

**ITEM: 03**

**Application Number:** 09/01836/FUL

**Applicant:** Devon & Cornwall Housing Association (DCHA) and Homes and Communities Agency (HCA)

**Description of Application:** Erection of 69 dwellings with associated access road and car parking areas

**Type of Application:** Full Application

**Site Address:** LAND AT KINTERBURY SQUARE BARNE BARTON PLYMOUTH

**Ward:** St Budeaux

**Valid Date of Application:** 11/12/2009

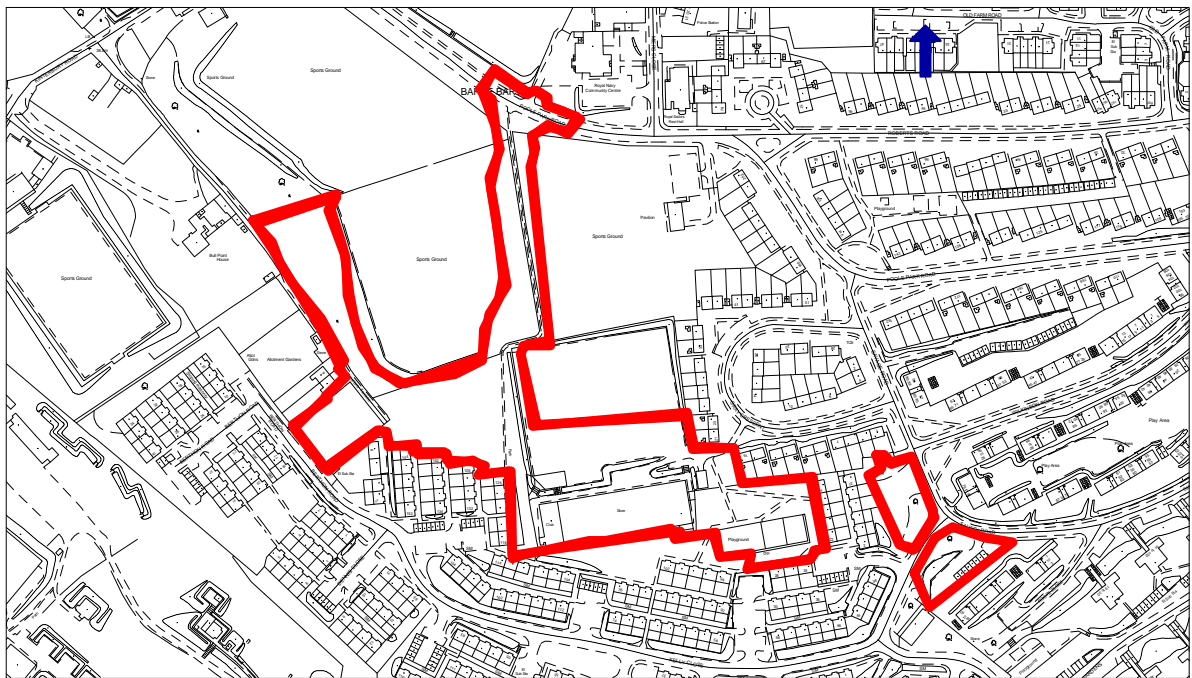
**8/13 Week Date:** **12/03/2010**

**Decision Category:** Major Application

**Case Officer :** Carly Francis

**Recommendation:** Minded to grant conditionally subject to S106 Obligation, delegated authority for the Head of Development Management to determine on expiry of consultation period (delegated authority to refuse in event of S106 not being signed by 12<sup>th</sup> March 2010)

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## OFFICERS REPORT

### Site Description

The site is an irregular shape of about 2.5 hectares in Barne Barton centred on part of the former parade ground and including some pockets of open unmanaged space, allotments and a playground. The site is situated in an area of housing and playing fields. It is bounded by Poole Park Road, Gray Crescent, Kelly Close, Berthon Road, and a playing field. The main vehicle access would be opposite Tamar View Community Centre and the Co-op shop. A footpath currently exists here, along the west boundary of Riverside School. The other side of this footpath is a sports ground. There is housing to the east and south of the site and to the west beyond the allotments. The land slopes down across the site from north east to south west as it drops to the Tamar and from the higher ground there are splendid views to the rivers Tamar and Lynher.

### Proposal Description

Erection of 69 dwellings with associated access road and car parking areas. There would be 7 four bed houses, 32 two bedroom and 30 three bed houses. A total of 84 parking spaces are proposed.

The site is in three parcels, the main area comprises of the access road proposed to the west of Riverside School, the area around the adjacent sports ground where the reptile receptor site would be, the allotments, an area of scrub adjacent to the sports fields, and the old parade ground and existing playground. 62 dwellings would be built on the old parade ground and those areas of land south of the sports ground.

