

**ITEM: 04**

**Application Number:** 09/01837/FUL

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

**Description of Application:** Erection of 38 dwellings with associated access roads and parking areas

**Type of Application:** Full Application

**Site Address:** LAND ADJACENT TO FOULSTON AVENUE BARNE BARTON PLYMOUTH

**Ward:** St Budeaux

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

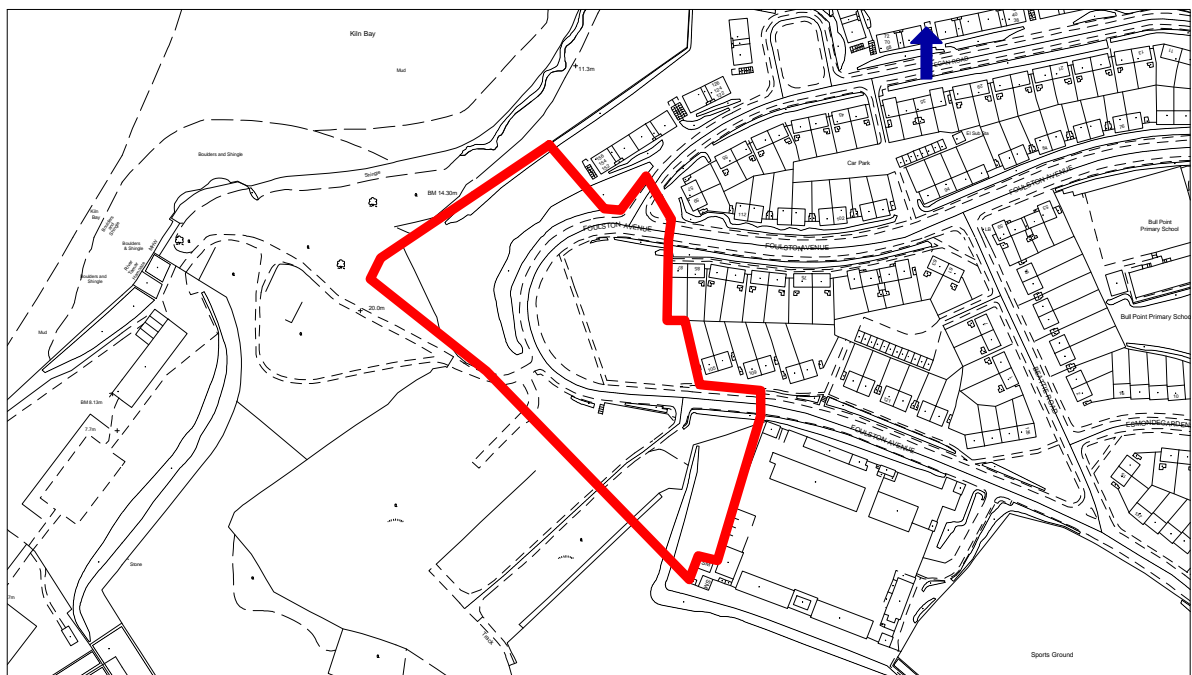
**8/13 Week Date:** **12/03/2010**

**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 by the loop on Foulston Avenue in Barne Barton. It includes land contained within the loop, and to the south, and east of the outside of the loop. The area is 1.5 hectares. There is housing and the Grade II listed Bull Point Barracks to the east, with open land to the south, west and north. To the north is Kinterbury Creek. There are spectacular views of the Royal Albert Bridge and Tamar and Lynher rivers. The land within the loop is open grass that falls from south to north. The area to the south and west is open scrub and falls from the east to the west.

### Proposal Description

Erection of 38 dwellings with associated access roads and parking areas. There would be twenty-five 3-bed houses, six 2-bed houses and seven 4-bed houses. A total of 48 parking spaces are proposed.

The site is in three parcels. The southern part of Foulston Avenue west of Bull Point Barracks would comprise of fifteen houses, a landscaped area would separate the former barracks from the housing.

The inner loop comprises sixteen houses which are set back from the road with the parking provided to the west.

The area to the north-east of the loop would comprise of seven houses.

