

PLANNING APPLICATION REPORT



ITEM: 10

Application Number: I1/00839/FUL

Applicant: Devon & Cornwall Housing

Description of Application: Erection of 38 dwellings with associated access roads and parking areas (revision to previously approved scheme 09/01837)

Type of Application: Full Application

Site Address: LAND ADJACENT TO, FOULSTON AVENUE
PLYMOUTH

Ward: St Budeaux

Valid Date of Application: 23/05/2011

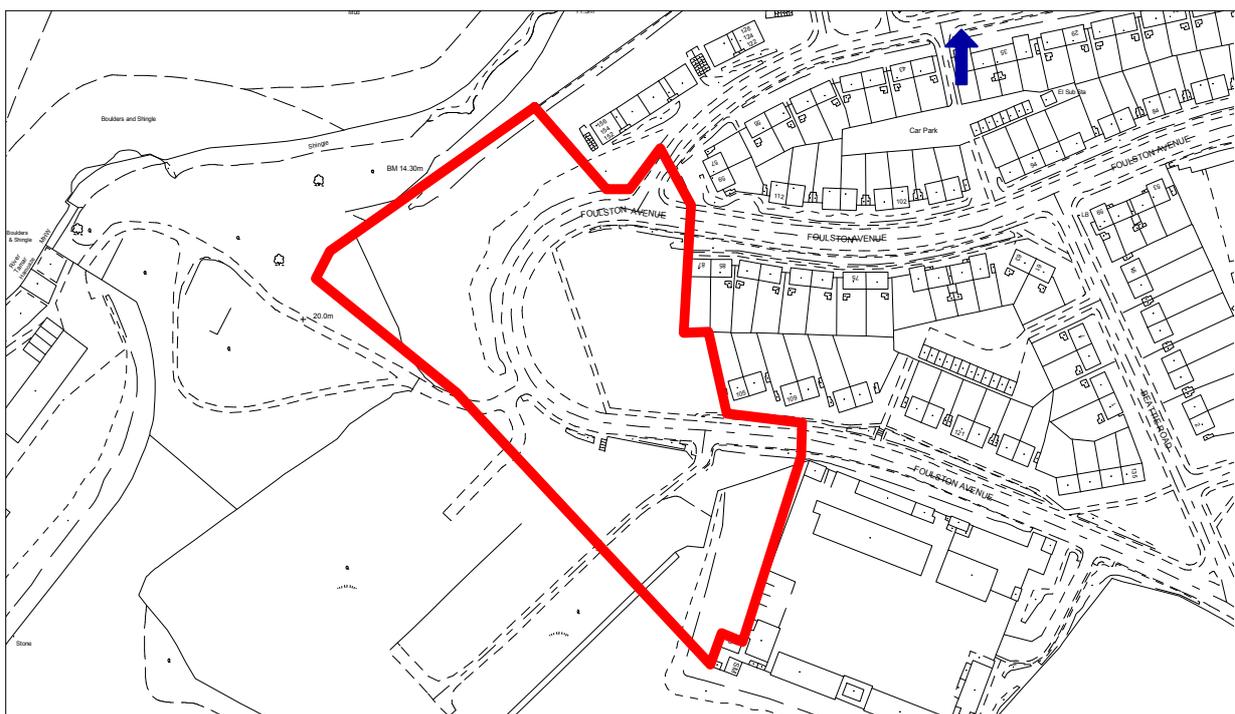
8/13 Week Date: 22/08/2011

Decision Category: Major Application

Case Officer : Carly Francis

Recommendation: Grant Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 22/08/11

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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 east.

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

This scheme is a revision to a previously approved scheme- planning application 09/01837.

Relevant Planning History

09/01837(FULL) Erection of 38 dwellings with associated access roads and parking areas- GRANTED SUBJECT TO S106

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- Housing are keen to support this revised application as it is part of a package of sites linking to the regeneration of North Prospect. It is hoped that this site (among a range of other affordable housing developments underway in Plymouth) will offer opportunities for residents at North Prospect to decant.

Police Architectural Liaison Officer- no objections but makes suggestions for gates to be inserted to secure parking areas and a path, these have now been incorporated into the scheme.