The other two smaller parcels are situated further west and are open unused areas of land. The parcel of land further north would comprise of 7 dwellings and the other area would be managed as open amenity space for community use.

### Relevant Planning History

07/01419 (OUT) Outline application for the development of the former parade ground, furniture store and land for housing comprising 24 flats and 33 houses, new access road, parking areas and open land- WITHDRAWN.

### Consultation Responses

**Highway Authority-** no objections providing conditions relating to highway improvements, street details, road alignment and drainage, completion of roads and footways, access details, the new junction, driveway gradient and a code of practice for construction be attached to any grant of planning permission.

**Public Protection Service-** no objections providing conditions are attached to any grant of planning permission relating to land contamination and a code of practice for construction.

**Environment Agency-** object on flood risk grounds. They are not satisfied that the Flood Risk Assessment submitted demonstrates that the proposed surface water drainage scheme is sufficiently robust to manage storms up to the 100 year storm. These concerns are related to discharge flows from the proposed development into an existing surface water system, which discharges into an existing soakaway. Further discussions are currently taking place between the applicant and the Environment Agency regarding this issue and an update will be provided by way of an addendum or verbally to the committee.

**Police Architectural Liaison Officer-** was consulted at pre-application stage and supports the proposal.

**Ministry of Defence-** any comments to be reported orally.

**Health and Safety Executive-** no objections.

**Housing Strategy-** support this application as it is part of a package of sites linking value for money and quick start on site developments for the Homes and Communities Agency (HCA) and Plymouth City Council. The package of sites is linked to the regeneration of North Prospect and it is hoped that this site will offer opportunities for residents at North Prospect to decant. The Housing Department support this application as it is striving for high quality design which is aiming to reach Building for Life Gold standard and Code for Sustainable Homes level 4.

### **Representations**

1 letter of representation, objecting on the basis that the development:

- Does not contribute to meeting the needs of the neighbourhood.
- Does not contribute to promoting a positive sense of place.
- Does not contribute to creating a well-contacted, accessible, inclusive and safe community.
- Does not offer community benefits.

### **Analysis**

The main considerations for this application are the design and amenity of the dwellings proposed, the impact on neighbouring properties; the impact on wildlife and trees/ vegetation, the impact on the highway and to the character of the area.

This application turns on policies CS01, CS02, CS03, CS15, CS16, CS18, CS19, CS20, CS21, CS22, CS27, CS28, CS32, CS33 and CS34 from the adopted Core Strategy, Plymouth City Council's 'Development Guidelines' SPD, the Planning Obligations and Affordable Housing SPD, the Barne Barton Neighbourhood Regeneration Strategy (2003) and Barne Barton Sustainable Neighbourhoods Assessment (2006). National Guidance that is of relevance includes PPG13, PPS1, PPS3, PPS 22 and PPS23.

This application formed the subject of pre-application discussions, and the advice given is incorporated in this submission although further amendments were sought through the application process in order to achieve a scheme that could be supported.

Barne Barton is mainly residential (mostly flats but with some houses with small gardens) and some low quality open space. The neighbourhood has a certain open characteristic and due to the topography and its elevated position in the city, long distance views are excellent. Generally the quality of architecture, public realm, townscape and environment is poor and in places quite brutal. Barne Barton does not perform well when judged against modern principles of good planning and urban design as advocated by the Commission for Architecture and the Built Environment (CABE). It suffers from associated problems, including vandalism and other 'anti-social' behavior. The development has therefore been designed in accordance with the 20 criteria for achieving the 'Building for Life' award, as set down by CABE in partnership with Design for Homes, in order to create a development that provides a special quality of place and environment.

The site at Kinterbury Square was formerly owned by the Ministry of Defence (MOD) but has been sold to the Homes and Communities Agency (HCA) and it is now in the process of being sold to Devon and Cornwall Housing Association (DCHA). This site was identified in the Barne Barton, Neighbourhood Regeneration Strategy (2003) as a key opportunity site for future development.

### Consultation

A public consultation event for local residents was held at the Tamar View Community Centre in Barne Barton on the 2nd November 2009. Over 40 people attended the event and were invited to make comments and give feedback on the proposals. A separate Statement of Community Involvement forms an integral part of the planning submission and outlines the key issues raised by the public about the proposals. Proposals were generally supported by people visiting the consultation event. The main concerns raised include the loss of green space and impact on wildlife and community facilities. Specific issues about the proposals were raised and have informed some changes and improvements to the master plan.

### Layout

The existing layout of houses at Barne Barton is in need of some resolution. This development looks towards doing this by completing blocks and creating simple terraces which front onto streets providing an interesting streetscape and natural surveillance. The development looks to introduce a simple perimeter block structure which mends existing blocks and introduces a simple form.