### Relevant Planning History

08/00580 (REM) Erection of 8 dwellings and 24 flats, with associated access road and car parking areas (approval of reserved matters) pursuant to outline planning permission 02/00707/OUT- PERMITTED.

07/01427 (OUT) Application to develop land by erection of 81 residential units with associated access roads and car parking area - WITHDRAWN

02/00707 (OUT) Outline application to develop land for residential purposes – PERMITTED.

### Consultation Responses

**Highway Authority-** no objections providing conditions regarding street details, road alignment and drainage, completion of roads and footways, access details, sight lines, driveway gradient, parking areas, highway improvements and a code of practice for construction are attached to any grant of planning permission.

**Archaeologist-** no objections.

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

**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 supports 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.

**Police Architectural Liaison Officer**- supports the application having been consulted at pre-application stage.

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

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

**Environment Agency**- any comments to be reported orally.

### **Representations**

9 letters of representation all objecting for reasons summarised below:

- Would block the natural light.
- Loss of open area where children play.
- Loss of views.
- Houses not in keeping.
- Would result in overstretched doctor's surgeries and schools.
- Impact on the value and resale of property.
- Building works would cause disturbance.
- Road can not cope with additional traffic.
- Land proposed is in a 'blast route'.
- Land is used by HM Forces for training.
- More traffic fumes, spillage of light from street lamps and noise- impact on amenity.
- Nearby roads are causing the hill to vibrate.
- Public awareness of consultation was low.
- Site is vital in maintaining wildlife diversity in the city.
- Car parking on the estate is at saturation point.
- 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.
- No community benefits are offered.

### **Analysis**

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.

The main considerations relevant to this application are the design and amenity of the dwellings proposed, their impact on neighbouring properties, the impact on the setting of the listed Bull Point Barracks; 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, 'Development Guidelines' SPD, the Planning Obligations and Affordable Housing SPD, the Barne Barton Neighbourhood Regeneration Strategy (2003) and the Barne Barton Sustainable Neighbourhoods Assessment (2006). National Guidance that is of relevance includes PPG13, PPS1, PPS 3, PPS9, PPS 22 and PPS23.

The principle of developing this site has already been agreed as can be seen in the planning history section of this report; planning application 08/00580 was permitted for the erection of 8 dwellings and 24 flats. This permission could still be implemented and therefore an improved scheme would be of benefit to the area.

The proposals in this submission are for 2 simple terraces fronting onto Foulston Avenue and overlooking a newly defined area of open space which respects the stunning views over the Tamar River and which connects with the surrounding development, existing and proposed. Two further terraces of houses frame the view towards the Royal Albert and Brunel Bridges at the lower level.

The development has been designed in accordance with the 20 criteria for achieving the 'Building for Life' award, as set down by CABI in partnership with Design for Homes, in order to create a development that provides a special quality of place and environment.

### 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 included the loss of green space and impact on wildlife and the impact on community facilities. Specific issues about the proposals were raised and have informed some changes and improvements to the master plan.

### Layout

Terraces have been aligned to direct people towards the amazing view and through a stepping of open space between levels. Working with the distinctive ecology and topography of the site has been a significant design driver.

Legibility will be further reinforced by careful consideration of building form and height at important corners and streets. The vehicular access into the site will be principally characterised by the existing curved road (Foulston Avenue) with new houses fronting onto the newly defined public open space creating an attractive spatial focus.

The masterplan shows how a sensible simple layout, 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. 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 is maintained.

Development is proposed at a density of 32 houses per hectare (excluding areas of structural open space). This density is deemed appropriate as the main priority in developing this site is to conserve the open space and create a vista towards the Royal Albert and Brunel Bridges. This density would be appropriate given the unique site circumstances.

### Scale

The heights of buildings have been designed to complement existing development which reinforces the character and importance of each street. Taller buildings have been used to create a scale and presence to the street at the south end of the central open space. This scale is informed by the neighbouring Bull Point Barracks defensive wall. The scale of the new 3 storey properties is further enhanced by raising the terrace above road level creating a raised walkway. Lower buildings are located elsewhere on the upper terraces of the site, with further 3 storey townhouse type properties nestling on the northern lower part of the site, their scale and geometry allowing them to relate to the formality of the overall layout in creating the drama of space and views.