Health and Safety Executive- no objections.

Ministry of Defence- no comments received.

Environment Agency- No objections providing conditions regarding surface water drainage, land contamination and biodiversity be attached to any grant of planning permission.

Representations

3 letters of representation objecting on the basis of:

- the increase of population in an already overpopulated area
- proximity of the 'blast' area
- the survey for environmental impact is inaccurate
- wooden fencing would detract from the view and is an eyesore
- extra traffic will be noisy
- removal of a green area where children play/ a meeting point
- overcrowding
- a strain on services
- a massive decline in wildlife
- loss of community paths and seating
- parking problems and also highway safety concerns
- overshadowing, reduced light and lack of privacy

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 and planning application 09/01837 was most recently permitted for the erection of 38 dwellings with associated access roads and parking areas. Both of these permissions could still be implemented.

This proposal is very similar to that which was recently approved. The number of dwellings and mix of housing types and tenures remains exactly the same as in the previous application. The main differences are that the two 3 storey terraces of 7 properties on the lower plateau to the west of the site will be in a different position and of a different design. There are also some minor alterations to levels of external works elsewhere in the scheme. This amended scheme is being proposed due to the difficulties presented by the topography of the site and so to reduce the significant levels of engineering required resulting from the gradients across the site.

Much of the previous report remains the same as for application 09/01837 as the proposals are largely unchanged from those recently approved, each section of the report has however been updated to reflect the amended proposals.

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.

Layout

To the west of the site the proposals are now for 2 simple terraces fronting onto Foulston Avenue, the previous scheme had two terraces set at the bottom of the steeply sloping bank.

The other revisions relate mainly to the car parking layout. The central area of land with Foulston Avenue surrounding it formally had one central parking area; it is now proposed to have two parking areas entered separately from the north and south of the site. This would mean that the retaining structures required could be minimised in height.

Terraces are still 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 is 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 room's 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 scale of plots 1-7 is considered appropriate as they have been designed using the topography of the land, they would be split level with three storeys at the rear and single and two storey fronting onto Foulston Avenue. This would be positive in creating a street frontage and has been carefully designed to suit the gradient of the land.

The heights of the buildings that have already been granted permission have been designed to complement existing dwellings 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.

The scale of the dwellings is considered to be appropriate to the area and the topography of the land in accordance with CS02.

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

The only buildings that would be of a different design are plots 1-7. These dwellings would still have adequate amenities. The houses would not differ in terms of number of bedrooms; they would still be 3 and 4 bedroom and be of an adequate size in relation to the guidance given in the Development Guidelines SPD. Some rooms may have slightly reduced light levels due to the retaining structure in front of them however the dwellings have been designed so that the bathrooms are sighted on this elevation and therefore there would only be a few bedrooms that would be affected and these would have large windows to maximise light levels.

The outside amenity area of the proposed dwelling plot 21 would decrease in size as result of the amended layout however the majority of dwellings proposed still have sufficient outside amenity space and the loss of garden space at plot 21 is considered acceptable on balance as it would significantly decrease the amount of retaining structures required for the car parking area. The proposals are therefore deemed to accord with Policies CS15 and CS34.

All of the remaining 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 79.47m², 3- bedroom dwellings of 79.4, 82m² and 130.2m² and 4-bedroom dwellings of 130m². The minimum guidelines given in the Development Guidelines SPD are 72m² for two-bedroom houses, 82m² for three bedroom houses and 106m² 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 50m² 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 units proposed are broken up by windows and varying materials would add interest. 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 suggested which are a white and blue brick, would create a high quality contemporary scheme; however a condition shall be attached to agree the finishes to ensure the final look of the buildings respects the character of the existing buildings.

The boundary treatment shall also be agreed by way of condition so that it complements the materials of the housing.

Subject to these details being agreed by way of condition the proposal is considered to comply with Policy CS02.

Housing Tenure

The delivery of Affordable Housing development is one of the top Corporate Priorities for Plymouth City Council. Planning approval has already been granted for 38 houses under ref- 09/01837 and the 38 houses will make a valuable contribution to the both the Affordable and Open Market housing needs of the City. details of the affordable housing numbers and distribution throughout the site are not proposed to change under this revised scheme.