The masterplan shows how a sensible simple layout and finishing of existing blocks, creates safe and overlooked streets and spaces. This has been achieved by placing buildings at the edge of blocks and plots and ensuring front doors and windows to habitable rooms, front onto public streets and

spaces. The form also helps to clearly define public and private spaces creating defensible space. Combined with careful control over rear access the layout forms a safe and secure environment in accordance with guidance given by the Police Architectural Liaison Officer. Combined, the careful use of forms, spaces, streets and building heights reinforce the street hierarchy and provide a navigable, coherent and recognisable environment. The layout has been designed to clearly define public and private areas. This includes reinforcing the private areas of existing properties through ensuring back to back development. The privacy of existing properties and other aspects of residential amenity has been an important design driver. The layout ensures that sufficient distance between existing and new properties have been maintained between all properties.

The development has been designed to provide appropriate public and private open space with a residential density that would ensure best use is made of the site's opportunities. A density of 32 dwellings per hectare is proposed which is deemed acceptable for this area, particularly so a detrimental impact is not had to existing properties.

The layout would accord with policies CS15, CS32 and CS34.

#### Amenity of proposed dwellings

All dwellings would be of an adequate size and have adequate amenities. The size of the houses varies with housing types with 2-bedroom houses of 79.47m<sup>2</sup> and 84.4m<sup>2</sup>, 3- bedroom dwellings of 79.4, 82m<sup>2</sup> and 130.2m<sup>2</sup> and 4-bedroom dwellings of 104m<sup>2</sup>, 118m<sup>2</sup> and 130.2m<sup>2</sup>. The minimum guidelines given in the Development Guidelines SPD are 72m<sup>2</sup> for two-bedroom houses, 82m<sup>2</sup> for three bedroom houses and 106m<sup>2</sup> for four-bedroom housing. Therefore some of the 3-bedroom houses would fall marginally short of this standard (by 2.6m<sup>2</sup>) and some of the four bedroom dwellings would fall short by 2m<sup>2</sup>. However this is just guidance and most of the dwellings proposed would well exceed this standard. There would be sufficient natural light to all habitable rooms. The rear curtilage areas of the dwellings proposed would on the whole exceed the average size of garden areas for existing properties in these areas. All properties would have refuse storage facilities located in their rear curtilage areas out of public view, with easy access to refuse collection points. It is therefore considered that these storage areas would comply with the standards given in the Development Guidelines SPD.

#### Design and Materials

Building forms are provided in a hierarchical series of terraces. This hierarchy is defined by the storey heights and the type and scale of the roof forms. There are two types of terraced forms. Those that are modelled by mono-pitched gable forms to east – west facing elevations, and those with simpler standard pitch roofs to north – south orientations. Under these roofs, the terraces are fragmented by fenestration patterning to create rhythmic articulation to the housing blocks. This vertical emphasis within the elevational form is further enhanced by panels of differing texture and colour of the cladding materials to the terraces. Two and a half storey units are placed as

bookends to terraces or to ends of blocks, strategically to provide containment of the terrace forms and act as focal points to key approaches and to turn key corners. Providing the top storey of these units within the roof space both reduces the scale of the house and provides a better visual relationship to the two storey units adjacent. Fenestration detailing to the elevations has been chosen to reflect the orientation of the block, with larger windows to the southerly aspects, and smaller windows to the northern. The proposed development is composed of both wide and narrow frontage units. These provide a variation both within and between the housing blocks. Within these structure rhythms of terraced elevations, differing window forms and sizes strike a variety to the overall appearance.

The materials have been chosen to create a high quality contemporary scheme whilst respecting materials used locally. Materials are chosen to provide a robust finish to the development in protecting it from the harsh exposed environment in which it sits.

All the buildings use brickwork for their wall construction. This will provide a synergy not only with style, but also materials with DCHA's other proposed development at Foulston Avenue, where reference for the use of brickwork is taken from the Listed Grade 2 building within the Bull Point Barracks. Two colours of brick are proposed, these being a Onyx grey / blue brick and a Oyster white brick, both of smooth texture. These bricks are chosen to contrast, and are used separately at large scale on the housing terraces, and combined in details to fragment the palette of the individual terraces (generally the less public rear and side elevations will be in a single colour). The brickwork detailing is key to creating textural variation to the simple elevations of the terraces. Changes in the brickwork bonding have been used to highlight panels as features, such as at entrances and gables. This contrast has been done by using a stack bonded arrangement, whether the brickwork colours are the same or contrasting. Roofs will be finished in a modern interlocking tile to give a clean simple line to the roofscape. These tiles will be in contrasting finishes, grey / blue over white contrasting brickwork below and clay red over the darker brickwork below. Windows and glazed doors will be grey UPVc double glazed units, and the front doors will be IG or similar steel panel SBD type. These will provide both robustness for security and weathering, as well as good long term appearance qualities with low maintenance requirements.