### Views of the Albert Bridge

The views of the bridge and rivers will be protected by limiting the amount of development within the loop, an area to the west will be maintained as open space but enhanced with planting and benches for the public to enjoy the views. The change in ground levels and positions of the terraced housing would ensure that the views are preserved.

### Setting of Bull Point Barracks

There are earthworks to the west of the barracks. These have been left undeveloped with an area generally 27 metres wide on the western side left as open land with some planting. The nearest buildings are a terrace of two storey dwellings that would have minimal impact on the barracks, the relationship is considered to be acceptable and it would not harm the setting of the Listed Barracks, it therefore complies with policy CS03.

### 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>, 3- bedroom dwellings of 79.4, 82m<sup>2</sup> and 130.2m<sup>2</sup> and 4-bedroom dwellings of 130m<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 housings. Therefore some of the 3-bedroom houses would fall marginally short of this standard (by 2.6m). Despite this it must be remembered that this does only provide guidance and all of the other dwellings proposed would well exceed these figures. Therefore on balance the dwellings proposed are considered to be of a sufficient size. There would be sufficient natural light to all habitable rooms. The curtilage areas for each dwelling vary in size. Some fall short of the recommended amenity space guideline given in Development Guidelines SPD but most would exceed this 50m<sup>2</sup> guideline and given the nearby open amenity space this is deemed acceptable. 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

The 3 storey terraced units are composed of a two storey plinth dissected by the two storey projecting gable features. Setting the second storey back on these town houses provides a roof terrace to these units. This set back in the elevation visually reveals the gable forms to the houses, as well as pronouncing a less dominant upper storey volume, reducing the roof height. The roof forms on the two lower plateau terraces to the northern edge of the site are formed as flat 'green' roofscapes providing a more natural synergy with the surrounding 'green edge' along the estuary embankment.

The 2 storey terrace units are of a much simpler arrangement with standard pitched roofs (some with 'gabled' features breaking the roof form) over flat façade articulated with framed panels of materials and windows patterns.

The materials have been chosen to create a high quality contemporary scheme whilst respecting materials used locally. Materials have been 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. Reference for the use of brickwork is taken from the Listed Grade 2 building within the Bull Point Barracks where English bond engineering construction has been used. 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 on the 3 storey housing, and combined on the two storey (generally rear and side elevations will be in a single colour). As well as brickwork, the 3 storey town houses also incorporate vertical rough sawn timber boarding on the walls of their gable features. This boarding is to be stained either dark grey or white, the colour to be the opposite contrast to the brickwork below. Roofs will be finished in a modern interlocking tile to give a clean simple line to the roofscape. Again these tiles will be in contrasting finishes, grey /blue over white contrasting brickwork below and clay red over the darker brickwork below. 'Green' ecological roofs are used on the two terraces on the sites lower plateau to its northern boundary. Windows and glazed doors will be timber doubleglazed 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.

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 raised footpath retaining wall to the principle south terrace will be constructed in stone facing referencing to the adjacent Bull Point Barracks perimeter wall.

The Design and materials have been given careful consideration and as a result are considered to comply 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 both the Affordable and Open Market housing needs of the City, there is a need for both affordable rented, home buy direct (shared equity) and open market sale units at this location. Housing Strategy particularly welcome a tenure mix that introduces more intermediate and open market sales at this location to help re-balance and create a more sustainable community in this area.

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 60% affordable housing and meets this element of the policy.

This site is a mix tenure site being built by a registered social landlord (DCHA). A tenure mix of 30% rent, 30% intermediate (shared ownership) and 40% open market sales has been proposed to help meet the city's aspiration to create a more sustainable and re-balanced community in this location.

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

There are no residential properties that could be affected by the dwellings proposed on the parcel of land to the south of Foulston Avenue.

The houses erected in the loop would be immediately adjoining existing dwellings. In the plan received at pre-application stage these dwellings were set well forward of the existing building line and it was deemed that they would have a negative impact on the amenity of those properties they would abut. The plans submitted as part of this application have been amended to set the proposed dwellings further back. Those adjacent to No. 87 Foulston Avenue would still be slightly set forward, however the layout has been improved from that previously proposed and it is no longer considered that the impact would be significant to No.87. This property currently has a thick line of conifer trees along its western boundary and there are no windows on its gable end.