The tenure of the affordable housing units will remain a mix of 30% rent, 30% intermediate (shared ownership) with 40% open market sales to help meet the city's aspiration to create a more sustainable and re-balanced community in this location. The location of the units for rent, shared ownership and open market sales has been agreed in writing with the Council (Housing) and captured in the Sec 106 clauses.

Policy CS15 – requires that 20% of all new dwellings for Plymouth shall be constructed to Lifetime Homes Standards to allow for the 'future proofing' of all new dwellings. In this case the scheme would achieve 20% and is therefore compliant.

Housing are keen to support this revised application as it is part of a package of sites linking to the regeneration of North Prospect. It is hoped that this site (among a range of other affordable housing developments underway in Plymouth) will offer opportunities for residents at North Prospect to decant.

The proposals are deemed to accord with policy CS15.

Impact on Neighbouring Amenity

With regard to plots 1-7 and their revised design/ layout, the closest residential units to these dwellings are the adjacent flats. The proposed dwellings would be set slightly forward of these flats, however it is not considered that there would be a detrimental impact to their amenity due to the orientation of the buildings. There would be no loss of light or privacy as a result of this development.

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 and the last application has been amended to set the proposed dwellings further back. Those adjacent to No. 87 Foulston Avenue would be set further forward; however it is not 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 confirmed in writing that these windows will be obscure glazed. This shall be secured by way of condition.

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

The revised parking layout in the central loop would not affect the privacy or outlook of any dwelling.

The proposal is therefore deemed to accord with policies CS15 and CS34.

Highway Considerations

The Transport Service raise no objections to the proposed amendments. The number of dwellings has not changed from the previous submission and as such the principles are accepted. The proposed houses to the West of Foulston Avenue are now to be constructed with access direct from Foulston Avenue by way of a raised parking space, with an access path over a bridge link into each dwelling. A footway is proposed around the perimeter of the road which was requested under the previous application. The plots within the 'D' shaped area, East of Foulston Avenue, will be served by rear parking courts. The previous application proposed a single access point but this latest application, again as a result of gradients, proposes two accesses with a retaining wall to split the levels. There are no objections to this proposal. It is noted that the parking provisions accord with the previously approved scheme.

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. 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. 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 are started. A negative condition to this effect shall be attached to any grant of consent. The submitted drawing shows landscaping works to the Highway verge to include trees and trenches filled with stone. As these works are within limits of HMPE (Highway Maintainable at Public Expense) they will be subject to the S278 agreement. The Highway Authority will need to approve any amendments to this verge area as the future maintenance of such features could cause issues. Landscape proposals for this area shall therefore be agreed by way of condition.

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 RTPI, and some traffic calming, gateway, measures on the road. All works will be subject to Road

Safety Audits. 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 conditions are attached to agree details, 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 15% 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. 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 some pine trees and benches so that the views can be enjoyed by the public. Final details for this area will be agreed in the landscaping condition so that the Highway Authority can ensure that the area can be suitably managed as it is an area of HMPE.

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.

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 I 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.

Through the design development and revised housing layout a further 688m² of wild flower grass land has been made available for habitat creation.

Further to this European Protected Species (in this case dormice) have been taken into account in assessing the impacts of this proposal. 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 already been dealt with in accepting the principle of developing this site and in the above report, such as those relating to transport, wildlife, open space and impact on neighbouring properties. 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.

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% of dwellings to Joseph Rowntree Lifetime Homes standards. The applicant has confirmed that 20% of the scheme will be Life Time Homes compliant; which meets the standards given in policy CS15.

Section 106 Obligations

The amendments proposed in this scheme compared to the previous application are relatively minor and having considered these differences it is not deemed that the impacts of the development would change. For this reason the applicant has proposed that the same S106 agreement be linked to this application through a deed of variation, the original agreement providing for developer contributions of £148,414 to address the community infrastructure impacts of the proposal (including the management fee), as well as the affordable housing and tenure mix. Notwithstanding that since the original application was determined the Planning Obligations & Affordable Housing SPD has been reviewed and re-adopted (August 2010), given the circumstances of this particular case it is considered appropriate to proceed as the applicant proposes rather than to seek to reopen negotiations on a planning obligations package. This will enable early delivery of a project which has only changed in respect of its design and layout.