All front gardens will be delineated by simple strong galvanised railings and gates. Garden walls to streets will be built of brickwork to match the housing, otherwise it will generally be close boarded fencing between gardens of properties (unless hedging stipulated for ecological mitigation).

The design and materials have been carefully considered and consequently are deemed to accord with Policy CS02.

#### Housing Tenure

Affordable housing need in the City is very high, especially in a time of financial insecurity in the wider market. People cannot access credit to secure

accommodation on the open market and an increasing number of people are losing employment and are faced with the prospect of repossession.

The delivery of Affordable Housing development has recently been included as one of the top Corporate Improvement Targets for Plymouth City Council (CIP5, LAA - NI 155) measured by GOSW. This scheme could make a valuable contribution to the Affordable housing needs of the City; there is a need for both affordable rented and home buy direct (shared equity) at this location.

The Housing Strategy position is that at least 30% affordable housing should be provided on site to meet the requirements of policy CS15. This site is offering 100% affordable housing and meets this element of the policy.

A tenure mix of 50% rent and 50% intermediate (shared ownership) is proposed which will help meet the city's aspiration to create a more sustainable and re-balanced community.

Housing Strategy support this application as it is hoped that quick delivery will allow people living in North Prospect a choice in decant or permanent move on to Barne Barton, to aid the regeneration at North Prospect. The site has been made available from the Homes and Communities Agency (HCA) to support the regeneration plans at North Prospect.

#### Impact on Neighbouring Amenity

It is considered that the careful positioning of the proposed dwellings will ensure that there is no direct conflict between the proposed and existing development, and that undue problems of overlooking and loss of sunlight are not created. The relationships are therefore considered acceptable. Furthermore, only one letter of representation has been received.

The west facing terrace on the Old Parade Ground will have a relatively close relationship with the existing development at 116 – 124 Berthon Road. The separation distance between the windows of the existing dwellings and the windows on the proposed housing will be between 13 and 15 metres. This does not create significant concern as such distances are typical of the existing separation distances between properties in the area; furthermore the windows of existing dwellings facing the Old Parade Ground are all obscure glazed.

The proposed development on the Old Parade Ground is sited at a higher ground level than surrounding development. However, your officers are satisfied that there will not be an unreasonable loss of outlook given the separation distances and existing fenestration layout. Specifically the only windows on existing dwellings that would face the Old Parade Ground are obscure glazed.

With regard to the proposed block of three properties facing the school playing field, it is considered that no. 124 Berthon Road will be most affected given the close relationship between the proposed terrace and this existing

house. In this instance, some overlooking may occur to the external amenity space at the rear of this adjoining plot. However, this relationship is typical of residential development in the area and could not warrant the refusal of planning consent in this instance.

The proposed terrace of three dwellings sited north of the existing playground lies in close proximity to the rear curtilage of no's 19 -15 Gray Crescent. However, your Officer's are satisfied that there will not be an unreasonable loss of privacy given the existing brick boundary wall which would not allow any overlooking due to its height.

Overall it is not deemed that there would be a detrimental impact to neighbouring residential amenity and therefore the proposal would accord with Policy CS15.

### Highway Considerations

The Transport Service did comment on a previously withdrawn application for 58 residential units at this site, which was submitted in 2007, no 'in principle' objections were raised but concerns were had with regard to the proposed access road and excessive parking, it was therefore recommended for refusal. Although within this application the number of houses has increased it is accepted that 14 of them are accessed via the existing highway network. As such there is no objection to the principle and it is now considered that the access road and parking provision concerns raised in the previous application have been addressed. The majority of the site will be served via the proposed new access road from Poole Park Road. The proposed roundabout will be subject to a Section 278 agreement with the Highway Authority. The scheme is acceptable in principle but will be subject to Road Safety Audits and formal approval by the Highway Authority. The remainder of the access road will be subject to a Section 38 agreement with the Highway Authority in order for the road to become adopted as Highway Maintainable at Public Expense. In addition to this it is requested that a footway be provided on both sides of the access road junction for as long a distance as possible to allow a suitably located pedestrian crossing. The applicant is proposing a parking ratio of 1.2 spaces per dwelling. This is acceptable in this location but it should be noted that any spaces within the highway or in isolated pockets surrounded by highway cannot be allocated to individual properties. Such spaces will be adopted by the Highway Authority and will be for general public use.

