of the submitted "Outline Method Statement: Validation Of Soil And Groundwater Remediation, dated 28 October 2010.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

31. Prior to any remediation works commencing on site, a plan showing the exact position of the air quality monitoring stations shall be submitted to and agreed in writing by the Local Planning Authority. The air quality monitoring stations shall then be provided in the locations agreed prior to any remediation works on the site and shall remain in place until the completion of the works.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

32. Prior to the commencement of any works on the site, a detailed action plan (including timescales for action) to address all outstanding issues raised in the Atkins report (dated 05 November 2010) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan (1995-2011) and guidance contained within the NPPF.

33. Prior to the commencement of any works on the site, a plan and details confirming the proposed site access and egress routes during construction shall be submitted to and agreed by the Local Planning Authority

Reason: In order to ensure that appropriate methods are put in place to control pollution and to protect the amenities of the neighbouring school and residents in accordance with policies EP3 and EP4 of the saved adopted Torbay Local Plan (1995-2011).

34. Prior to the commencement of any form of remediation works a detailed proposal for the use of a remediation tenting system, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Health Protection Agency (HPA) and the Health and Safety Executive (HSE). The scheme, which shall identify all areas where 'tenting' will be utilised as a secondary dust control measure, shall then be carried out wholly as per the agreed submission, unless subsequently agreed in writing by the Local Planning

Authority.

Reason: In order to ensure that appropriate measures are put in place to control pollution and protect sensitive receptors in accordance with policy EP3 of the saved adopted Torbay Local Plan 1995-2011 and the NPPF.

Informative(s)

01. It is recommended that an out of hours emergency contact number for the remediation contractors be displayed on the emergency information board at the entrance to the site.

02. It is recommended that emergency procedures for the nearby school should be discussed with the school prior to the remediation works commencing.

Relevant Policies

BES Built environment strategy
BE1 Design of new development
BE2 Landscaping and design
TS Land use transportation strategy
T1 Development accessibility
T2 Transport hierarchy
T3 Cycling
T18 Major Road Network
T25 Car parking in new development
T26 Access from development on to the highwa
T27 Servicing
EPS Environmental protection strategy
EP3 Control of pollution
EP6 Derelict and under-used land
EP7 Contaminated land
CFS Sustainable communities strategy
CF6 Community infrastructure contributions
CF7 Educational contributions
RS Recreation and leisure strategy
R11 Footpaths
HS Housing Strategy
H1 New housing on identified sites
H6 Affordable housing on unidentified sites
H9 Layout, and design and community aspects
H10 Housing densities
H11 Open space requirements for new housing
INS - Infrastructure strategy
IN1 Water, drainage and sewerage infrastructure

W7 Development and waste recycling facilities
LS Landscape strategy
L4 Countryside Zones
L8 Protection of hedgerows, woodlands and o
L9 Planting and retention of trees
L10 Major development and landscaping
NC3 Protected sites - locally important site
NC5 Protected species
EP1 Energy efficient design
EP2 Renewable energy
EP4 Noise
EP5 Light pollution
EP11 Flood control
EP12 Coastal Protection Zone
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS23 Planning and Pollution Control
PPG13 Transport
LDD6 Affordable Housing Contributions