Conclusions

The revised application details proposed have reconfigured the development layout for the steepest part of the site to better relate to the road and to minimise the amount of sub-structure under-build required. This revised layout relates better to the street scene and maintains a clear vista in/out of the important river view of the Tamar. The reconfiguration of the central parking area would improve the appearance of this development by removing large retaining structures. It is therefore concluded the proposed amendments would improve a scheme that already has consent.

This residential development is supported as it would provide a mix of affordable and market housing which will provide essential decant housing linked to the North Prospect regeneration. The development will provide net biodiversity gain and meet the requirements of CS20.

It is therefore recommended to grant conditionally subject to S106 deed of variation being signed by 22nd August 2011.

Recommendation

In respect of the application dated **23/05/2011** and the submitted drawings Site plan, 10738 L04.01, 10738 L93.02, 10738 L94.01, 10738 L00.02, 10738 L01.01, 10738 P 01.01, 10738 P 01.2, 10738 P 01.03, 10738 L03.01, 10738 P 01.10, 10738 P 01.11, 10738 P 01.12, 10738 P 01.13, 10738 P 01.04, 10738 P 01.05, 10738 P 01.06, 10738 P 01.07, 10738 P 01.08, 10738 P 01.09, 10738 L94.01, 10738 L00.01, 10738 L10.02, and accompanying Design and Access Statement, it is recommended to: **Grant**

Conditionally Subject to a S106 Obligation, with delegated authority to refuse in the event that the S106 Obligation is not completed by 22/08/11

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,
- archaeological sites and ancient monuments;

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

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

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 a minimum of 15% of the carbon emissions for which the development is responsible will be off-set by on-site

renewable energy production methods, 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 15% of predicted carbon emissions for the period 2010-2016 in accordance with Policy CS20 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and relevant Central Government guidance contained within PPS22.

LIFETIME HOMES

(13) 20% 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 20% 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 I 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) The proposed access and improvements to the existing highway shown on the approved plans must be completed in accordance with a schedule of works to be agreed in writing with the Local Planning Authority.

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.

SURFACE WATER DRAINAGE

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

- Details of the drainage during the construction phase
- A timetable of construction
- A construction quality control procedure
- Details of the final drainage scheme
- Provision for overland flow routes
- A plan for the future maintenance and management of the system.

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

REASON:

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

APPROVED PLANS

(28) The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan, 10738 L04.01, 10738 L93.02, 10738 L94.01, 10738 L00.02, 10738 L01.01, 10738 P 01.01, 10738 P 01.2, 10738 P 01.03, 10738 L03.01, 10738 P 01.10, 10738 P 01.11, 10738 P 01.12, 10738 P 01.13, 10738 P 01.04, 10738 P 01.05, 10738 P 01.06, 10738 P 01.07, 10738 P 01.08, 10738 P 01.09, 10738 L94.01, 10738 L00.01, 10738 L10.02.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

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.

POLLUTION PREVENTION

(3) The developer should adhere to the Environment Agency's Pollution Prevention Guidelines which are available on their website via the following link: <http://www.environmentagency.gov.uk/business/topics/pollution/39083.aspx>. In particular, 'Working At Construction and Demolition Sites': PPG6 covers waste removal on site, drainage issues and pollution prevention on site. 'Works and maintenance in or near water': PPG5 should be adhered to for any stream engineering that takes place.

SEWAGE CAPACITY

(4) The applicant is advised to consult South West Water regarding sewage capacity. It is important that the foul drainage infrastructure can meet the increase in sewage arising from the new housing without compromising the performance of surrounding pump stations and works.

HIGHWAY WORKS

(5) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway. The Applicant should contact Plymouth Transport and Highways for the necessary approval. Precise details of all works

within the public highway must be agreed with the Highway Authority and an appropriate Permit must be obtained before works commence.

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