A footpath already exists along the school site boundary and this same route will become the new access road. As such this pedestrian link will be retained and actually upgraded to a footway. It appears that a footpath link will be achievable from the development onto Gray Crescent; however the link appears to be narrow. In order to provide good connectivity between the new site and the existing area this link should be enhanced as a surfaced and lit footpath. There are 2 additional dwellings to be served off Kinterbury Terrace. This would bring the total to 4 dwellings off this private drive. This is acceptable. The properties with a direct frontage onto both Berthon Road and Savage Road will each require dropped vehicular footway crossings and approval must be sought from the Highway Authority.



The proposed estate roads are sufficient to serve the development and the details of such, with regard to surface treatment, lighting and drainage will be dealt with under the Section 38. Taking the above into account and the previous history at the site the Transport Service raise no objections and the proposal is considered to comply with Policy CS28.

### Sustainability

All of the new homes will achieve Level 4 of the Code for Sustainable Homes. This will provide significant improvements in the energy performance of a home, along with other benefits such as reduced water consumption, reduction in waste, enhanced ecological value and use of environmentally friendly materials.

The achievement of Level 4 of the Code goes beyond the usual requirement for housing associations to build to Level 3.

The sustainability of the new homes will exceed the levels required by policy CS20. The homes will produce much lower levels of carbon emissions than required by the policy and their ecological footprint will be much smaller.

By achieving Level 4 of the Code, all of the new homes would be much more water efficient than most other homes. Maximum water use for all the new homes would not exceed 90 litres per person per day. Currently average consumption in the southwest is 122 litres per person per day for those households on a water meter and 139 litres per person per day for unmetered households (source: South West Water (2009) Water Resources Plan 2010 – 2035, data for 2007/08).

Drainage will be dealt with by seeking to use attenuation, with a system that discharges rain water into the nearby stream.

It is proposed that all of the new homes would be heated using a mixture of mainly solar thermal panels with some photovoltaic panels. These will meet the policy requirement of providing 10% renewable energy on site and offer other benefits. By providing a well insulated building with a wall thickness of at least 360mm and by using the solar thermal and photovoltaic panels, carbon emissions from the homes are reduced by more than 44%, which far exceeds the levels of carbon reduction required by policy CS20. Ensuring that the homes are very well insulated is considered the most important and efficient step to reducing carbon emissions. The use of good quality insulation and the solar thermal panels will have a significant impact on carbon emissions and results in lower energy costs for residents when heating their homes.

Natural lighting has been taken into account and the designs seek to maximise solar gain. Where possible individual units are orientated to ensure principle living accommodation is on the south side of the property, thus benefiting from passive solar gain and direct sunlight. Windows on the south elevations are increased in size, whilst north orientated windows reduced (except where dramatic views occur). The inclusion of sedum roofs on the

homes will provide additional thermal mass and insulation that will reduce carbon emissions and provide lower heating costs to residents.

The materials used in this development would all be rated under the Green Guide to Specification in order to meet the requirements of the Code for Sustainable Homes. Mineral use is therefore reduced in a number of ways – for example, through the use of timber cladding on some parts of the homes and some sedum roofs. All of the homes would be built using timber frames with mostly brick and masonry external finishes, which is more environmentally friendly than using traditional masonry construction for the entire building envelope.

All of the homes would be provided with dedicated recycling bins and composting facilities.

The development will reduce carbon emissions by at least 44% and the environmental impact of the development is reduced through a comprehensive assessment of a range of issues and by achieving Level 4 of the Code for Sustainable Homes. It has therefore been demonstrated that the objectives of policy CS20 have been exceeded in the proposals put forward.

#### Nature Conservation/ Open Space

The proposed development site currently comprises a range of habitats including semi improved and amenity grassland, broadleaved woodland, dense scrub and an area of hard standing which has become overgrown with ephemeral/short perennial vegetation and scattered scrub. The woodland and scrub area within the site is considered to offer a suitable habitat for dormice and nesting birds. The semi-improved grassland habitats present within the site have the potential to support reptiles. The entire site may be utilised by foraging/commuting bats and the woodland to the north of the site may be utilised by badgers.

Due to these habitats and species it is important to consider the impacts on adjacent land (European Marine Site and County Wildlife Site), pay special attention to drainage (SUDS) and lighting, and ensure a net gain in biodiversity. The applicants had to demonstrate wildlife mitigation and enhancement both during and post-construction.

In order to do this a number of documents were submitted to support this application. These include a Reptile Mitigation and Compensation Strategy, a Dormouse Mitigation and Compensation Strategy, a Badger Survey, Ecological Impact Assessment, Ecological Construction Method Statement and Extended Phase 1 Habitat Survey.