The impact on No.105 Foulston Avenue would also be minimal as although there would be some windows on the side elevation on the proposed adjacent house facing No.105 Foulston Avenue, these windows would not be to habitable room windows and the agent has conformed in writing that these windows will be obscure glazed. This shall be secured by way of condition.

Those dwellings proposed to the north-west of the loop would only have an impact on the adjoining residential units No. 152, 154 and 156 Foulston Avenue. In the plans submitted at pre-application stage the proposed dwellings nearest to these properties were originally set much further forward from the existing dwellings. The plans have been amended and in this submission the dwellings have been set further back. Given the orientation of the buildings it is now considered that there would be no detrimental impact to any neighbouring dwelling, the proposal is therefore deemed to accord with policies CS15 and CS34.

#### Highway Considerations

The proposed layout features the existing Foulston Avenue road as the primary route through the site with 3 smaller access roads into parking areas for new residents. These help to punctuate the street scene and offer residents safe and overlooked parking areas.

The Transport Service note that an earlier consent exists for residential development at this location and a further outline application, for 81 units, was submitted although subsequently withdrawn. The previous applications did not raise any Transport objections in terms of traffic generation and local network capacity. The earlier application was assessed and a financial contribution was requested for bus shelter improvements and traffic calming works. This



contribution was caveated with a minimum number of 21 dwellings before any payment was required. This application proposes 38 dwellings. However, the tariff is applicable to this latest application and as such the separate contribution, under section 106, is not required as before. Following discussions with the applicant it has been agreed that each of the proposed access roads will remain private due to the small number of dwellings that they each serve. A management company will be in place for future maintenance. Therefore the main issue in terms of highways is the proposed works to Foulston Avenue. The developer must enter into a section 278 agreement with the City Council as Highway Authority to agree the details of any highway works prior to any works within the highway boundary being started. A negative condition to this effect will be attached to any grant of consent. The above scheme will include the relocation of an existing bus stop. In its new location it must be constructed with a bus boarder and incorporate Real Time Passenger Information, and some traffic calming, gateway, measures on the road. All works will be subject to Road Safety Audits. The applicant is proposing a mix of residential properties with a parking provision at a ratio of 1.2 spaces per dwelling. It should be noted that the majority of spaces will be allocated to dwellings and are served off the aforementioned private drives. However the lay-by type bays provided off Foulston Avenue are within the highway and as such will become public highway for general use. Due to the increase in residential units in the area a footway will be required around the perimeter of Foulston Ave to enable residents to walk safely on a linked network of footways. Such a provision is not apparent on the drawings and will be a requirement within the S278; such a provision will encourage non-car based travel such as walking or public transport. Although the proposed private drives serve more than 5 houses and would normally be required for adoption as highway by the Highway Authority, it has been agreed in this instance that they can remain private due to the existence of the management company and the fact that no further development can take place off each drive. The properties will be exempt from the provision of the Advance Payment Code, Highway Act 1980. The widths of the drives can therefore be less than the required adoptable standard and do not need separate footway provision. Full highway demarcation will be required at the rear boundary of Foulston Ave.

Providing the above requirements are adhered to in line with the details of the submission and conditions attached the Transport Service raise no objections to the proposal and it is considered to accord 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.

### Landscaping

Three main areas of soft landscaping are proposed. The first area is that within the loop of Foulston Avenue. The retained open space will be managed; wild flower planting will take place here, with benches in this area so that the views can be enjoyed by the public. Dense hedgerows and woodland planting will be provided as dormice habitat.

The area adjacent to the Bull Point Barracks will consist of a structured and layered ecological intervention including field layer, scrub, dense woodland planting with some trees. This will give maximum provision of habitat, but not be oppressive to residents, giving plenty of open space and visibility to pedestrians, while respecting the setting of the listed Barracks.

Both of these areas will provide usable space for education purposes through ecological information but would also provide informal leisure provision.

The third area to the north west of the loop would have a combination of scrub planting, dense woodland planting, wild flower meadow grassland and some trees. This will provide an attractive setting for the dwellings while again aiding the local wildlife through provision of habitat.