Having considered these documents the proposals are considered to achieve net gain in biodiversity in accordance with Policy CS19. However concern was initially expressed that the proposals did not make enough provision for green space within what is a very dense area of housing. Policy CS18 states that development proposals should improve the quality, quantity and address local deficiencies of accessible green space. It is evident from the Sustainable

Neighbourhood Assessment that Barne Barton lacks accessible greenspace and play space. It was therefore requested that the proposals be reconsidered so that some areas of open space are incorporated into the scheme. In order to support the proposals it was essential that definite enhancement commitments for each of the greenspace areas were given. It was also essential that a receptor site for reptiles was established.

Following this the applicant submitted revised proposals which included additional pockets of land as part of the application site. These additional areas of land are proposed as ecological areas and amenity space for the community. The area of land to the west of the sports ground is now proposed to be a reptile receptor site enhanced with bat and bird boxes, adjacent to this it is proposed that the allotments be reinstated and an ecological area will be formed. The area to the south of the parade ground will be an area of wild flower meadow grassland with trees and pathways around the existing ball court play area that will be maintained. Land to the south-east will also be planted with wild flower meadow and have an area of dense woodland planting.

It is now considered that the proposal achieves biodiversity net gain (CS19), maintenance of the biodiversity networks (CS18) and demonstrates that protected species issues will be adequately dealt with.

Further to this European Protected Species (in this case dormice) have been taken into account in assessing the impacts of this proposal as it has been assumed that dormice are present on site (subject to a further survey). There is therefore a legal duty in the Habitats Regulations 1994 that development should pass the three derogation tests with regard to this species. In this case, the Ecological Construction Method Statement (ECMS) submitted states clearly how each of these tests has been met and thus we consider that sufficient account has been taken of these tests in making our decision.

The actions required as a result of the ECMS will be secured by way of condition, highlighting the need for further ecological surveys to be completed before the commencement of works on site and the need to draw up an Ecological Management Plan in order to manage habitats for biodiversity into the future.

#### Landscaping

Landscaping proposals are as detailed above in the Nature Conservation section of the report. In addition the area along the eastern edge of the new access road and would be made up of areas of scrub planting, wild flower meadow grassland, dense woodland planting and trees.

There would be no impact to existing trees of any merit and additional tree planting is proposed. This will include planting along street frontages and to break up parking areas. The strong tonal quality of groupings of houses has created 2 distinct types of housing. Those with a majority of darker grey brick work with white detailing will be contrasted with *Betula utilis jacquemontii* as the street tree. The darker building emphasising the inherent 'whiteness' of

the bark of these trees, which will amplify and ground the design in the landscape. The second housing type where the majority of the colour is white a contrasting street tree, *Prunus nigra* is proposed which has a sumptuous dark purple/black foliage will provide a strong graphic contrast. It also has lovely pink blossoms.

Details of all landscaping shall be secured by way of a condition; however the information given demonstrates the proposal accords with Policy CS18.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

### **Equalities & Diversities issues**

#### Life Time Homes

Special attention has been placed on the properties to incorporate the key 16 design criteria features that together will create a flexible blue print for accessible and adaptable housing on the development. This will increase the choice, independence, and longevity of the tenure. In this case, to comply with policy CS15, this scheme should (as a minimum) include 20% or 14 (rounded up) dwellings to Joseph Rowntree Lifetime Homes standards. The applicant has confirmed that 80% of the scheme will be Life Time Homes compliant; this is excellent and exceeds the standards given in Policy CS15.

### **Section 106 Obligations**

The applicant has agreed to pay the required tariff. The tariff has been calculated as £139,617, with the 5% management fee a total of £146,597. 100% affordable housing schemes are only required to pay the Transport contribution. This figure is with the 50% reduction as applied to all applications submitted in 2009. Despite agreeing to pay the required sum the applicant has submitted a viability assessment to support this application. This assessment has been fully considered and the opinion of your officers is that the applicant has demonstrated that the scheme would be unviable if further contributions were sought. As the applicant is willing to pay the required tariff as set out in the Planning Obligations and Affordable Housing SPD this is deemed acceptable and this sum shall be secured in the S106 agreement.

The S106 agreement shall also secure the affordable housing and tenure mix.

Representations have been received about social infrastructure deficiencies in Barne Barton. The LDF Core Strategy and the Planning Obligations and Affordable Housing Supplementary Planning Document allow for additional negotiated element, to address site specific or neighbourhood issues should the Council require it. The applicants have indicated that they are unable to

make any further S106 contributions, over and above the tariff contributions they have agreed. The question your officers and the Committee therefore have to address is 'will the development have such a significant impact on the social infrastructure of Barne Barton that it should be refused?' Your Officers are of the opinion that there are not sufficient grounds to refuse the application for this reason. It must also be taken into account that these new dwellings in Barne Barton will help the strategically important housing regeneration initiative in North Prospect to progress significantly. There are therefore wider City benefits arising from allowing this proposed development. Members must also bear in mind that the tariff system is designed to allow infrastructure deficiencies to be addressed across the City- but on a co-ordinated basis- according to the priorities which each service provider identifies for itself. The tariff contributions are paid into central pots under their appropriate headings (e.g. 'Children's Services', 'Health' etc ;) Service providers can use this money to invest in infrastructure (provided their spending plans accord with LDF Core Strategy principles). It will therefore be possible, in the future, for Service Providers to use the tariff contributions given to them to make improvements in Barne Barton, if they have identified this neighbourhood for priority spending.

### **Conclusions**

This residential development would provide essential decant housing linked to the North Prospect regeneration. The housing proposed would respect the character of the area, achieve biodiversity gain and offer open amenity space for community use. The development will achieve 80% lifetime homes and exceed the requirements of CS20. Therefore subject to the Environment Agency's objections being dealt with the proposals are supported.

This application has been re-advertised as amended plans have been received to show additional detail and extend the boundary line to include additional areas of land which are now proposed as managed open space for use by the community. Unfortunately the 21-day statutory consultation period does not end until 9<sup>th</sup> March. It has been necessary to bring this application to committee now as the applicant has advised that it is essential that the developers start on site in March in order to secure the public grant funding that has allocated. If the applications were brought to a later committee funding would be lost and the proposals would not come into fruition. Members are therefore asked to consider the proposals with a recommendation of 'Minded to grant conditionally subject to S106 Obligation, delegated authority for the Head of Development Management to determine on expiry of consultation period (with delegated authority to refuse in event of S106 not being signed by 12th March 2010)'.

### **Recommendation**

In respect of the application dated **11/12/2009** and the submitted drawings, **09091 P 01.01 A, 09091 P 01.02 A, 09091 P 01.03, 09091 P 01.04, 09091 P 01.05, 09091 P 01.07 A, 09091 P 01.08 A, 09091 P 01.09, 09091 P 01.12, 09091 P 01.13, 09091 P 01.15, 09091 P 01.16, 09091 P 01.16bis, 09091 P 01.17, 09091 P 01.18 A, 09091 P 01.19, 09091 P 01.20, 09091\_L\_03 G, 2002 A, 2002 B, 2003 A, 09091\_L\_05 A, 09091\_L\_07 A, 09091\_L\_08,**

**09091\_L\_09, L01\_01\_10, L01\_01\_11 and accompanying Design and Access Statement, Reptile Mitigation and Compensation Strategy, a Dormouse Mitigation and Compensation Strategy, a Badger Survey, Ecological Impact Assessment, Ecological Construction Method Statement, Extended Phase 1 Habitat Survey, Tree Survey, Flood Risk Assessment, Utilities Statement, Statement of Community Involvement, Ground Quality Assessment and Phase 1 and 2 Desk Study and Intrusive Survey Report , it is recommended to: **Minded to grant conditionally subject to S106 Obligation, delegated authority for the Head of Development Management to determine on expiry of consultation period (delegated authority to refuse in event of S106 not being signed by 12<sup>th</sup> March 2010)****

### **Conditions**

#### **DEVELOPMENT TO COMMENCE WITHIN 2 YEARS**

(1)The development hereby permitted shall be begun before the expiration of two years beginning from the date of this permission.

#### **Reason:**

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004, and due to concessions in Planning Obligation contributions/requirements under Plymouth's temporary Market Recovery measures.

#### **CODE OF PRACTICE**

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

#### **Reason:**

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

#### **LAND QUALITY**

(3) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 4 to 6 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 7 has been complied with in relation to that contamination.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SITE CHARACTERISATION

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

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

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### SUBMISSION OF REMEDIATION SCHEME

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

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(6) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

#### Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### REPORTING OF UNEXPECTED CONTAMINATION

(7) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a



verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 6.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### TREE PROTECTION DURING CONSTRUCTION

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

Reason:

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

#### LANDSCAPE DESIGN PROPOSALS

(9) No development shall take place until full details of both hard and soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure and boundary treatment; hard surfacing materials; refuse or other storage units, signs, lighting; proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.

Reason:

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

#### SOFT LANDSCAPE WORKS

(10) Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; the implementation programme.

Reason:

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

#### LANDSCAPE WORKS IMPLEMENTATION

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

Reason:

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

#### SUSTAINABLE RESOURCE USE

(12) Unless otherwise agreed previously in writing with the Local Planning Authority, prior to any development taking place, the applicant shall provide to the Local Planning Authority a report for approval identifying how for the period up to 2010, a minimum of 10% of the carbon emissions for which the development is responsible will be off-set by on-site renewable energy production methods, rising to 15% for the period 2010-2016. The carbon savings which result from this will be above and beyond what is required to comply with Part L Building Regulations.