All plant combinations and maintenance regimes will aid the local wildlife through provision of habitat in accordance with Policy CS19.

In terms of the impact on trees this will be minimal; the only tree lost would be the Silver Birch where the access to the lower terrace is proposed. While it would be preferable for this tree to be maintained its loss is not of significant concern given the re-planting proposed. Tree planting is proposed to break up some of the parking spaces as indicated on plan; details of this shall be agreed by way of condition. All of the landscaping proposals are deemed to accord with Policy CS18.

### Nature Conservation/ Open Space

The proposed development site currently comprises two separate areas. There is the area of amenity grassland which is within the loop of Foulston Avenue. The remainder of the site to the west and south of Foulston Avenue comprises a matrix of dense scrub and semi-improved grassland to the south-east, and an area dominated by amenity grassland with a small area of broadleaved woodland to the north-west. The scrub and broadleaved woodland habitats within the site are considered to offer suitable habitat for nesting birds and dormice, and the scrub/grassland mosaic to the south-east of the site is a suitable habitat for reptiles. The entire site may be utilised by foraging/commuting bats and 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 a net gain in biodiversity in accordance with Policy 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.

#### Letters of Representation

In the letters of objection received a number of different concerns are raised, many of which have been dealt with in the above report such as those relating to transport, wildlife, design, open space and impact on neighbouring properties. Those concerns relating to the value of properties is not a material consideration. With regard to building works, while some disturbance can not be avoided, a code of practice for construction condition shall be attached to ensure that construction works cause minimal disturbance. In relation to those concerns relating to the blast zone and use of the land by HM forces, the MOD have been consulted on the application and have not raised any concerns to date although an update shall be provided to committee if representations are received. Those remaining representations relating to community needs and benefits are dealt with in the S106 Obligations section of the report.

#### **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 £143,823. With the 5% management fee, the total would be £148,414. 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 with 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 the proposals are 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. However since this letter has been received the applicant has confirmed that the scheme will be a mix of market housing and affordable units and that they will be paying the required tariff as detailed above. The tariff collected from the market housing will therefore go some way towards addressing these concerns. Despite this if concerns are still remaining 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**

The proposed residential development is supported, it would provide a mix of affordable and market housing which will provide essential decant housing linked to the North Prospect regeneration. The housing proposed would respect the character of the area; maintain public open space and the valuable public views of the Royal Albert Bridge and Tamar Valley. The development will provide net biodiversity gain and achieve 80% lifetime homes, while exceeding the requirements of CS20.

This application has been re-advertised as amended plans were 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 that has been agreed. If the applications were brought to a later committee the 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 01.06 A, 09091 P 01.07 A, 09091 P 01.08 A, 09091 P 01.09, 09091 P 01.10 A, 09091 P 01.11 A, 09091 P 01.14 A, 09091 P 01.19, L01\_02\_10, L01\_02\_11, 2001 A, 2001 B, 2004, 09091\_L\_04 H, 09091\_L\_06 A 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 Land Quality Assessment Phase 2** , 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.

#### COMPLETION OF ROADS AND FOOTWAYS

(17) 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.

#### ACCESS (CONTRACTORS)

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

Reason:

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

#### PROVISION OF SIGHT LINES

(19) No work shall commence on site until details of the sight lines to be provided at the junction between the means of access and the highway have been submitted to and approved in writing by the Local Planning Authority. The approved sight lines shall be provided before any dwelling is first brought into use.

Reason:

To provide adequate visibility for drivers of vehicles at the road junction in the interests of public safety 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.

#### PROVISION OF PARKING AREA

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

Reason:

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

#### GRAMPIAN (ACCESS/HIGHWAY IMPROVEMENTS)

(22) 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

(23) 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

(24) 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 Local Planning Authority 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

(25) 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.

### OBSCURE GLAZING

(26) 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), the windows in the east elevation of the dwelling adjacent to 105 Foulston Avenue shall at all times be obscure glazed and non-openable.

#### Reason:

In order to protect the privacy enjoyed by the occupiers of the adjacent dwelling in accordance with Policy 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.

#### INFORMATIVE: 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, their impact on neighbouring properties, the impact on the setting of the listed Bull Point Barracks; 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