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

Reason:

To ensure that the development incorporates onsite renewable energy production equipment to off-set at least 10% of predicted carbon emissions for the period up to 2010, rising to 15% for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

#### LIFETIME HOMES

(13) 80% of the new dwellings shall be first constructed and subsequently maintained so as to meet Lifetime Homes Standards.

Reason:

To ensure that the development delivers 80% of the residential units to Lifetime Homes Standards in accordance with development proposal and the adopted Core Strategy Policy CS15 and relevant Central Government advice.

## RESTRICTIONS ON PERMITTED DEVELOPMENT

(14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order or the 1995 Order with or without modification), no development falling within Classes A, B, C, D, E and F of Part 1 of the Schedule to that Order shall at any time be carried out unless, upon application, planning permission is granted for the development concerned.

Reason:

In order to protect neighbouring amenity and comply with policies CS34 of the Core Strategy.

## STREET DETAILS

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

Reason:

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

## ROAD ALIGNMENT AND DRAINAGE

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

Reason:

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

## ACCESS (CONTRACTORS)

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

Reason:

To ensure an adequate road access at an early stage in the development in the interests of public safety, convenience and amenity in accordance with

Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### DETAILS OF NEW JUNCTION

(18) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

#### Reason:

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

#### COMPLETION OF ROADS AND FOOTWAYS

(19) All roads and footways forming part of the development hereby permitted shall be completed in accordance with the details approved under condition 16 above before the first occupation of the penultimate dwelling.

#### Reason:

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

#### DRIVEWAY GRADIENT

(20) The driveway to any dwelling hereby permitted shall not be steeper than 1 in 10 at any point.

#### Reason:

To ensure that safe and usable off street parking facilities are provided in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

#### GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(21) No dwelling shall be occupied until the proposed access and improvements to the existing highway shown on the approved plans have been completed.

#### Reason:

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

#### BIODIVERSITY

(22) Unless otherwise previously agreed in writing with the Local Planning Authority, the development shall be carried out in accordance with the Ecological Construction Method Statement dated December 2009 and drawings 2001, 2002 and 2003 dated February 2010 for the site. This will include submission and adherence to a full ecological management plan.

Reason

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

EXTERNAL LIGHTING

(23) Details of any proposed external lighting shall be previously submitted to and agreed in writing with the Local Planning Authority prior to its use on site. The lighting strategy shall follow the principles outlined in the Ecological Construction Method Statement dated December 2009. The agreed details shall be strictly adhered to during the course of development and thereafter so retained unless the written agreement of the LPA is provided to any alternative external lighting.

Reason:

To minimise the impact of light pollution on foraging bats in the locality in accordance with the provisions of Core Strategy policies CS01, CS02, CS19, CS22, CS34 and relevant Government advice in PPS9.

EXTERNAL MATERIALS

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

Reason:

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

MAINTENANCE PLAN

(25) No unit shall be occupied until details of the treatment of the open spaces have been agreed and a schedule of maintenance has been submitted to and approved in writing by the Local Planning Authority. Maintenance shall be carried out in accordance with the approved schedule.

Reason:

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

INFORMATIVE: CODE OF PRACTICE DURING CONSTRUCTION

(1) The management plan required by condition 2 shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web-pages, and shall include sections on the following:

- a. Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information.
- b. Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking.
- c. Hours of site operation, dust suppression measures, and noise limitation measures.

#### SECTION 278 AGREEMENT

(2) The application consists of works within the highway and as such the developer will be required to enter into a Section 278 agreement with the Highway authority to agree the scope of the works prior to any works taking place on the highway.

#### **Statement of Reasons for Approval and Relevant Policies**

Having regard to the main planning considerations, which in this case are considered to be: the design and amenity of the dwellings proposed, the impact on neighbouring properties; the impact on wildlife and trees/vegetation, the impact on the highway and to the character of the area., the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

- PPG13 - Transport
- PPS3 - Housing
- PPS9 - Biodiversity and geological conservation
- PPS1 - Delivering Sustainable Development
- PPS22 - Renewable Energy
- PPS23 - Planning & Pollution Control
- CS28 - Local Transport Consideration
- CS32 - Designing out Crime
- CS33 - Community Benefits/Planning Obligation
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use

CS21 - Flood Risk  
CS03 - Historic Environment  
CS01 - Sustainable Linked Communities  
CS02 - Design  
CS15 - Housing Provision  
CS16 - Housing Sites  
CS27 - Supporting Strategic Infrastructure Proposals  
SPD1 - Development Guidelines